

FOR THE CASE OF
Elevator & Amusement Device Workshop

TRANSCRIPT OF
Workshop

October 26, 2016

Stone & George

COURT REPORTING

2020 Fieldstone Pkwy

Suite 900 - PMB 234

Franklin, TN 37069

(615) 268-1244

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or send an email to nangeorge@stoneandgeorge.com

1. STATE OF TENNESSEE
 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
 2. WORKER'S COMPENSATION DIVISION
 3.
 4.
 5.
 6.
 7.
 8.
 9. TRANSCRIPT OF PROCEEDINGS
 10. OF
 11. ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD WORKSHOP
 12. October 26, 2016
 13. BEFORE: Robbie Fox, Chairman
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 15.
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 20.
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 22.

 23. DOMINIQUE A. DUBOIS, LCR# 686
 STONE & GEORGE COURT REPORTING
 24. 2020 Fieldstone Parkway
 Suite 900 - PMB 234
 25. Franklin, Tennessee 37069
 (615) 221-1089

1. APPEARANCES
 2.
 3. Robbie Fox, Chairman
 4. David A. Hale, Board Member, Tennessee Fair
 Association Representative.
 5.
 6. Paul D. Fisher, Board Member, Manufacturer
 Representative
 7. Mitch H. Rader, Board Member, Insurance Company
 Representative
 8.
 9. Kelly O'Connor, Board Member, Public at Large
 Representative
 10. Larry R. Moore, II, Board Member, Owner and Lessee
 Representative
 11.
 12. Chris Farmer, Elevator Inspector Supervisor
 13.
 14. Kim Jefferson, Esq., Administrator
 15.
 16. Dan Bailey, Esq., Legal Counsel
 17.
 18. Carlene T. Bennett, Board Secretary
 19.
 20. Anita Rhodes, Department of Labor and Workforce
 Development
 21. Chance Deason, Department of Labor and Workforce
 Development
 22.
 23. Leanne Durm, Department of Labor and Workforce
 Development
 24. Jann Dower, Department of Labor and Workforce
 Development
 25.
 26. Chris Cannon, Department of Labor and Workforce
 Development
 27. Catherine Hare, Seventh Government Operations
 Committee
 28.
 29. Mary Audrey Powers, Navitat Canopy Adventures
 30.
 31. Don Stock, ZIPStream

1.
 2. The above-styled cause came on for
 3. hearing on this the 26th day of October, 2016,
 4. before The Elevator & Amusement Device Safety
 5. Board at 220 French Landing Drive, TOSHA Hearing
 6. Room, 1st Floor, Nashville, Tennessee, when and
 7. where the following proceedings were had, to wit:
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1. Antjuan Koger, Tennessee Bounce Parties
 2. Chris R. Koger, CK Vending
 3. Towana Koger, CK Vending
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1.	AGENDA
2.	I. Call Meeting to Order
3.	II. Introductions
4.	III. Pledge
5.	IV. Announcements
6.	V. Workshop Items
7.	* 16-04
8.	* 16-05
9.	VI. Announcement of Next Meeting - The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board meeting will be held in the first floor Tennessee Room at 9:00 a.m. (CT) on Tuesday, December 6, 2016 at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.
10.	
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14.	VII. Adjournment
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1.	Counsel.
2.	MR. DEASON: Chance Deason, General
3.	Counsel.
4.	MS. POWERS: Mary Audrey Powers,
5.	Navitat Canopy Adventures.
6.	MR. ANTJUAN KOGER: Antjuan Koger,
7.	Tennessee Bounce Parties.
8.	MR. CHRIS KOGER: Chris Koger, CK
9.	Vending.
10.	MS. TOWANA KOGER: Towana Koger, CK
11.	Vending.
12.	MS. RHODES: Anita Rhodes, Elevators
13.	and Amusements.
14.	CHAIRMAN FOX: Okay. Folks, thanks
15.	to everyone for being here this morning. It's going
16.	to be a workshop. We may not be as official and
17.	as -- well, we'll just -- so we may not be as
18.	official as we normally are. We're going to try to
19.	get some things done and we'll -- we're going to try
20.	to work through some issues and work through some
21.	opportunities.
22.	So if you will, please bear with us.
23.	I guess the next item is the pledge. And sir,
24.	would you do the honors for us?
25.	(Pledge of Allegiance recited by

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1.	* * * * *
2.	PROCEEDINGS
3.	CHAIRMAN FOX: Good morning. We will
4.	call the Elevator and Amusement Device Safety Board
5.	Workshop to order for October the 26th, 2016. I
6.	guess the first thing we need to do would be some
7.	introductions, and I guess we'll start with you.
8.	MS. BENNETT: Okay. I'm
9.	Carlene Bennett, Board Secretary.
10.	MR. FARMER: Chris Farmer, Elevator
11.	Unit Supervisor.
12.	MR. HALE: David Hale, Board Member.
13.	CHAIRMAN FOX: Robbie Fox, Board
14.	Member.
15.	MR. FISHER: Paul Fisher, Board
16.	Member.
17.	MR. RADER: Mitch Rader, Board
18.	Member.
19.	MS. O'CONNOR: Kelly O'Connor, Board
20.	Member.
21.	MR. MOORE: Larry Moore, Board
22.	Member.
23.	MS. JEFFERSON: Kim Jefferson,
24.	Administrator.
25.	MR. BAILEY: Dan Bailey, Legal

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1.	all.)
2.	CHAIRMAN FOX: Thank you. Okay.
3.	Item Number four, announcements. It says, in the
4.	event of an emergency or natural disaster, security
5.	personnel will take attendees to a safe place in the
6.	building or direct them to exit the room to the Rosa
7.	Parks side. And again, which way would we go?
8.	MR. FARMER: That way.
9.	CHAIRMAN FOX: Okay. All right.
10.	Okay. Workshop items. Item Number five, Workshop
11.	Item 16-04. Ms. Jefferson, you want to get us
12.	started?
13.	MS. JEFFERSON: I'll be happy to.
14.	I'll just reiterate what we want to hopefully move
15.	from. In 2016, we're proposing a fee structure, a
16.	new fee structure. There's a question as to why
17.	there's a need to propose that, that fee structure.
18.	There are also program history facts that we took a
19.	look at previously.
20.	Proposed -- the purpose of the
21.	proposed fees, the number of companies, the number
22.	of devices, device range, and our original
23.	proposal was a flat fee structure. And I know
24.	that you all want to take a look at that just to
25.	make sure that it's the most effective, efficient

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1. way to proceed.
2. The reason that we proposed the fee
3. structure is because it was ambiguous, it was
4. confusing, the way that it's currently written.
5. We want simplicity and I think that's the goal,
6. because we want the customer, the employer, the
7. owner or operator to be able to figure out what
8. the fee is, not just rely on us. And that's what
9. we're experiencing now. They call us and --
10. because they can't figure it out. We have a
11. pretty good understanding of it now, but
12. previously, it was very difficult for even some of
13. the staff, our staff, to figure out.
14. Currently, there are two fees. We
15. have an annual permit fee plus we have the device
16. fees. And I know that's been an issue, because we
17. didn't have State inspectors. So they wonder why
18. we have the device fee in addition to the annual
19. permit fee. So our proposal was to have a flat
20. fee.
21. We realize that the amount that
22. this -- the current fee structure provides is
23. insufficient to fund the entire Amusement Device
24. Unit, because we know that we have funds for the
25. next two years. However, they're non-recurring

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1. funds, they're not recurring funds. And we have a
2. mandate for the Amusement Device Unit to become
3. viable, a viable unit. So that's why we want the
4. fee structure to change.
5. And a little bit about the history.
6. The amusement device law was passed March the
7. 27th, 2008. It became effective
8. January 1st, 2009. The reason the law was
9. created, as I understand it, was to protect the
10. public from safety hazards associated with the
11. amusement devices and to educate the owners and
12. operators so they can become compliant with the
13. amusement device laws.
14. Again, this was an unfunded mandate,
15. but due to a public outcry, because of accidents
16. and so forth, the Department hired two inspectors.
17. No administrative process was created, though, so
18. the inspectors actually -- they provided packages
19. to the customers. They would go and gather the
20. completed packages. They would issue the permits.
21. They would collect money and do all these things
22. from the field.
23. The problem was that we had no
24. records in the central office. And so that's what
25. we created. We recently created the

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1. administrative process, which allows us to keep
2. track of the number of permits that we issue, the
3. amount of money that we collect, and it's running
4. pretty smoothly in the office.
5. Just to let you all know what we --
6. where we came from, back in 2015, from
7. February 2015 to June 2015, after we created the
8. administrative process, we issued about 54 permits
9. and we collected about \$58,525 (verbatim). The
10. next year, the next full year, from
11. July 1st, 2014, through June the 30th, 2015, we
12. issued 104 permits and we collected about \$83,600.
13. And this past fiscal year, which was
14. July 1st, 2015 through June the 3rd -- I'm sorry,
15. through -- this was through June 3rd, 2016, we had
16. collected at that time about \$141,000, and we had
17. issued 216 permits. At the end of the year,
18. though, we did issue about 250 permits at the
19. conclusion of the year.
20. So as we all see, if we have an
21. administrative process, if we have proper
22. employees, we know that we can make this program a
23. viable unit, and that's what we want to do. We
24. just want to make it a viable unit and we want to
25. establish the funding so that we can do that.

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1. CHAIRMAN FOX: Okay. Please
2. understand that my next question is not a challenge,
3. it's just merely a question. Okay? Not a
4. challenge. Are we -- have we implemented and
5. instituted the process to start the hiring?
6. MS. JEFFERSON: We have. You will be
7. very pleased.
8. CHAIRMAN FOX: Okay. Okay.
9. MS. JEFFERSON: Because Chris has
10. been a part of the interview panel along with -- we
11. have an HR liaison in the office, along with some
12. other folks in the office. And we interviewed --
13. this last -- we interviewed last week or the week
14. before for the Amusement Device Manager position.
15. Unfortunately, we haven't been able to narrow that
16. down. It's really difficult to fill that position,
17. because the people who applied are NAARSO certified
18. or they had NAARSO certification at one point, and
19. they're wanting a whole lot more money than our
20. funding provides.
21. So I have to look at a way to
22. creatively get a person in here and maybe have a
23. consultant who can maybe come to the board
24. meetings, go to the legislature with us when we
25. need it, you know, that type of thing. So we have

1. to be creative, because we have to have someone in
 2. here who can accept the salary that we have,
 3. because we don't really have a large pot of money
 4. to negotiate. So that's the first thing.
 5. However, this week, we interviewed
 6. for the compliance officer positions and we
 7. received some really quality candidates. They are
 8. not NAARSO certified or AIMS certified or ACC
 9. certified. However, some of them have bachelor
 10. degrees, some of them have military background,
 11. they have law enforcement background, and they
 12. will be, after a year, eligible to sit for the
 13. NAARSO exam.
 14. In fact, I contacted NAARSO yesterday
 15. and talked with them about the requirements,
 16. what's needed for, you know, folks to sit for that
 17. exam, and they explained that you have to have at
 18. least one year amusement device industry
 19. experience --
 20. CHAIRMAN FOX: Right.
 21. MS. JEFFERSON: -- before you even
 22. sit. However, the goal would be to maybe bring
 23. somebody in from NAARSO, train them, just get in the
 24. habit of training them each quarter, and hopefully,
 25. by the end of the year, then they would be ready to

1. sit for the exam. So we do have a plan as far as
 2. the compliance officers. We actually -- we have
 3. interviews scheduled for Thursday, I believe it is,
 4. and --
 5. MR. FARMER: We've got some tomorrow.
 6. MS. JEFFERSON: Right. And --
 7. MR. FARMER: Tomorrow and Friday.
 8. MS. JEFFERSON: Exactly. So we're
 9. not done with that, but we have had quality
 10. candidates and I can see us having a compliance
 11. officer for each grand division based on the
 12. applicants that we've already interviewed. And we
 13. only have the administrative assistant position
 14. left. We're waiting on HR to actually finalize that
 15. position.
 16. CHAIRMAN FOX: Okay.
 17. MS. JEFFERSON: So --
 18. CHAIRMAN FOX: All right. Let's make
 19. the assumption that those folks are hired and we
 20. want to hire Bob and Sue and Jim and Amanda and
 21. Ralph. So --
 22. MR. RADER: Ralph.
 23. CHAIRMAN FOX: Huh?
 24. MR. RADER: No. That --
 25. CHAIRMAN FOX: You don't like Ralph?

1. MR. RADER: No, I like Ralph.
 2. CHAIRMAN FOX: Well, we won't hire
 3. Ralph.
 4. MR. HALE: I was just jotting their
 5. names down --
 6. CHAIRMAN FOX: Yeah.
 7. MR. HALE: -- so I'll remember.
 8. CHAIRMAN FOX: Well, that's just the
 9. first five that came to my mind.
 10. MR. FARMER: I don't remember
 11. interviewing any of them.
 12. CHAIRMAN FOX: Okay. With that being
 13. said, all right, so we put those folks out in the
 14. field. We have an accident. I want to know what
 15. your vision is for this. We have an accident
 16. somewhere. Heaven forbid, it's at the ACME theme
 17. park. And are we going to then send that inspector
 18. over there once they're qualified to do the
 19. investigation? And I'm -- I say this, because I
 20. want to -- I've got a fee proposal when I find out
 21. what your answer is.
 22. MS. JEFFERSON: Well, we're going to
 23. send that person out to -- of course a third-party
 24. inspector will still be -- the company will still be
 25. required to utilize the third-party inspector.

1. However, we will be sending our State inspector to
 2. perform --
 3. CHAIRMAN FOX: Okay.
 4. MR. FARMER: Right.
 5. MS. JEFFERSON: -- an inspection on
 6. behalf of the State just to make sure everything is
 7. proper.
 8. CHAIRMAN FOX: All right. And then,
 9. is it -- in your mind, is that a fee issue? Are
 10. we -- are you going to charge a fee for that
 11. investigation or is -- how do you want to do that?
 12. How is it you propose to do that?
 13. MS. JEFFERSON: Well, that is an
 14. option. That's an option. We hadn't really thought
 15. about it, but if they are inspecting -- I mean,
 16. they're -- inspection fees may come into play. I'm
 17. just concerned that we don't make it complicated.
 18. As long as it's straightforward, then it shouldn't
 19. be a problem. But if they're inspecting, then why
 20. not have an inspection fee. The flat fee proposal,
 21. that included operation -- a permit operation, more
 22. so.
 23. CHAIRMAN FOX: It's an operational
 24. fee, operation permit. Okay. So if -- let's just
 25. say Ralph were to be sent out and Ralph goes to

1. inspect after the -- Ralph performs the
 2. investigation, inspects a ride, says it meets ASTM
 3. standards, and says, sign it and it can go back up.
 4. Is there going to be a fee -- in your mind, should
 5. there be a fee for that investigation?
 6. MS. JEFFERSON: For accidents.
 7. CHAIRMAN FOX: For accidents.
 8. MS. JEFFERSON: For accidents, yes.
 9. I think that there could be. I don't see why --
 10. CHAIRMAN FOX: Okay.
 11. MS. JEFFERSON: -- there wouldn't be.
 12. CHAIRMAN FOX: All right.
 13. MS. JEFFERSON: As long as it's
 14. simplistic, it's not complicated.
 15. CHAIRMAN FOX: Okay. Should it be
 16. the same fee for -- as to what you pay when you sign
 17. up or get your annual permit? In other words, if
 18. I'm paying \$500 for a ride --
 19. MS. JEFFERSON: Uh-huh.
 20. CHAIRMAN FOX: -- and I have an
 21. accident on that particular ride, should the
 22. investigation fee be \$500?
 23. MR. FARMER: We call them special
 24. inspection fees in Elevators. Special inspections,
 25. and it's a flat fee.

1. MS. JEFFERSON: Is it the same amount
 2. as the original --
 3. MR. FARMER: It's the same --
 4. MS. JEFFERSON: -- inspection fee?
 5. MR. FARMER: -- as an acceptance
 6. inspection. About the same as a biannual.
 7. MS. JEFFERSON: Inspection. Okay.
 8. MR. FARMER: And so it's \$200, is
 9. what we charge.
 10. MS. JEFFERSON: As opposed to --
 11. MR. FARMER: Yes.
 12. MS. JEFFERSON: \$200 as opposed to
 13. the --
 14. MR. FARMER: To the \$60 that's a
 15. biannual inspection. So we charge a special
 16. inspection fee. Now, we do that for inspections,
 17. not for accidents.
 18. CHAIRMAN FOX: Okay.
 19. MR. FARMER: But it would fall under
 20. the same guideline. But it's -- basically, what it
 21. is is a special inspection.
 22. CHAIRMAN FOX: All right.
 23. MR. RADER: For an elevator and an
 24. escalator?
 25. MR. FARMER: Yeah. It's for -- it's

1. all the same. Any special inspection we do on any
 2. of our units is \$200.
 3. CHAIRMAN FOX: Okay.
 4. MR. FARMER: That's something out of
 5. the normal.
 6. CHAIRMAN FOX: All right. All right.
 7. So we kind of headed down the path there. Here's
 8. another question: You want to send -- let's say
 9. that Ralph's doing the investigation, so now the --
 10. there's a fair that has moved in and you want to
 11. send Bob up there. Maybe Bob and Amanda both. And
 12. you want to send them up there to inspect, just to
 13. make sure that everything is as it's supposed to be
 14. and does meet the ASTM standards.
 15. Are we then going to charge -- we've
 16. already paid the initial fee for -- the fair has
 17. already paid the initial fee. And are we going to
 18. send, again, Bob and Amanda up there to inspect
 19. the ride just to make sure that -- another set of
 20. eyes -- to make sure that they meet ASTM
 21. standards? And if so, would we be charging a fee
 22. for that?
 23. MS. JEFFERSON: If we charge a fee
 24. for that then we have to prepare ourselves for
 25. public outcry, because they may say that they're

1. being charged by the third party, as well as by the
 2. State. And that's what we're running up against
 3. now. We don't want to double charge them. And I
 4. think if we do it that way, we will be double
 5. charging.
 6. It's one thing to charge for an
 7. accident because they're few and far between.
 8. Currently, we have about 10 accidents for the
 9. entire fiscal year. That's from July 1st of this
 10. year through the present. We have about 10 on the
 11. books. Is it 10 or 11?
 12. MS. BENNETT: Uh-huh.
 13. MS. JEFFERSON: 10. So that's one
 14. thing, but if we charge them in addition to what the
 15. third party is charging, I think we would be subject
 16. to scrutiny. So --
 17. CHAIRMAN FOX: Oh. I think so, as
 18. well. I'm just trying to get clarified where we're
 19. going and what we're doing. Okay? Just trying to
 20. get that out there on the table. And with that
 21. being said, on the reporting and on the accidents,
 22. and I know what -- the law was changed on July the
 23. 1st of this year.
 24. Now, in the -- and I'm doing all this
 25. just to kind of lay the groundwork here for the

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1. fee proposals. The law says now that if you're
2. transported -- it's vague and it doesn't really
3. specify whether it's by ambulance or whether it's
4. by car or any other means of conveyance -- but if
5. you are transported by ambulance, then you're
6. transported to a hospital. Okay? Then you have
7. to report it and so that investigation has to
8. ensue after that.

9. MS. JEFFERSON: Right. And --
10. CHAIRMAN FOX: Okay.

11. MS. JEFFERSON: And just to take -- I
12. just want to take a look at the law here. Now, the
13. law does say, for serious incident -- means any
14. single incident where any person or persons are
15. immediately transported to a licensed offsite
16. medical care facility for treatment of an injury as
17. a result of being on or in the operation of the
18. amusement device.

19. So we've taken that to mean --
20. transported to a licensed offsite. We've taken
21. that to mean transported by emergency ambulance.
22. But it can be read two ways. We understand that.
23. And we sought legal counsel, as far as that's
24. concerned, in the past to take a more, you know,
25. the more lenient approach if it's by ambulance,

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1. and I think that's the way the Elevator Unit
2. handles it, as well.

3. CHAIRMAN FOX: Well, I want to
4. propose something to you. And I get the
5. transportation, but I want to tell you a story. I
6. went through this earlier with Chris. You have a
7. busload of kids who come to a particular area to the
8. fair, and they're coming there; it's a school group.
9. All right?

10. So a little girl or a little boy --
11. we won't even name them. We'll just say a little
12. girl or a little boy. And they're on the
13. Scrambler. And the little girl hangs her foot or
14. the little boy -- both. They both hang their
15. feet, all right, and maybe even break a toe
16. getting off of the Scrambler. They just hung it
17. in the whatever. All right? It's not a
18. life-threatening injury. It's not a serious
19. injury. They just broke a toe. I used toe just
20. as an example. All right?

21. So they have the bus and the bus
22. driver and the bus driver's got 60 other people.
23. There's no other means of transportation. So with
24. that, they've got to take that little boy or
25. little girl to the hospital by ambulance, because

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1. that's the only other means. So with that, we've
2. got to stop the ride, whatever it is, the -- and
3. we've got to call you and make a report and then
4. bring in that third party plus send the State
5. inspectors to do so. And all because it was a
6. broken toe or it could even be a sprained ankle.
7. It could even be as small as a sprained ankle.
8. But they had to go to the hospital. So to me, I
9. think that's a bit -- that's a bit excessive if --
10. and I would go back to -- I sent everybody that --
11. what the ASTM says about the transportation and/or
12. the admittance to a hospital. Would it be
13. possible for us to go to the ASTM standard, being
14. that's what we inspect to in most cases? Utilize
15. the ASTM standard, and I think that -- I'm pretty
16. sure everybody got a copy of that at some point.

17. And I know this brings about more
18. talk, as we say, and we would have to change the
19. law, but would ask for your consideration of that
20. when we get ready to finalize all these things.

21. MS. JEFFERSON: And that's something
22. we would have to speak with -- we'll speak with our
23. deputy and our commissioner about, because they
24. would be the ones to make the final decision --
25. CHAIRMAN FOX: I understand.

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1. MS. JEFFERSON: -- as far as this is
2. concerned. Now, the definitions include "serious
3. incident" and "serious physical injury."
4. CHAIRMAN FOX: Uh-huh.

5. MS. JEFFERSON: As long as they're
6. there, it's my understanding we do have to follow,
7. you know, what's here, but if you want to talk about
8. changing, then that's something totally different.

9. CHAIRMAN FOX: Well, heretofore, the
10. law was changed, everybody would adhere to the ASTM
11. standard, which that was our, quote, "law."
12. MS. JEFFERSON: But actually, this
13. was -- the definitions were always here. They
14. didn't change --

15. CHAIRMAN FOX: I know.

16. MS. JEFFERSON: -- the definitions in
17. the law.

18. CHAIRMAN FOX: But it says, the
19. reporting trigger is when they're admitted. They
20. don't even have to -- I don't think it has to --
21. they have to spend 24 hours, but they have to be
22. admitted to a hospital. Again, if we take that
23. little girl or little boy who curled their ankle,
24. krill their ankle, and we transport them to the
25. hospital, then we have set in motion a lot of

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1. different processes.
2. MS. JEFFERSON: It's probably good
3. that I -- if you all were to just kind of draft
4. something and then we can submit it to Dan, General
5. Counsel, as well as the Commissioner Deputy
6. (verbatim), to have them take a look at it. Is it
7. possible for you all to put something together as
8. to --
9. MR. HALE: But is the key to it not
10. defining what serious injury is?
11. CHAIRMAN FOX: It does.
12. MS. O'CONNOR: That's what --
13. MR. HALE: If, you know, for
14. instance, in the criminal side of things, if I've
15. got a broken toe -- if I've been in a fight and I
16. get a broken toe, it's not an aggravated assault.
17. If you break my leg, it is an aggravated assault.
18. It -- I think the key has got --
19. we've got to be reasonable about what serious is.
20. If I twist my ankle, it's my ankle, that's
21. serious. But in a legal standpoint -- from a
22. legal perspective, it's not a serious injury.
23. MS. JEFFERSON: And I understand
24. what --
25. MR. HALE: Yeah.

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1. MS. JEFFERSON: I understand exactly
2. what you are saying.
3. MR. HALE: So I think what we -- is a
4. simpler solution to -- would it be to just have
5. serious injury defined as opposed to it keying off
6. however you've got to somewhere?
7. CHAIRMAN FOX: It does do that, and
8. I'm trying to find the definition here.
9. MS. JEFFERSON: And I have it here.
10. You can pass that on.
11. CHAIRMAN FOX: Is that the definition
12. in the law or the ASTM?
13. MS. JEFFERSON: Oh, it's in the law.
14. MR. RADER: The law.
15. MS. JEFFERSON: And see, currently,
16. the law says that you have to report if there is a
17. serious incident, serious physical injury, or
18. fatality. And all of those things are defined in
19. the current law. So before we deviate -- I mean,
20. there has to be some type of legislative change,
21. because right now, we're bound --
22. MR. HALE: But --
23. MS. JEFFERSON: -- as far as the way
24. I understand it.
25. MR. HALE: And I understand it, but

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1. what I'm saying is what we need is to define serious
2. injury.
3. MR. FISHER: Well, it's defined in
4. here.
5. MR. HALE: A broken toe is not a
6. serious injury.
7. MS. JEFFERSON: Right. It's defined
8. in --
9. MR. FISHER: It says it in there.
10. CHAIRMAN FOX: Serious injury. Let
11. me --
12. MR. BAILEY: Death, dismemberment --
13. CHAIRMAN FOX: Let me read --
14. MR. BAILEY: -- significant
15. disfigurement, or other significant injury. That's
16. what the law --
17. CHAIRMAN FOX: In ASTM seven --
18. excuse me. F747-15 says, serious injury or illness.
19. A personal injury, illness that results in death,
20. dismemberment, significant disfigurement, permanent
21. loss of use of a body organ, member, function, or
22. system, a compound fracture, or other significant
23. injury/illness that requires immediate admission and
24. overnight hospitalization and an observation by a
25. licensed physician.

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1. MR. BAILEY: That's pretty close to
2. what the statute says.
3. MR. HALE: Which is what it says in
4. 21.
5. MR. BAILEY: The statute says that
6. serious physical injury means a patron's personal
7. injury immediately reported to the owner or operator
8. as occurring on an amusement device and that results
9. in death, dismemberment, significant disfigurement,
10. or other significant injury that requires immediate
11. inpatient admission and 24-hour hospitalization
12. under the care of a licensed physician or other than
13. medical observation.
14. CHAIRMAN FOX: But then the law -- it
15. is my understanding, of when we talk about this,
16. that if you're transported, you have to be --
17. MS. JEFFERSON: Well, that's for --
18. MR. BAILEY: Well, that's considered
19. a serious incident, which is the definition right
20. before serious physical injury. Serious incident
21. means any single incident where any person or
22. persons are immediately transported to a licensed
23. offsite medical care facility for treatment of an
24. injury as a result of being on or in the operation
25. of an amusement device.

1. MR. MOORE: Does the State have the
 2. discretion as to whether or not we would send -- for
 3. an incident, would it be required to send a State
 4. inspector and charge this fee for an incident -- I
 5. would assume we would definitely want to for an
 6. injury. But for an incident, until it's been
 7. determined by the third party -- and I guess that
 8. could be at your discretion, also, as to whether or
 9. not we would send the State inspector to inspect
 10. again. Does that make any sense?
 11. MS. JEFFERSON: I think I understand
 12. what you're saying. So in other words, are you
 13. saying -- are you asking whether we should send a
 14. State inspector for a serious incident as well as a
 15. serious physical injury?
 16. MR. MOORE: Right. And I think --
 17. getting back to what Robbie was saying about the
 18. fee. If it's an incident and they're transported
 19. and come to find out they just twisted an ankle
 20. because they were walking down off the steps of the
 21. Scrambler, whatever, and, you know, nothing really
 22. to do with the ride, it was just an incident -- yes,
 23. they were transported, but no significant injury --
 24. then would we have to send an inspector and charge
 25. an additional fee, then, also? Does that make

1. sense, Robbie?
 2. CHAIRMAN FOX: Yeah. That's where I
 3. was headed earlier.
 4. MR. FARMER: So who's making the
 5. determination if it was an injury caused by the lift
 6. or by the ride or is it a fall because they tripped
 7. over something coming out of it? Who's making that
 8. determination? That's where I have a problem.
 9. Who's calling me, telling me this?
 10. CHAIRMAN FOX: Yeah, but the
 11. third-party inspector wouldn't be there to make --
 12. MR. RADER: No.
 13. CHAIRMAN FOX: -- that determination.
 14. That's still an owner issue. And that -- this goes
 15. back to when you look at 20 and 21 as Mr. Hale aptly
 16. pointed out, it's somewhat conflicting, but there's
 17. also the -- it's a little bit vague on whether you
 18. report it or not.
 19. And again, when we talk about being
 20. succinct and being -- like, we had trouble
 21. figuring out which ride that we would charge what
 22. fee for. Same kind of situation holds true. And
 23. the only thing that really separates injuries out
 24. or whether it's a serious injury or a serious
 25. incident, is if, in fact, you do go to the

1. hospital and you're admitted.
 2. Again, we may have to transport that
 3. young school girl or young boy who's in school to
 4. the hospital, because they have no other means.
 5. And having them admitted means it's pretty
 6. serious. So I would like for us to look at just
 7. changing that --
 8. MR. HALE: Well --
 9. CHAIRMAN FOX: -- reporting.
 10. MR. HALE: -- 21 is the way we need
 11. it to be.
 12. CHAIRMAN FOX: Yeah. Changing the
 13. reporting requirement; in order to report the
 14. accident, that the person must be admitted.
 15. MS. JEFFERSON: Yeah. I understand.
 16. I understand, but again, that's like a
 17. legislative --
 18. CHAIRMAN FOX: Well, I understand.
 19. MS. JEFFERSON: -- change.
 20. CHAIRMAN FOX: But if we could -- you
 21. know, if this board would recommend it and then I'm
 22. sure the Commissioner would -- you and the
 23. Commissioner would help with that, that we could
 24. maybe get that changed. And I think that's a
 25. sticking point with the people out here in the

1. amusement world today. Obviously, it's not me,
 2. because I call you every time something happens.
 3. But be that as it may, it does cost a lot of money
 4. when you have to do that plus the downtime and those
 5. sort of things.
 6. And again, if that person turns an
 7. ankle coming off that ride, that -- they're not
 8. going to be admitted. They may go get wrapped.
 9. And that's what the definition of a minor injury
 10. is. They could actually see a physician and have
 11. some over-the-counter medicine, the big wrap, have
 12. the foot wrapped or put in ice, whatever the --
 13. whatever you do for an injured ankle. Okay? But
 14. having the -- being admitted separates it out.
 15. MS. O'CONNOR: Uh-huh. Can we ask a
 16. question?
 17. CHAIRMAN FOX: Yeah.
 18. MS. O'CONNOR: And this is for my own
 19. clarification probably more than anything. What
 20. happens -- I'm on a roller coaster at ACME and my
 21. appendix ruptures. It has absolutely nothing to do
 22. with the ride. It's an ailment, but that's a
 23. serious -- but it's serious, and I would have to be
 24. transported --
 25. MR. HALE: Because it's not an

1. injury.
 2. MS. O'CONNOR: -- to the hospital.
 3. But it's not an injury.
 4. MR. HALE: It's an illness.
 5. MS. O'CONNOR: It's an illness.
 6. CHAIRMAN FOX: But it's an illness.
 7. MS. JEFFERSON: Right. This --
 8. CHAIRMAN FOX: Here's what has --
 9. here's what I perceive has to happen for that. And
 10. that's a great question. If you come down on the
 11. deck and you say, hey, I need an ambulance now,
 12. we're calling one. And with that in mind, we're
 13. going to transport you off of there.
 14. MS. JEFFERSON: Right. But if you
 15. take a look at the definition, it's only things
 16. associated --
 17. MR. HALE: The statute says --
 18. MS. JEFFERSON: Injury as a result
 19. of --
 20. MR. HALE: -- injury.
 21. MS. JEFFERSON: -- the device. So
 22. that -- the device didn't cause that. That's just
 23. something outside.
 24. MR. HALE: But also, along that same
 25. statement, if I'm walking up the -- coming down the

1. steps off of a zipline and I twist my ankle stepping
 2. off the bottom step, that's not a zipline accident.
 3. MS. O'CONNOR: That's a classic case.
 4. MS. JEFFERSON: Unless something was
 5. faulty with that --
 6. MR. FARMER: The step.
 7. MS. JEFFERSON: The step. And see,
 8. that's the question, is that --
 9. CHAIRMAN FOX: Or let's take her
 10. appendix situation. If we transport, we don't know
 11. what caused that appendix to rupture.
 12. MS. O'CONNOR: We just know somebody
 13. is getting off that --
 14. CHAIRMAN FOX: That's right.
 15. MS. O'CONNOR: -- ride and is
 16. seriously ill. We don't know what caused it even
 17. though --
 18. MS. JEFFERSON: Well, but -- you get
 19. back to the device, and I don't have my information
 20. there. I always go to the definition and what the
 21. law says. And let's take a look at what it says
 22. there.
 23. CHAIRMAN FOX: But again, I'm not a
 24. physician, and if I think she was injured or, heaven
 25. forbid, she had an aneurysm --

1. MS. JEFFERSON: Yes.
 2. CHAIRMAN FOX: -- while she's on
 3. there --
 4. MR. MOORE: One question I have is,
 5. you know, injuries -- workplace injuries. You know,
 6. you have OSHA injuries and then you have minor
 7. injuries. There is a determining factor there that
 8. says, okay, this is an OSHA class five injury or
 9. this is a minor injury. We keep up with OSHA rates
 10. and all that. Is there nothing in this law that
 11. makes that determination as to whether it's a
 12. minor -- and I know there is a definition of
 13. serious.
 14. But, you know, the determination of
 15. the OSHA injury is made after the fact, such as
 16. I'm sure this will be. Of course, your ride's
 17. still down. That's -- your ride's down, you're
 18. not making money, and others that have paid for
 19. that are not enjoying it even though it may be an
 20. illness. It's -- I don't know what the answer to
 21. that is to get a more immediate determination.
 22. CHAIRMAN FOX: The trigger point for
 23. OSHA --
 24. MR. MOORE: Yes.
 25. CHAIRMAN FOX: -- before you have to

1. notify them is obviously death, dismemberment, and
 2. so forth and so on, but also the trigger point is an
 3. admission to a hospital.
 4. MR. MOORE: Yeah.
 5. CHAIRMAN FOX: Transportation and/or
 6. admission to a hospital. That's the trigger point.
 7. MR. FISHER: Well, could you --
 8. CHAIRMAN FOX: I know that one for a
 9. fact.
 10. MR. FISHER: Could you not have it --
 11. set up something and that -- this just goes along --
 12. there's two definitions. There's the transport to a
 13. facility and then there's the major injury. And
 14. like I said, it's still a long process. But could
 15. you not have them separated out, where if it's the
 16. major injury, where it's obvious somebody's arms get
 17. ripped in the ride, that triggers the full shut
 18. down, every investigation, but have a less extreme
 19. protocol for just, I got to carry somebody to the
 20. hospital because they broke their toe? Until you
 21. determine it's something like that, maybe not have
 22. to bring a third-party inspector. You could get the
 23. State inspector to come out and say, well, yeah,
 24. they stepped off the step and twisted their ankle.
 25. Nothing's wrong with the ride.

1. MR. FARMER: So there's a time where
2. you use a third party and there's a time where you
3. use the State --

4. MR. FISHER: Right. Well, yeah,
5. where you don't have to shut the entire ride down.

6. MR. FARMER: It's not serious enough
7. to call in a third party, but it's serious enough
8. for somebody to investigate it.

9. MR. FISHER: Right. Yeah. Because
10. you -- like I said, if you twist your ankle, maybe
11. the bottom step stepping off the ride's all --

12. MR. FARMER: Yeah.

13. MR. FISHER: -- you know, wanky and
14. somebody's -- going to happen again. So you
15. probably want to look at that if it happens but not
16. necessarily, you know, the car flew off and, you
17. know, sent them flying somewhere.

18. MR. FARMER: Yeah.

19. MS. JEFFERSON: You know --

20. MR. HALE: I think there's a -- I
21. think the intent of the law, though, is to make sure
22. that they're not injured by the mechanical device,

23. not that they were injured because they --

24. MR. RADER: Or the premises.

25. MR. HALE: -- didn't -- injured by

1. the premises. Right. I mean, at some point, where
2. would it end if we do the premises? If they get off
3. the ride and they fall down in the walkway, are we
4. going to shut down every ride that's close by
5. because they fell down in the walkway and send
6. somebody to inspect the walkway? I mean, I think we
7. have to -- and I know that in society, we've got
8. past common sense anymore, but at some point, I
9. think we have to apply a little common sense to it
10. and say, twisting your ankle stepping off the ride
11. is not the mechanical fault of the ride. My toe got
12. cut off on the ride --

13. CHAIRMAN FOX: That's another thing.

14. MR. HALE: -- that's another issue
15. that needs to be dealt with.

16. MR. MOORE: Would it be -- because
17. there -- in this proposal, getting back to the
18. fees -- and again, because of the law, we're not
19. going to be able to say yay or nay on what that --
20. what happens there -- but could we add it in the fee
21. proposal, if there is a problem with the ride, State
22. inspector comes, there's a definite fee.

23. If there's not a problem found with
24. the ride, similar to a fine situation, and he does
25. come in and says, hey, this ride is just fine, the

1. person getting off of it was drunk or clumsy and
2. failed, that's not the owner's fault, no fee is
3. charged. But if there is a problem, then the
4. fee -- bam, it's automatic. If the owner is at
5. fault, the equipment is bad, there's a definite
6. fee. Does that help speed this into a -- where we
7. want to be or is that the opposite of where we
8. want to be?

9. MS. JEFFERSON: You know, I was
10. thinking as Mr. Fisher was talking. And doing it --
11. taking a look at it from that perspective may be a
12. really good way to look at it, because that maybe
13. just requires to change policy versus changing the
14. law.

15. And you all can let me know what you
16. think about it, but if we can avoid changing the
17. law and just changing the way that we currently do
18. it, as long as we have a recommendation from the
19. Board, then we can get that to the Commissioner
20. Deputy for them to review and we can go from
21. there.

22. But if you all think that, you know,
23. in those type of less serious incidents, we
24. shouldn't have a third-party inspector, shouldn't
25. require it, we would just, you know, want a

1. recommendation from you all. And if you think
2. that -- make it a mandatory for a third party to
3. appear at those more serious, those serious
4. physical injuries, then, you know, that's just a
5. policy issue. It doesn't require changing the
6. law, which is more difficult to do.

7. CHAIRMAN FOX: Well, with that
8. question, this is, I guess, a question for you,
9. Mr. Bailey. One, we can't vote on anything here
10. today; is that correct?

11. MR. BAILEY: Right.

12. CHAIRMAN FOX: We have to do it in a
13. regularly scheduled meeting.

14. MR. BAILEY: Yes.

15. CHAIRMAN FOX: Okay.

16. MR. BAILEY: You have to -- this is a
17. workshop so anything that's, like --

18. MR. RADER: We'll leave that in
19. December.

20. MR. BAILEY: -- deliberations cannot
21. be done.

22. CHAIRMAN FOX: So on December the
23. 6th, if we come -- if we ask for this to be put back
24. on the agenda that we adhere to 21 --

25. MR. HALE: 21.

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1. CHAIRMAN FOX: Is that 21 or --
2. MS. JEFFERSON: 20 and 21.
3. MR. HALE: No.
4. CHAIRMAN FOX: Okay. 21.
5. MR. HALE: 21.
6. CHAIRMAN FOX: Whatever the bottom
7. one was, the serious injury. In other words, the
8. trigger point for contacting you about an accident
9. which triggers the third party, which triggers the
10. State inspector to come which may trigger a fee as a
11. result of that, we use that set of criteria.
12. MS. JEFFERSON: Right. And they
13. would still be required to report because that's
14. what the law requires. The law requires them to
15. report all three, the serious incident, serious
16. physical injury, and fatality, within 24 hours. So
17. we won't be violating the law.
18. CHAIRMAN FOX: No.
19. MS. JEFFERSON: But we will change --
20. we can, you know, take a look at changing the policy
21. as to how we currently do it based on how we
22. interpret those two and we would have to have legal
23. counsel to help us with that.
24. CHAIRMAN FOX: Right.
25. MR. RADER: One question. So once

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1. they report it, will they immediately be shut down
2. until the State inspector --
3. CHAIRMAN FOX: Yes.
4. MS. JEFFERSON: Well, that's what we
5. need to take a look at because currently, that's the
6. way that we're doing it, because we don't have any
7. State inspectors -- we don't have anybody certified,
8. even though when we hire the compliance officers,
9. they won't immediately be in a position to inspect
10. because they have to actually have one year of
11. industry experience before they can even sit for the
12. examination. So in the meantime, this was just a
13. way for us to be proactive just to make sure nothing
14. happened, and we'd not have anyone to handle it on
15. behalf --
16. MR. HALE: But even currently, they
17. have to have a serious injury to shut it down. If I
18. get a scratch on my hand walking off the ride
19. because I bumped against the rail and scratched my
20. hand --
21. MS. JEFFERSON: But you won't be
22. transported to the hospital for that.
23. MR. HALE: Right.
24. MS. JEFFERSON: So that --
25. MR. HALE: It has to be a serious

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1. injury that requires --
2. MS. JEFFERSON: It has to be a
3. serious incident.
4. MR. HALE: -- transportation to shut
5. the ride down.
6. MS. JEFFERSON: Serious physical
7. injury.
8. CHAIRMAN FOX: But if we make a
9. recommendation, this Board makes a recommendation to
10. you that the trigger for reporting is obviously
11. you're transported, immediately transported, and
12. that you spend a --
13. MS. JEFFERSON: Well --
14. CHAIRMAN FOX: That you -- as a
15. result of an incident on a ride, you're immediately
16. transported and you're admitted and spend 24 hours
17. in a hospital, if you're admitted, we're getting
18. ready to call you.
19. MS. JEFFERSON: Okay. Let me make
20. sure I understand. The law currently states that
21. you have to report if you fall under these two
22. categories plus fatalities. So that's something
23. that unless there's a legislative change, we can't
24. get around that for now.
25. CHAIRMAN FOX: No, but number 21 says

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1. you've got to report all of those things, but in
2. addition, you have to be admitted to the hospital.
3. MS. JEFFERSON: Right. Number --
4. CHAIRMAN FOX: Before it becomes a --
5. before we have to get the cease and desist letter,
6. stop the ride, call a third party, and put all the
7. other things in motion.
8. MS. JEFFERSON: Right. What I was
9. suggesting is that policy, if we want to change the
10. policy, the way we currently do it internally, then
11. we can do that part. But as far as telling people,
12. you can report, you can't report, you can't do that
13. until there is a law change. Because the law
14. currently says that if there is a serious incident,
15. a serious physical injury or fatality as defined
16. here under the law, then you have to report that
17. within 24 hours. So that part, we can't.
18. But now, as far as telling the
19. owners/operators that you have to shut down if
20. there is a serious incident, then that's something
21. we can change, because the law doesn't require us
22. to have them, as far as I know.
23. Do you see anything in the law that
24. would require them to immediately shut down for a
25. serious incident?

1. MR. BAILEY: Yes.
 2. CHAIRMAN FOX: But it wouldn't be
 3. deemed a serious injury until you're admitted to the
 4. hospital.
 5. MR. BAILEY: But it may be a serious
 6. incident, though. I mean, there's three categories.
 7. There's serious incident, serious injury, and
 8. fatality. And currently, the law says if any of
 9. those three things happen, you must report it, you
 10. must shut it down, and report it within 24 hours and
 11. get an inspector out there.
 12. CHAIRMAN FOX: But --
 13. MR. BAILEY: So as long as that
 14. definition, serious incident, is in the law, they
 15. have to report it.
 16. MS. O'CONNOR: So my appendix would
 17. shut down your ride.
 18. CHAIRMAN FOX: Your appendix would
 19. shut down my ride --
 20. MR. RADER: Yeah.
 21. CHAIRMAN FOX: -- under that
 22. scenario.
 23. MS. O'CONNOR: Yes.
 24. MR. BAILEY: It says on 68-121-118A,
 25. the owner/operator of an amusement device shall

1. immediately cease to operate any amusement device on
 2. which a fatality, serious physical injury, or
 3. serious incident has occurred. All three of --
 4. CHAIRMAN FOX: And I get that. But
 5. again, the trigger point there is we think it's a
 6. serious injury, but again, it may be a turned ankle
 7. when they get to the hospital. We don't know.
 8. Number one, we can't find out, because under HIPAA
 9. rules and regulations, we don't know. But they do
 10. have to tell us if -- the hospital's going to tell
 11. you if that person's admitted or not.
 12. MS. JEFFERSON: Right. I understand.
 13. But what determines -- currently, what determines
 14. whether or not it's shut down is whether or not the
 15. person is transported to the hospital. That's the
 16. first -- that's the minimum under number 20.
 17. CHAIRMAN FOX: That's what I'm saying
 18. that the trigger mechanism needs to be, they're
 19. transported and admitted.
 20. MR. BAILEY: Okay. Basically what --
 21. I think what you're saying is, is number 20 needs to
 22. come out.
 23. CHAIRMAN FOX: Yes, sir.
 24. MR. BAILEY: Serious incident is the
 25. problem.

1. CHAIRMAN FOX: It's included in 21
 2. but --
 3. MR. BAILEY: It's kind of included.
 4. CHAIRMAN FOX: Yes.
 5. MR. BAILEY: But it also stands
 6. alone.
 7. CHAIRMAN FOX: Well, it is, but --
 8. MR. BAILEY: Yeah.
 9. CHAIRMAN FOX: -- it's kind of
 10. married to 21, as well.
 11. MR. BAILEY: Yeah. I agree.
 12. CHAIRMAN FOX: And again, the trigger
 13. point here needs to be just exactly what it says in
 14. ASTM because it defines those things, that the
 15. trigger point is transported and admitted. If you
 16. just -- I'm going to transport her with that
 17. appendix or if she has a brain aneurysm.
 18. MR. HALE: Well, and if --
 19. CHAIRMAN FOX: And we don't know the
 20. difference.
 21. MR. HALE: But it also needs to be
 22. for an injury.
 23. CHAIRMAN FOX: Yes, sir.
 24. MR. HALE: If I have a seizure on the
 25. ride, that's not an injury.

1. MS. O'CONNOR: You're correct.
 2. MR. HALE: If I have a ruptured
 3. appendix on the ride, that's not an injury.
 4. MS. O'CONNOR: That's not an injury.
 5. MR. HALE: That's an illness.
 6. MS. JEFFERSON: Right.
 7. MR. HALE: It is a medical emergency,
 8. but it's not an injury.
 9. CHAIRMAN FOX: But the only way we
 10. find this out is if she's admitted and diagnostic
 11. tests are run.
 12. MR. HALE: Right. But if you use
 13. just "admitted," your appendix is still going to
 14. shut the ride down.
 15. MS. O'CONNOR: Uh-huh.
 16. CHAIRMAN FOX: That's right. Well,
 17. no, if you use "admitted," we're going to know one
 18. way or the other at that point what happened.
 19. MR. HALE: Admitted for an injury.
 20. CHAIRMAN FOX: Yes.
 21. MR. FARMER: Yes.
 22. CHAIRMAN FOX: We will know.
 23. MR. FARMER: You have to have --
 24. admitted for an injury. That's if you find out.
 25. MR. HALE: If I get sick and pass out

1. on an elevator, you're not going to shut the
 2. elevator down.
 3. MR. FARMER: We shouldn't.
 4. MR. HALE: Otherwise, there's no
 5. hospital --
 6. CHAIRMAN FOX: You see where I'm at,
 7. Mr. Bailey?
 8. MR. HALE: -- elevators that are
 9. going to operate.
 10. CHAIRMAN FOX: See what I'm talking
 11. about?
 12. MR. FARMER: Yeah.
 13. CHAIRMAN FOX: The trigger point.
 14. I'm going to know -- when she gets to the hospital,
 15. I'm going to know whether it was an appendix or a
 16. brain aneurysm or --
 17. MR. HALE: Or she got hit in the head
 18. by something on the ride.
 19. CHAIRMAN FOX: Or she got hit in the
 20. head by something on the ride. We don't know until
 21. they're admitted and we can go find out. And at
 22. that point, if it's -- obviously if the arm's
 23. hanging off or she's minus a -- she's had an
 24. amputation, then that's one thing. But there are
 25. other things that we just don't know about.

1. And that's why I say the trigger
 2. point would be the transportation and/or
 3. admission, subsequent admission and then the
 4. 24-hour stay. If they're admitted to the
 5. hospital, we're going to call you, "we" being the
 6. amusement industry.
 7. MS. O'CONNOR: And HIPAA will let you
 8. know whether it's an injury versus an illness.
 9. CHAIRMAN FOX: You can find out.
 10. MS. O'CONNOR: Okay.
 11. MR. BAILEY: I totally understand
 12. what you're saying. I'm just saying that you -- I
 13. mean, we -- as the law is still written currently,
 14. that if you have a situation where someone is
 15. injured on a ride, whether they're on -- it says, as
 16. a result of being on or the operation of an
 17. amusement, and they're transported to a hospital of
 18. some type of licensed care facility, that triggers
 19. this over here to that it must be reported, it must
 20. be shut down, and it must be inspected. Now, that
 21. may be a little much for a serious incident, but
 22. that's a legislative change that's got to be made.
 23. Otherwise, it's still --
 24. CHAIRMAN FOX: I believe if we just
 25. adhere to 21, make the policy change to adhere to

1. 21, that we have met the spirit and the intent of
 2. the law, because it covers 20.
 3. MS. JEFFERSON: You know what -- and
 4. I may have misspoke, because the policy change -- I
 5. was thinking that we could actually make the policy
 6. change. But based on what Dan has said and read,
 7. since we have to shut down after all three of those
 8. things, either one of those things occur, then we
 9. can't change the policy. We -- that would have to
 10. be a legislative change.
 11. MR. HALE: But in your opinion --
 12. either one of y'all, Dan or Ms. Jefferson, either
 13. one -- if I get sick on the roller coaster and throw
 14. up and they say, you know what, you might be
 15. dehydrated, you ought to go to the hospital, does
 16. that ride have to shut down?
 17. MR. BAILEY: No.
 18. MR. HALE: Because it's not an
 19. injury.
 20. MR. BAILEY: Not an injury.
 21. MR. HALE: It's a medical illness.
 22. MS. JEFFERSON: Yes.
 23. MR. BAILEY: Right.
 24. MR. HALE: I don't have to shut that
 25. ride down because I got sick on it. Otherwise,

1. ain't no amusement ride's going to run because
 2. somebody's sick on all of them.
 3. MS. O'CONNOR: Right. Right.
 4. MR. HALE: I see what -- I see your
 5. thought process that the trigger needs to be
 6. admission to the hospital. But prior to that, I
 7. think you've got -- particularly in the mobile
 8. industry, you've got this Tilt-A-Whirl sitting out
 9. there and somebody throws up on it and the medical
 10. folks go and get them and they say, you know, you
 11. don't really look very good. You might want to run
 12. over to the ER and get checked out. The ride didn't
 13. injure them.
 14. MR. BAILEY: Well, I mean, you could
 15. also have a situation --
 16. MR. HALE: So it's not an injury.
 17. It's a --
 18. MR. BAILEY: You could have a
 19. situation where something about the ride causes
 20. someone to break an arm. They're transported to the
 21. hospital, they set the arm, put a cast on it and
 22. they let them go. They don't keep them overnight.
 23. But we would want to know about that. You know? So
 24. that's where a serious incident is a -- that's an
 25. example that maybe the legislator was trying to get

1. at. Because they're not admitted overnight. We've
 2. broken a leg, broken an ankle. If it's caused by
 3. the device --
 4. CHAIRMAN FOX: In most cases, if they
 5. have that they're admitted to the hospital for
 6. diagnostic testing and/or the setting of the arm,
 7. setting of the leg, whatever the case may be, I --
 8. again, I know from example.
 9. MR. BAILEY: Maybe. I don't know. I
 10. know I've broken a few things over the years and I
 11. was in and out. You know, I never stayed overnight.
 12. CHAIRMAN FOX: But again, if it's --
 13. you know, it's a broken -- I go back -- that's the
 14. reason I threw the broke toe on the two -- the
 15. little boy and the little girl there. You know,
 16. that could be a serious injury. But again, it's the
 17. transportation and/or admission under number 21 that
 18. would trigger the reporting, third party, State
 19. inspector, so forth and so on.
 20. MR. MOORE: Well, if you read this
 21. definition 20 where it says, as a result of being on
 22. or the operation of -- now, being on that ride, even
 23. the steps down, I wouldn't consider that as a result
 24. of being on that ride.
 25. And I guess that's where it's really

1. left in the owner's hands as to whether or not it
 2. was on -- as a result of being on the ride or the
 3. operation of the ride. So I think that does give
 4. the owner a little more leeway than just, okay,
 5. yeah, they were in the vicinity of the ride. They
 6. tripped coming off the ride. I don't need to
 7. call.
 8. And I'm sure, you know, if they did,
 9. the State would say -- and that's where we may
 10. have a little more leeway in how we enforce that
 11. as to whether or not -- if someone said, well,
 12. yeah, they stubbed their toe as they stepped down
 13. off the steps, they could have done that on some
 14. concrete steps.
 15. So -- and I guess that's -- the State
 16. may have more leeway in accordance with the law as
 17. to whether or not we say, yes, the ride has to be
 18. shut down or no, you can continue operation. Does
 19. that sound correct, Dan?
 20. MR. BAILEY: Yeah. I can see the
 21. distinction of being actually on the ride, like in a
 22. seat or whatever kind of ride it is, versus walking
 23. up on the platform to get to the --
 24. MR. MOORE: Right.
 25. MR. BAILEY: -- to what I want to sit

1. on. I could see that being -- walking to the device
 2. or to get into the device, I could see that being
 3. interpreted as not being on the device. You know?
 4. CHAIRMAN FOX: But it also says in
 5. the -- and I believe 21 states the same. It says,
 6. injury/illness; is that correct? I don't have that
 7. in front of me.
 8. MR. MOORE: 20 --
 9. MR. HALE: No, it just says --
 10. MR. MOORE: -- just says injury.
 11. MR. HALE: It just says injury.
 12. CHAIRMAN FOX: Yeah, but 21 says
 13. illness.
 14. MR. HALE: 21 just says injury.
 15. MR. BAILEY: Injury.
 16. MS. JEFFERSON: Uh-huh. Injury.
 17. MR. BAILEY: Just injury. It just
 18. says --
 19. MR. HALE: Just injury.
 20. MR. MOORE: Yeah, we're good --
 21. MR. BAILEY: -- serious physical
 22. injury by means of --
 23. MR. MOORE: -- on that also. So it's
 24. just injury also.
 25. MS. JEFFERSON: It's personal injury.

1. MR. BAILEY: -- patrons --
 2. MR. HALE: On the ride, to me, means
 3. you're participating.
 4. MR. MOORE: Yes. Yes.
 5. MR. HALE: You're sitting in a seat
 6. or you're hanging on a -- in a harness or you're
 7. participating.
 8. MR. MOORE: And I would --
 9. MR. BAILEY: Right.
 10. MR. MOORE: -- say that --
 11. MR. HALE: Not mounting.
 12. MR. MOORE: -- even if you --
 13. MR. HALE: You're participating.
 14. MR. MOORE: -- walk up to the ride to
 15. get on it and you come out and turn around and walk
 16. off and you fall, that shouldn't be something that
 17. you should have to report.
 18. MR. RADER: That's premises.
 19. CHAIRMAN FOX: Yeah.
 20. MR. MOORE: Yes.
 21. CHAIRMAN FOX: That's a premises
 22. issue.
 23. MR. MOORE: Yes. So I --
 24. MR. FARMER: Okay. So as the State's
 25. eyes -- this is me thinking. When they call me and

1. ask me if we need to do an investigation or an
 2. accident inspection on this, am I going to take
 3. their word for it that it's a premises thing or a
 4. ride thing? Because I always have to err on the
 5. side of safety.
 6. MR. MOORE: Right.
 7. MR. FARMER: If we have an escalator
 8. call, they have video showing somebody falling down
 9. the escalator and it's because they're carrying too
 10. many bags, we still do an inspection on it, because
 11. it may be a broken step that we can't see in the
 12. video.
 13. MR. MOORE: Right. Right.
 14. MR. FARMER: So just keep in mind
 15. we're making that determination from an office up
 16. here.
 17. MR. MOORE: Yeah.
 18. MR. FARMER: We don't have -- we're
 19. not on that site. So just whenever y'all start
 20. interpreting this --
 21. MR. HALE: But --
 22. MR. FARMER: -- just keep in mind
 23. we're interpreting it from -- we have to make the
 24. judgment call.
 25. MR. HALE: So every time somebody

1. twists their ankle stepping off an elevator, y'all
 2. respond?
 3. MR. FARMER: We should if it's
 4. inspected -- if it's brought to our attention. And
 5. by law, they have to bring it to our attention. I
 6. hate to say it --
 7. MR. HALE: Then I don't see --
 8. MR. FARMER: -- but it's true.
 9. MR. HALE: -- how you've got enough
 10. help.
 11. MR. FARMER: Well, a lot of times,
 12. people will twist their ankle and they'll just keep
 13. on walking. You know. Maybe something -- if it's a
 14. leveling issue with an elevator, they may trip
 15. coming out. Most of the time, they're going to
 16. contact somebody in that facility and say, your
 17. elevator is not leveling. And we shut it down and
 18. go do at full inspection.
 19. MR. HALE: But that's a different --
 20. your elevator's not leveling.
 21. MR. FARMER: Yes.
 22. MR. HALE: I just walked out of the
 23. elevator and I'm clinging, twisting my ankle --
 24. MR. FARMER: Yeah.
 25. MR. HALE: -- shouldn't require a

1. response from an --
 2. MR. FARMER: I agree with you
 3. 100 percent, but how do you make that determination
 4. from an office?
 5. MS. O'CONNOR: Speaking as a clumsy
 6. person, I never report, because you know it's your
 7. own fault.
 8. MR. FARMER: Yes. Yeah.
 9. CHAIRMAN FOX: Oh. You're a
 10. non-reporter.
 11. MR. MOORE: Now, in the elevator
 12. injury, when we've had injuries on our elevators at
 13. my facility, typically, we will call the local
 14. inspector, which is another reason why I'm so proud
 15. that we're getting these -- you know, for our grand
 16. divisions. But they can make that determination,
 17. especially with Earl's (phonetic) familiarity with
 18. our elevators. If we tell him what happened, how it
 19. happened, where it happened, typically, he can
 20. decide, okay, yes, I need to be there or you can put
 21. it back in service. I'll look at it later. He
 22. knows the equipment.
 23. Now, granted, there are so many
 24. different types of amusement devices. That may be
 25. almost impossible for the inspectors. Does it say

1. that they have to report it directly to your
 2. office or does -- can -- could it be reported
 3. to --
 4. MR. RADER: They report to the State.
 5. MS. JEFFERSON: They report to the
 6. State. And we have reporting -- accident reporting
 7. for them online.
 8. MR. MOORE: Okay.
 9. MS. JEFFERSON: Actually, calling us
 10. is not sufficient, because the law says it has to be
 11. in writing.
 12. MR. MOORE: Okay.
 13. MS. JEFFERSON: Calling is a courtesy
 14. and that's fine. I'll be happy to answer the call,
 15. but I generally tell, you know, folks, you have to
 16. abide by the law and you have to complete the
 17. accident reporting document that's located on the
 18. website.
 19. CHAIRMAN FOX: Again, if we bring
 20. back a recommendation that says we would adhere to
 21. number 21 and incorporate 20 into that, whatever it
 22. may be, or delete 20 from the law, is that something
 23. that we could ask you all to take to the legislature
 24. for us? Because it gives more clarification on how
 25. the reporting is to be done. At this particular

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1. time, it's a bit ambiguous as to what should be and
2. shouldn't be reported.
3. MS. JEFFERSON: And Leanne is a
4. legislative representative.
5. MS. DURM: We would absolutely take
6. your recommendations.
7. CHAIRMAN FOX: Okay.
8. MS. DURM: Now, whether it could be
9. done this coming session starting in January is
10. another question. But we would absolutely, by
11. virtue of you all being on the Board, we would have
12. to --
13. CHAIRMAN FOX: Okay. So --
14. MS. DURM: -- consider your
15. recommendations.
16. CHAIRMAN FOX: -- what would be the
17. timeline for us getting that to you? We would meet
18. on December the 6th. What time do we need to have
19. that in your hands or do we need to have -- what do
20. we need to do?
21. MS. DURM: Well, I mean, those
22. recommendations made that day -- if there is a vote,
23. I would have to make notification to the Governor's
24. Office to see if that's even feasible --
25. CHAIRMAN FOX: Okay.

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1. MS. DURM: -- before January. And if
2. not, from our perspective, then we would have to
3. address it in the coming year. So that -- the
4. timeline in question is really -- would be a sticky
5. point, whether we want to do it or not.
6. CHAIRMAN FOX: Right. And then from
7. there, it would probably be reviewed and passed by
8. April and go into effect July the 1st of next year.
9. MS. DURM: If it were in this coming
10. session.
11. CHAIRMAN FOX: Yes.
12. MS. DURM: Yes, sir.
13. CHAIRMAN FOX: Yeah. Okay. All
14. right. Now that I've beat that horse pretty bad.
15. MR. HALE: Wow.
16. CHAIRMAN FOX: One of the things I
17. did was go on the website and I sent you my list of
18. the different types of rides. And I literally
19. searched for about two hours on there to come up
20. with the different names and/or configurations or
21. whatever. I mean, here's one here, amusement rides
22. based on rail transport. And I have absolutely no
23. idea what that meant, but I put it in the list. And
24. then animatronic attractions, bumper car boats,
25. canopy adventure tours, carousels, alpine coasters,

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1. land coasters, kiddie coasters, and there's the new
2. zipline coaster. Do we have any of those -- do we
3. have a zipline coaster anywhere in the state now?
4. MS. JEFFERSON: Carlene can speak to
5. that.
6. MS. BENNETT: We have one that's in
7. production, but I think it's in litigation right
8. now, so it's kind of stalled.
9. CHAIRMAN FOX: What part of the state
10. is that in?
11. MS. BENNETT: In your neck of the
12. woods.
13. CHAIRMAN FOX: Is it?
14. MS. BENNETT: Uh-huh.
15. CHAIRMAN FOX: Okay. I'm wanting to
16. go see that. I think that'll be exciting.
17. Funhouses, giant wheels, glass houses, gravity
18. rides, inflatables, and even the in-ground pillows
19. at the, like -- there's a KOA campground next to us
20. that has one of these -- it just looks like a big
21. pillow and the kids are out there jumping up and
22. down on it.
23. MS. O'CONNOR: It's like a bouncy
24. house?
25. CHAIRMAN FOX: I'm sorry?

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1. MS. O'CONNOR: It's like a bouncy
2. house?
3. MR. RADER: Yeah. With no wall.
4. MS. O'CONNOR: Okay.
5. MS. BENNETT: But it --
6. CHAIRMAN FOX: Yeah. With no walls.
7. And then obviously, there's rollercoasters and
8. trackless trains. And here was a term that I had
9. not -- upside amusement rides. I guess that's like
10. a Rock-O-Plane or --
11. MR. HALE: I would assume, yes.
12. CHAIRMAN FOX: Or something of that
13. nature. And then, of course, ziplines. And then
14. what I was trying to do was just come up with a list
15. and then kind of look for examples of those. Again,
16. it was -- as you said earlier, it was extremely
17. difficult to tell, was it more than 42 inches -- you
18. had to be more than 42 inches to ride or less than
19. 42 inches or more than 52. Was it a spectacular,
20. was it a whatever. And quite frankly, I don't have
21. an answer.
22. And I think that's probably something
23. we want to look at as to -- we just kind of have
24. an example of each one of these particular things
25. and then kind of set a fee for that. Does that

1. work for you?
 2. MS. JEFFERSON: It works for me. Do
 3. you all have a question about that?
 4. MR. HALE: Set a fee for each type?
 5. CHAIRMAN FOX: For each type. Like,
 6. a zipline. And I know -- you know, one of the
 7. questions that came out of that last discussion we
 8. had is, should we charge a fee by line or by venue.
 9. MS. JEFFERSON: Or by the number
 10. of -- I guess some people look at the platforms,
 11. number of platforms that they have to see how many
 12. ziplines there actually are. Is it one zipline or
 13. are there multiple ziplines?
 14. CHAIRMAN FOX: I don't know. That's
 15. why I ask that question. By line or by venue. How
 16. many does Fall Creek Falls have?
 17. MR. STOCK: Depends on how you count
 18. them.
 19. CHAIRMAN FOX: There you go.
 20. MS. O'CONNOR: Exactly.
 21. MR. STOCK: And what -- we spent a
 22. considerable amount of time -- and it's probably a
 23. year and a half ago now -- trying to make sense of
 24. this within our industry. And what we determined at
 25. that point was that it was going to be by course.

1. MR. BAILEY: And could you state your
 2. name?
 3. CHAIRMAN FOX: You have to --
 4. MR. STOCK: I'm sorry.
 5. CHAIRMAN FOX: Yes.
 6. MR. STOCK: Don Stock. S-T-O-C-K.
 7. Okay. And it was by course. So, like, there's five
 8. or six different courses at Fall Creek Falls.
 9. They're not -- anywhere from eight or ten elements
 10. includes one or two ziplines. So that was a -- they
 11. consider that a device. So that place has five or
 12. six devices as it's currently designed.
 13. CHAIRMAN FOX: How many physical
 14. ziplines do you have?
 15. MR. STOCK: There's about 72
 16. individual activities from, like, tree to tree to
 17. tree to tree. If you counted every one that's in
 18. between them, there's, like, 75 different
 19. activities, or 70 activities, they may have bundled
 20. together in five different courses.
 21. MS. POWERS: Not all ziplines.
 22. MR. STOCK: Yeah. Not all ziplines.
 23. CHAIRMAN FOX: Okay.
 24. MR. FARMER: Can I ask a question?
 25. If you had a third-party inspector from ACCT come

1. in, would they charge you per zipline?
 2. MR. STOCK: Not usually. No.
 3. MR. FARMER: Would it be just a --
 4. MR. STOCK: Yeah. It's --
 5. MR. FARMER: It would be a greater --
 6. MR. HALE: Course.
 7. MR. STOCK: Yeah. It's generally
 8. a -- I mean, there's a little bit of ebb and flow
 9. with that depending upon some, you know, what --
 10. some people charge more for commercial operations
 11. than non-commercial operations. But it usually is
 12. just a flat fee.
 13. MR. FARMER: Okay.
 14. MR. STOCK: That's how it's
 15. typically --
 16. MR. HALE: A flat fee per course or a
 17. flat fee --
 18. MR. STOCK: For the inspection.
 19. MR. HALE: -- for the facility?
 20. MR. STOCK: Yeah. For the facility.
 21. Yeah, we generally don't -- I mean, unless it's --
 22. some locations have -- like, for example, down in --
 23. a place like down in Georgia, you know, at Banning
 24. Mills, there's, like, 150 ziplines. Well, I mean,
 25. that's going to be a different inspection fee

1. structure than it would be to come and do our thing,
 2. because it's a three-day thing for four people.
 3. So --
 4. MR. FARMER: But if they did it -- if
 5. they permitted per -- is there anything that would
 6. change throughout the current -- or throughout the
 7. permit year to keep -- like, if you permit per line,
 8. they don't change out lines regular. It's not like
 9. you're going to go from one tree to this one, then
 10. change it from this tree to this one.
 11. MR. STOCK: The only time you have
 12. something like that happen is if you had lightning
 13. strike a tree or --
 14. MR. FARMER: Yes.
 15. MR. STOCK: -- something like that.
 16. MR. FARMER: Or some type of damage.
 17. MR. MOORE: Let me ask a question
 18. here. If we want to determine how this is done,
 19. say, heaven forbid, you have an incident or an
 20. accident serious enough to where you've got to call
 21. the State and you immediately shut that down, are
 22. you going to just shut down the one zipline or are
 23. you going to shut down that course? What would the
 24. State expect and what would you expect you need to
 25. do that?

1. MR. STOCK: That is a tremendous
 2. question. And every -- all the discussion that you
 3. guys were just having, like the -- about the turned
 4. ankle, that's a significant thing that needs to be
 5. addressed in the State, because everyone wants to
 6. make sure people are taken care of and make sure
 7. that an accident actually happens, that it was
 8. produced by some -- by the device. We're going to
 9. own that. We're going to do everything we can to
 10. make sure we've got people taken care of and all
 11. those things.

12. But the reality is a turned ankle is
 13. not that uncommon. And -- I mean, just stepping
 14. on and walking on wires and things like that. And
 15. we have had a situation where they -- this
 16. woman -- she turned her ankle and she wanted to go
 17. to the hospital. She said, I want an ambulance.
 18. I want an ambulance. I said, you know, that's
 19. fine. You know? I mean --

20. MS. DURM: Was that on the ride?

21. MR. STOCK: That was actually on the
 22. deck of the -- you know, where the ramp comes up the
 23. landing deck. And I was like, sure. I mean,
 24. because we're going to make sure you're taken care
 25. of. But that was not a serious incident that would

1. have needed to shut down, you know, the ride or
 2. anything like that, because it was -- you know, it
 3. was very clear from our side of things what was
 4. happening. But because it was a, you know, ride in
 5. the ambulance, technically, you know, that could
 6. have been -- that would have triggered that whole --

7. CHAIRMAN FOX: That would have --
 8. that's a trigger point.

9. MR. STOCK: Yeah.

10. MR. RADER: Well, and the same thing
 11. with the trampoline parks, which are very popular.
 12. They have a lot of sprained ankles that -- turned
 13. ankles that --

14. MR. STOCK: Yeah.

15. MS. DURM: I think it can -- if I
 16. may, it's on or operation of the ride. And it's
 17. that caveat in the definition that is pretty
 18. specific that being on the deck is not --

19. MR. BAILEY: Well, wait a minute.

20. MS. DURM: I mean, its operation
 21. is --

22. MR. BAILEY: Depending on what deck
 23. you're --

24. MR. STOCK: Exactly.

25. MR. BAILEY: Yeah.

1. MS. DURM: Right.

2. MR. STOCK: There's a lot -- yeah,
 3. that --

4. MR. BAILEY: If you're on a deck
 5. that's in between two trees --

6. MS. DURM: There -- so --

7. MR. BAILEY: -- and you get --

8. MR. STOCK: Correct. And so
 9. that's --

10. MR. BAILEY: That's on the ride.

11. MR. STOCK: That's part of it. And
 12. that's --

13. MS. JEFFERSON: You're right. And
 14. that's really --

15. MR. STOCK: That's kind of where the
 16. decision making comes from people who are
 17. actually --

18. MR. BAILEY: Right.

19. MR. STOCK: -- doing the operations.
 20. So the answer to your question is that from -- we

21. would do -- hopefully be able to do what -- just
 22. close that one individual course down. But it would
 23. depend on how the law was written in terms of how
 24. the permit is done. We have one permit for the
 25. entire facility. So whether it's just shutting the

1. green course down, because that's where this woman,
 2. you know, got her leg caught or whatever the case
 3. may be -- to me, if that's where the incident
 4. happened and it's separated from the rest of the
 5. courses, that makes sense to me, that you shut that
 6. one down.

7. Whether or not that's sufficient
 8. based on how you guys do things and how the laws
 9. are written, I don't know, because it's under
 10. one -- because it's under that one single permit.
 11. So that's a question that's unanswered in my mind.

12. CHAIRMAN FOX: Okay. Anybody else in
 13. here have ziplines? Are you separate and apart from
 14. him?

15. MS. POWERS: Yes.

16. CHAIRMAN FOX: Okay.

17. MS. POWERS: It's --

18. CHAIRMAN FOX: Where are yours at,
 19. ma'am?

20. MS. POWERS: My --

21. CHAIRMAN FOX: First of all, who are
 22. you?

23. MS. POWERS: My name's Mary Audrey
 24. Powers with Navitat Canopy Adventures in Knoxville.

25. So what I have is very similar to what Don has.

1. It's an aerial trekking park, which includes
 2. ziplines in it. So we have 63 different elements,
 3. like Don was saying. So you have ladders, nets,
 4. tunnels, that sort of stuff. And we do have seven
 5. ziplines that are incorporated throughout, as well.
 6. CHAIRMAN FOX: Okay. So I think they
 7. have since answered the question.
 8. MR. RADER: Mr. Chairman, let me ask
 9. you a question. And Kim, maybe you can help answer
 10. this. In 2015, Wahoo Ziplines had an accident.
 11. MS. JEFFERSON: Uh-huh.
 12. MR. RADER: Was the -- and are you
 13. familiar with --
 14. CHAIRMAN FOX: I am.
 15. MR. RADER: Okay. And was the entire
 16. park shut down or do you --
 17. MS. JEFFERSON: I would have to do so
 18. many things. Carlene -- and you could probably
 19. assist with --
 20. MS. BENNETT: I'm pretty sure that it
 21. was, the whole thing was shut down. Because, like,
 22. with Don, if they permit five different devices, our
 23. interpretation had been if there was an accident on
 24. one, the other ones could continue. But since
 25. they're all under one permit, if you have an

1. accident on one, then the whole thing has to shut
 2. down.
 3. MR. HALE: So they should be
 4. permitted --
 5. MR. RADER: Separately.
 6. MR. HALE: -- by the course.
 7. MS. O'CONNOR: Course.
 8. MR. HALE: And not by the facility,
 9. in order that if there was an accident on one
 10. course, you don't have to shut all the courses down.
 11. MS. BENNETT: And we have people who
 12. have ziplines that do that, you know, because they
 13. don't want to be -- shut the whole thing down and
 14. not have revenue. Where if there was an accident,
 15. they could just shut one course down.
 16. MR. RADER: Carlene, how do we do
 17. trampoline parks? Per trampoline or the entire
 18. facility?
 19. MS. BENNETT: It's usually the
 20. facility.
 21. MS. JEFFERSON: The facility.
 22. MS. BENNETT: Yeah.
 23. MR. HALE: So if somebody gets hurt
 24. on one trampoline, the entire facility has to --
 25. MS. JEFFERSON: No. No, no, no, no. If

1. someone's hurt on one trampoline -- we've had this
 2. to happen -- then that particular device.
 3. MR. HALE: Just that one device.
 4. MS. JEFFERSON: Yes.
 5. MR. STOCK: So how's that different
 6. than the ziplines?
 7. MR. BAILEY: Yeah.
 8. MR. HALE: Well, but --
 9. MR. RADER: That's a good question.
 10. MR. HALE: That's a good question.
 11. MS. O'CONNOR: Very good.
 12. MS. BENNETT: I mean, it is a good
 13. question.
 14. MS. JEFFERSON: Well --
 15. MR. FARMER: That's the reason we're
 16. sitting here.
 17. CHAIRMAN FOX: That's trying --
 18. that's why we're trying to work through these
 19. things.
 20. MS. JEFFERSON: We're trying to work
 21. through it. Yes. Well --
 22. MR. STOCK: That's why I'm in this
 23. chair.
 24. MS. JEFFERSON: Would the zipline,
 25. again, you know, that -- although they've been in

1. operation for a while. Again, that's something that
 2. we started to inspect, you know, when it hadn't been
 3. inspected towards the end of us having inspectors, I
 4. believe, or maybe after we even had -- after our
 5. inspectors left. That can be very technical. You
 6. know, as we indicated, you know, there are lines to
 7. look at. There are different courses. Some people
 8. look at platforms. And there are lots of different
 9. considerations that go into it. So I'm glad we are
 10. having this workshop, because that's something we do
 11. need to come up with so we can be consistent.
 12. MR. HALE: But we shouldn't tie the
 13. inspection process to the fee structure as far as
 14. accidents are concerned. That's a little confusing
 15. statement. But it -- he's paid his inspection fee
 16. for that -- that we assigned to them for that
 17. zipline park, and so therefore, it's not any
 18. different than the fact that ACME theme park paid
 19. one fee for their inspections. You don't shut
 20. everything at ACME down because somebody gets hurt
 21. on one, and therefore, you shouldn't shut the entire
 22. zipline park down because somebody got hurt on one
 23. zipline. Now --
 24. MS. JEFFERSON: Well, only -- unless
 25. they're connected --

1. MR. HALE: -- if one zipline is all
 2. they own, then it's all shut down.
 3. MS. JEFFERSON: Now --
 4. MR. HALE: But he has --
 5. MS. JEFFERSON: -- if you're running
 6. from line to line -- and see -- like I said, it's a
 7. lot of considerations and I'm sure you all can help
 8. us explain. But if you have one zipline and
 9. you're -- you know, say there's a problem on one
 10. line that connects to another line that connects to
 11. another line. Then you probably would have to shut
 12. it down because you can't connect -- you can no
 13. longer connect to those other --
 14. MR. HALE: Right.
 15. MS. JEFFERSON: -- lines.
 16. MR. HALE: But if you have --
 17. MS. O'CONNOR: It's just -- it was an
 18. accident --
 19. MR. HALE: But you have four other --
 20. MS. O'CONNOR: It's that course.
 21. MR. HALE: -- directions you could
 22. go --
 23. MS. O'CONNOR: It's not --
 24. MR. HALE: -- and never involve that
 25. section of line, then you shouldn't have to shut

1. those other four directions down, just the direction
 2. that involves the --
 3. MS. JEFFERSON: Right.
 4. MR. HALE: -- section of line where
 5. the injury occurred.
 6. MS. JEFFERSON: Right. If there are
 7. no -- if there are other courses.
 8. MS. O'CONNOR: Going --
 9. MR. HALE: That's right.
 10. MS. JEFFERSON: No other courses.
 11. MS. O'CONNOR: Going back to the fee
 12. structure, though, it sounds like it would make
 13. sense to do the fee structure based on courses.
 14. MR. RADER: I agree.
 15. MR. STOCK: That's how --
 16. MS. O'CONNOR: Simply because --
 17. MR. STOCK: That's how it is now.
 18. MS. O'CONNOR: -- that way you can
 19. differentiate between --
 20. MR. RADER: That's how it is now?
 21. MR. STOCK: That's how it is now.
 22. MS. O'CONNOR: -- a huge place --
 23. MR. STOCK: But --
 24. MS. O'CONNOR: -- with 100 courses.
 25. MR. STOCK: It -- I mean, it's -- but

1. this -- the current way that it's doing it -- that
 2. we have been -- so we've -- scrambling to comply and
 3. work with the office and do everything we're
 4. supposed to do. I spent probably 50 or more hours
 5. on the phone with our clients. Because we build for
 6. other people and do inspections for other people, as
 7. well.
 8. I spent an idiotic amount of time.
 9. Basically, I did everybody's permit for them,
 10. because there was -- there's no clear logical line
 11. of understanding of what -- okay. So this does
 12. this and are those two devices or four devices?
 13. You've got 42 inches, but this is the kids'
 14. course. But that technically -- even though it's
 15. on there, we really do need to do something more
 16. simple than that.
 17. So that process was very difficult.
 18. So the flat -- I mean, I'm not opposed to the flat
 19. fee idea. I mean, honestly, taking categories,
 20. putting it down. Most places who are --
 21. especially commercial operations are not going to
 22. be -- my feeling is, in terms of simplicity, I
 23. want to be able to get the thing; I want to sign
 24. it; I want to say, yup, this is all the same
 25. thing, we didn't add anything, mail my check in,

1. and be done.
 2. Because it's -- in terms of time and
 3. effort on our part as operators, both as operators
 4. and inspectors, that is a -- that's a pain. And
 5. so I am not opposed at all to the flat fee. And I
 6. don't --
 7. MS. O'CONNOR: Don --
 8. MR. STOCK: And I think a good --
 9. it's -- you know, the healthy flat fee is not bad.
 10. I mean, we're -- you know, we're making money in the
 11. State and we want the State to be there and to
 12. support us and to be a part of things.
 13. MR. HALE: But by the same token, on
 14. the flat fee, that means Mom and Pop that have one
 15. zipline are paying the same amount of money that
 16. you're paying, that you had -- you said you had 72
 17. lines.
 18. MR. STOCK: Yes, sir. Or 70.
 19. MR. HALE: So I think somehow we have
 20. to balance that a little bit, that the small
 21. business that has, you know, one zipline or two
 22. ziplines is not burdened with the same amount that a
 23. person with --
 24. MR. STOCK: Agreed.
 25. MR. HALE: -- 100 ziplines is --

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1. MR. STOCK: I think you can just do
2. it --
3. MR. HALE: -- paying.
4. MR. STOCK: I mean, you could do it
5. in terms of categories.
6. MS. POWERS: There's -- sorry.
7. Just -- I don't want to forget about the -- not
8. little guys, but guys who have a lot of big stuff,
9. but they're non-profits and educational people. So
10. they're using these for camps and stuff, so they do
11. have large devices and they might have several of
12. them, but they're non-profit or strictly
13. educational.
14. CHAIRMAN FOX: May I ask you a
15. question, ma'am?
16. MS. POWERS: Uh-huh.
17. CHAIRMAN FOX: Are they make -- is
18. someone paying them for the opportunity to go on
19. those?
20. MS. POWERS: A lot less than what me
21. and Don charge.
22. MR. HALE: But they're still
23. charge --
24. MR. STOCK: It's similar.
25. CHAIRMAN FOX: I understand, but

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1. there -- is there a monetary exchange?
2. MS. POWERS: Not always.
3. MR. STOCK: Yeah. And that's a --
4. that's one of the things in our last meeting that
5. we -- was important to, I guess, address and
6. understand, is, like -- I'll give an example. Camp
7. Widjiwagan just up here, up the road, a YMCA camp.
8. They have a climbing tower. We just did a tandem
9. zipline with an ADA access that they're looking for.
10. A couple different things, but they
11. have summer camp and the kids will -- the parents
12. will pay whatever, 300 bucks for them for the
13. week. So those activities are part of those
14. things that happen, but I don't know that they --
15. but they don't break out, okay, the zipline's five
16. bucks and the blob is three dollars and the jet
17. ski is \$12.
18. And so currently, what -- the direction
19. that we've gotten from the office here is that if
20. it's a challenge course, if it's a zipline, if
21. it's whatever, it has to -- it needs to be
22. permitted. And so that's what we've done with
23. this. But there's a whole lot of it -- in fact,
24. the vast majority of the challenge courses and
25. things in the state are going to be at camps, at

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1. parks, and things like that, that are part of
2. team-building things or they're part of a whole
3. program, that's not just a walk-up like Mapsy's
4. place or our place where you walk up, pay your
5. money, and go play in the trees.
6. And so I totally agree. But -- and
7. that's part of what -- the whole thing with the
8. ACCT standard, because it addresses both of those.
9. I'm for regulation of traditional challenge
10. courses at camps. I absolutely am. But they are
11. a different animal and especially in terms of
12. whether money's exchanged.
13. CHAIRMAN FOX: I get that.
14. MR. RADER: But they have the same
15. exposure of --
16. MR. STOCK: Not -- yeah, but not even
17. close in terms of numbers.
18. MS. JEFFERSON: But the --
19. MR. RADER: Just because they don't
20. have the same number of people going through them.
21. MR. STOCK: And they're complete --
22. and most of them are on completely different
23. operating systems, too. They're very, very
24. staff-intensive, you know, because kids on a
25. climbing wall are belayed by an individual belayer.

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1. It's -- they're very similar, but they're different
2. in operation in a lot of ways.
3. MS. POWERS: And then --
4. CHAIRMAN FOX: And the law does
5. address that in some fashion.
6. MS. JEFFERSON: It does. It does.
7. It says here in the law, an amusement device that is
8. owned and operated by a non-profit, religious,
9. educational, or charitable institution or
10. association, if the device is located within a
11. building subject to inspection by the State Fire
12. Marshal or any political subdivision of the state,
13. under -- it's Building, Fire, Electrical, or Related
14. Public Safety Ordinance -- if that's the case, if
15. it's within a building, then it's not subject to the
16. law. But if it's outside of the building, then it
17. is. So we run into that a lot. We have to explain
18. that exemption to a lot of camp -- people who own
19. camps and --
20. MR. STOCK: So if there's a climbing
21. wall inside a gym, it's not -- you know it doesn't
22. have to be inspected, but if it's built on utility
23. poles outside, it does.
24. MS. JEFFERSON: Right. And we don't
25. regulate climbing walls.

1. CHAIRMAN FOX: We don't do climbing
 2. walls.
 3. MR. STOCK: Okay. To Mr. Hale's
 4. point, if we established criteria, one through five
 5. is X amount and then five and up is X amount, does
 6. that meet your requirements?
 7. MS. JEFFERSON: As far as the lines?
 8. MR. HALE: Oh, as far as --
 9. CHAIRMAN FOX: Number of lines.
 10. MS. O'CONNOR: Lines or courses?
 11. CHAIRMAN FOX: Pick a number, pick a
 12. course, just from zero to six, zero to ten is X
 13. number of dollars --
 14. MR. HALE: Courses.
 15. CHAIRMAN FOX: Courses.
 16. MS. O'CONNOR: Courses.
 17. CHAIRMAN FOX: 10 and up cost you --
 18. or maybe from 10 to 50. And then from 50 to 70 or
 19. 50 to 100.
 20. MR. STOCK: So if you're talking
 21. about -- you're talking elements.
 22. CHAIRMAN FOX: Tiered. Yes.
 23. MR. STOCK: I see. So basically, a
 24. single zipline would be an element, a wobbly bridge
 25. would be an element -- or at a camp setting, a leap

1. of faith would be -- stand alone, would be a single
 2. element. So you're talking elements, because
 3. courses are a number of elements strung together.
 4. CHAIRMAN FOX: Right.
 5. MR. STOCK: Or --
 6. CHAIRMAN FOX: We had a place called
 7. Adventure Mountain. It had 120 elements.
 8. MR. STOCK: Correct.
 9. CHAIRMAN FOX: We had four courses.
 10. MR. STOCK: Uh-huh. Yeah.
 11. MS. O'CONNOR: So --
 12. CHAIRMAN FOX: So we --
 13. MR. RADER: So you're going to pay --
 14. MR. HALE: So you --
 15. MR. RADER: Based on this proposed
 16. fee structure, you're going to pay a substantial
 17. amount more for the number of elements as opposed
 18. to, in your example, four courses.
 19. CHAIRMAN FOX: Yeah. So would we do
 20. it by courses or do we do it by elements?
 21. MR. HALE: Right. I think you have
 22. to do by courses, otherwise, if you've got a course
 23. that has 30 elements and it -- you know, ladders and
 24. rope nets to climb -- and you don't -- I don't think
 25. we want to try to break it out and charge them for

1. each one of those things that's part of that course.
 2. I think you have to say, we've inspect -- that in
 3. its totality, it'd been inspected on its site.
 4. MR. RADER: Yeah.
 5. MS. O'CONNOR: Well, in my mind, I'm
 6. going back to trying to make it easy and thinking in
 7. terms of having some kind of comparison with fee
 8. structure and inspections and shut down for
 9. injuries. So in my mind, I'm thinking it makes more
 10. sense to do it by courses rather than elements,
 11. because if somebody gets injured because of element
 12. three and four, that's still going to shut down the
 13. entire course.
 14. MR. HALE: That's right.
 15. MR. STOCK: They're connected,
 16. correct.
 17. MR. MOORE: Do we not need to clearly
 18. define what a course is so therefore if someone
 19. comes in and calls or whatever and says, okay, I've
 20. got these six ziplines --
 21. MR. STOCK: Would it be helpful if a
 22. couple -- if Mopsy and I actually did some
 23. descriptions and submitted it to you guys till we
 24. come back? Because we can talk about --
 25. MR. HALE: Of what constitutes a

1. course?
 2. MR. STOCK: What's that?
 3. MR. HALE: Of what constitutes --
 4. MR. STOCK: What constitutes
 5. elements, what constitutes courses. Maybe use some
 6. diagrams, give you some pictures to make this very
 7. clear so everyone's using the same language.
 8. MR. MOORE: I think it would be --
 9. MR. RADER: I think it would.
 10. CHAIRMAN FOX: I think it would, yes.
 11. MR. STOCK: Okay.
 12. MR. HALE: But basically, it's a
 13. pathway that has a defined beginning and end.
 14. MS. JEFFERSON: Right. So --
 15. MR. STOCK: On --
 16. MS. JEFFERSON: -- it's from platform
 17. to platform?
 18. MR. HALE: From platform --
 19. MR. STOCK: And yes. Linear --
 20. MR. HALE: -- to platform, it has a
 21. defined --
 22. MR. STOCK: In linear courses. But
 23. there's a lot of elements, especially in traditional
 24. challenge courses where they stand alone. It would
 25. be a leap of faith here where you climb up the

1. telephone pole and jump off or it'll be rungs of a
 2. ladder where two people use it to climb together.
 3. They're not connected in any way. They're
 4. individual elements but they're not in a series.
 5. MR. HALE: But you're -- but it's
 6. part of that same course.
 7. MS. O'CONNOR: No, those would be --
 8. MS. POWERS: But that course --
 9. MR. STOCK: No.
 10. MS. O'CONNOR: -- individual courses.
 11. MR. HALE: Or you can deviate from
 12. the course and do those and not --
 13. MR. RADER: Or you can do that by
 14. itself.
 15. MR. STOCK: Yes. And so that's where
 16. it would -- I think it would be super helpful if we
 17. could put that together so everyone kind of knows
 18. the definitions.
 19. MR. FISHER: So there would be some
 20. elements that are in multiple courses, I guess,
 21. or -- like, if you had one ladder and you were doing
 22. course A and you go do the zipline and then you
 23. climb this ladder --
 24. MR. RADER: Well, let me ask the --
 25. MR. FISHER: -- would that be the

1. same ladder as, you know, if you were doing course B
 2. where you came in on a different zipline.
 3. MR. STOCK: Sometimes.
 4. MS. JEFFERSON: Sometimes.
 5. MR. FISHER: Okay.
 6. MR. STOCK: Yeah.
 7. MR. FISHER: So they kind of, you
 8. know --
 9. MR. STOCK: Sometimes.
 10. MR. FARMER: -- can intermingle.
 11. MR. STOCK: Yes. They -- you know,
 12. they very often do. In an aerial adventure park
 13. kind of application. There's another term. So it's
 14. a --
 15. CHAIRMAN FOX: I think -- do we have
 16. a consensus to ask Mr. Stock to put together some
 17. definitions for us on this so that we can --
 18. MS. O'CONNOR: Yes.
 19. CHAIRMAN FOX: -- make a better
 20. informed decision?
 21. MR. MOORE: And you will include
 22. examples with that --
 23. MR. STOCK: Yeah. Absolutely.
 24. MR. MOORE: -- so we're -- it's
 25. really clear to everyone.

1. MR. STOCK: I'll put -- we'll put
 2. pictures and all those kinds of things.
 3. MR. MOORE: And this will be somewhat
 4. standardized across the industry so if --
 5. MR. STOCK: Yeah. I mean, there's
 6. some tiny variation between whether someone calls
 7. some an aerial tracking course or aerial adventure
 8. park, but they -- anyone who's in our industry will
 9. look at that and go, yeah, that's a --
 10. MR. MOORE: That's a course.
 11. MR. STOCK: Yeah.
 12. MR. MOORE: That's an element.
 13. MR. STOCK: Yes.
 14. MR. MOORE: Okay.
 15. CHAIRMAN FOX: Okay.
 16. MR. HALE: And I would ask that you
 17. communicate with and commiserate with other folks --
 18. MR. STOCK: Oh, sure. Yeah.
 19. MR. HALE: -- industry folks to make
 20. sure that we don't get here and then they all come
 21. barging through the door with, you know --
 22. MR. MOORE: Pitchforks.
 23. MR. STOCK: No. I will of course --
 24. MR. FARMER: Why are you asking these
 25. people?

1. MR. HALE: Why are you asking these
 2. people to do it? You didn't ask me.
 3. MR. STOCK: Yup. Yup. Absolutely.
 4. CHAIRMAN FOX: Okay. So if you
 5. would, if I could ask you to, you e-mail that to me
 6. and then I'll --
 7. MR. STOCK: Okay.
 8. CHAIRMAN FOX: -- send it out to
 9. everyone. And if we could have that at least by --
 10. MR. FARMER: Tomorrow.
 11. CHAIRMAN FOX: Tomorrow?
 12. MR. HALE: Monday.
 13. CHAIRMAN FOX: Monday, Friday. No,
 14. I'm just kidding. We would need -- how long before
 15. we have to set the agenda for the -- what day in
 16. November do we set the --
 17. MS. BENNETT: It's one month ahead,
 18. so it would be --
 19. CHAIRMAN FOX: November the --
 20. MS. BENNETT: November the 6th, yeah.
 21. CHAIRMAN FOX: All right. Well, we
 22. can ask you to put that on the agenda for then --
 23. MS. BENNETT: Yes.
 24. CHAIRMAN FOX: And then you can send
 25. it to us. Is November the 15th --

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1. MR. STOCK: I'll get it to you as
2. quickly as we can. I -- the 15th is --
3. CHAIRMAN FOX: Okay.
4. MR. STOCK: Yeah, 15th is good.
5. CHAIRMAN FOX: All right. If you
6. could do that by then, that would be great. And
7. that way --
8. MR. STOCK: Absolutely.
9. CHAIRMAN FOX: -- we can disseminate
10. the information. We can --
11. MR. STOCK: Yeah.
12. CHAIRMAN FOX: -- kind of make a
13. better informed decision.
14. MR. STOCK: Absolutely.
15. MR. MOORE: But the feeling I'm
16. getting is that on -- the standalone elements would
17. be separate from a course, right?
18. CHAIRMAN FOX: Yes, sir.
19. MR. MOORE: So is everyone's feeling
20. that that would be a separate inspection because
21. it's not part of a course or -- I'm just trying to
22. get a feeling of --
23. MR. RADER: Well, that's what I was
24. going to ask Don. Do you consider, for instance, a
25. zipline and then you go over to a -- like, a

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1. climbing tower, is that two courses? In other
2. words, I could go and do the zipline by itself and
3. the --
4. MR. STOCK: Right.
5. MR. RADER: -- climbing wall or the
6. climbing tower by itself.
7. MR. STOCK: What you're describing
8. sounds like a layout at a camp. Okay? So
9. basically, at a camp facility, very often you will
10. have -- I mean, the very common thing is just going
11. to be you'll have a climbing tower. You'll have a
12. zipline that's either an exit off of a course or
13. it's a standalone zipline. Or you'll have a leap of
14. faith where someone climbs a telephone pole and
15. jumps off and grabs a trapeze or hits a ball or
16. something like that.
17. Normal vernacular for describing that
18. is a high ropes course. Okay? And it -- and
19. that's --
20. MR. RADER: And each one --
21. MR. STOCK: -- a camp setting.
22. MR. RADER: -- would be a course.
23. MR. STOCK: What's that?
24. MR. RADER: Each one --
25. MR. STOCK: They would refer to all

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1. of those elements, whether attached, detached, or
2. whatever -- this adds to the confusion, because it's
3. inconsistent with what we call a course in an aerial
4. adventure park or a canopy tour world. Because
5. there, a course is all the things that are linked
6. together. But in referring to camp applications, we
7. have historically all called those things, that
8. conglomeration, even if they're standalone,
9. connected or not, we address that as a challenge
10. course.
11. MR. RADER: Got you.
12. MR. STOCK: And that was -- that
13. course. And then in aerial adventure parks and
14. canopy tours, it -- the thing that -- they're
15. connected and you, like, enter into the course -- or
16. a ladder or whatever and then you go element,
17. element, element, and then zip to the ground. Those
18. five elements and ziplines that -- in our mind,
19. that's what we're referring to as a course. Or
20. five --
21. MR. RADER: So as a board, how do we
22. need to view that?
23. MR. STOCK: Can that be --
24. MR. RADER: An aerial park versus --
25. MR. STOCK: Can that be --

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1. MR. RADER: -- one that's for profit?
2. MR. STOCK: Yeah. Can that be part
3. of my --
4. MR. RADER: Yeah.
5. MR. STOCK: Can that be part of my
6. presentation? Can I --
7. MR. RADER: Because I'm a little
8. confused on some terms.
9. MR. STOCK: Well, it is confusing,
10. because we're dealing with an apparatus that people
11. aren't familiar with and then there's such variety
12. within the industry that it is pretty confusing.
13. I'd love to, like, sit down and go, okay, this is
14. how -- if I was sitting there, this is what I would
15. propose. And you can use it or don't use it, tear
16. it apart but -- I mean, I think --
17. MR. RADER: I'd like to see that.
18. MS. O'CONNOR: Yeah.
19. MR. STOCK: I mean, I think we could
20. easily do that and put together a comprehensive way
21. to look at this and approach it that is going to be
22. amenable to --
23. MR. FARMER: Well, that's the most
24. important, because you guys understand it along with
25. us.

1. MR. STOCK: Right.
 2. MR. FARMER: More than the general
 3. public. You know, it's just --
 4. MR. STOCK: Yeah. Absolutely.
 5. MR. FARMER: This is going to be
 6. interesting to people and it's going to be State
 7. people.
 8. MR. STOCK: Right.
 9. MR. FARMER: So we're the only two
 10. that's got to really know --
 11. MR. STOCK: Yeah.
 12. MR. FARMER: -- how it works. You
 13. know, it's --
 14. MR. STOCK: And it absolutely should
 15. be categorized into, like, non-profit camp
 16. traditional use and strictly commercial operations.
 17. And those are pretty easy to put some definitions
 18. together for.
 19. CHAIRMAN FOX: If you would do that
 20. and have that -- if you could do that for us, I
 21. would appreciate that.
 22. MR. STOCK: Can do.
 23. CHAIRMAN FOX: And if -- would -- by
 24. the 15th. And with that being said, we are going to
 25. establish a break here. And we'll be back in 10

1. minutes. It's now 10:30. If we could come back in
 2. 20 minutes, we'll be ready to go at that time.
 3. (Recess observed.)
 4. CHAIRMAN FOX: Let's see, on the --
 5. just getting ready for the inflatable section of
 6. this, there's the inflatable you buy at Walmart or
 7. Sam's, for lack of a better term, and then there's
 8. the commercial grade. We do not inspect -- just so
 9. that we're absolutely sure, we do not inspect the
 10. Walmart or the Sam's model; is that correct?
 11. MS. JEFFERSON: No, only the
 12. commercial.
 13. MS. O'CONNOR: What if --
 14. MR. HALE: But --
 15. MS. O'CONNOR: What if they're
 16. charging them? What if your buddy Ralph was in the
 17. backyard charging the neighborhood kids --
 18. MR. RADER: Old Ralph.
 19. MS. O'CONNOR: Old Ralph is -- and
 20. the neighborhood kids.
 21. MR. HALE: Well --
 22. MS. O'CONNOR: I mean, as soon as
 23. fees are involved, aren't we involved?
 24. CHAIRMAN FOX: I think that makes it
 25. a commercial venture.

1. MS. JEFFERSON: Yes.
 2. MR. HALE: Well --
 3. MS. JEFFERSON: I think so, too.
 4. Because they're actually -- aren't they serving --
 5. MR. HALE: But wait, now. But --
 6. MS. JEFFERSON: -- as a business?
 7. MS. O'CONNOR: I mean, we're not
 8. going to permit them, because they're not
 9. commercially --
 10. MR. HALE: Right. But are you going
 11. to tell the health department to have -- to inspect
 12. every lemonade stand, that two 12-year-olds sit in
 13. the front yard of their house and charge a quarter
 14. for a glass?
 15. MS. O'CONNOR: No, but they inspect
 16. food trucks.
 17. MR. HALE: They do, but I think
 18. there's a difference in some kids making a quarter
 19. off their next-door neighbor and setting up an
 20. enterprise, setting up a functioning company.
 21. MS. JEFFERSON: Right. So if you
 22. hold yourself out as a company --
 23. MR. HALE: Yeah.
 24. MS. JEFFERSON: -- then --
 25. MR. HALE: If you're advertising and

1. that kind of thing, I think that is what
 2. differentiates that. But I think we also have to be
 3. careful to say that -- unfortunately, there are some
 4. inflatable operators that are buying Sam's backyard
 5. devices and putting them out for commercial use. So
 6. I don't think --
 7. MS. O'CONNOR: That's --
 8. MR. HALE: -- we can define it just
 9. because it was bought -- because it wasn't designed
 10. for commercial use. If it's being used
 11. commercially, it needs to be inspected commercially.
 12. MS. O'CONNOR: That's where I'm
 13. basically at.
 14. MR. HALE: Yeah.
 15. MS. JEFFERSON: Have we had that to
 16. happen, Carlene?
 17. MS. BENNETT: Yes. And it's -- I
 18. think it came down to the question of durability,
 19. too. I mean, the people who do that out of their
 20. backyard to the neighborhood kids, you know, you
 21. bounce on it a few times and it's not going to last.
 22. The commercial ones are built to last and take more
 23. people. But we had a company who had a commercial
 24. but he also was renting a non-commercial.
 25. MR. HALE: Exactly.

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1. MS. BENNETT: And --
2. MR. HALE: If you're going to rent it
3. out, it ought to have to be inspected.
4. MS. BENNETT: But when --
5. MR. FARMER: But let's -- go ahead.
6. I'm sorry.
7. MS. BENNETT: No. And I think we
8. asked him to remove that from his commercial. So --
9. MR. FARMER: That goes with picture
10. taking, right, the third-party inspector takes
11. pictures and submits? The third-party inspector's
12. not going to accept a residential inflatable.
13. MS. JEFFERSON: Right. And then at
14. least they'll put us on notice. They put --
15. MR. FARMER: Yeah.
16. MS. JEFFERSON: -- the State on
17. notice.
18. MR. FARMER: And then we'll have
19. compliance officers that can follow up if there's a
20. complaint, correct?
21. MS. JEFFERSON: Right.
22. MS. BENNETT: And just so you know,
23. Antjuan Koger is in the audience and he has an
24. inflatable business, right?
25. MR. ANTJUAN KOGER: Yes, ma'am.

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1. MS. BENNETT: Okay. So he would be
2. our expert on that today.
3. CHAIRMAN FOX: Okay. Mr. Koger,
4. could I ask you a couple of questions, please?
5. MR. ANTJUAN KOGER: Yes.
6. CHAIRMAN FOX: Okay. And this is a
7. question of ignorance.
8. MR. BAILEY: Mr. Chairman --
9. CHAIRMAN FOX: Ignorance is strength.
10. MR. BAILEY: If you can --
11. MR. HALE: Why don't you ask him to
12. come up --
13. MR. BAILEY: -- come up.
14. MR. HALE: -- here where we can --
15. CHAIRMAN FOX: Come up to the chair,
16. please.
17. MR. HALE: Take the hot seat.
18. CHAIRMAN FOX: We're going to grill
19. you for a few minutes. We're trying to work through
20. these issues as I told you all on the front end.
21. This is a little bit abnormal the way we're doing
22. this, but we're just trying to work through some
23. issues and some opportunities. So --
24. MR. ANTJUAN KOGER: Okay.
25. CHAIRMAN FOX: A question of

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1. ignorance, do inflatables come in any sort of tiered
2. capacity? Is there a separate and distinct way that
3. you would identify different inflatable devices? Is
4. there --
5. MR. ANTJUAN KOGER: They come in
6. different sizes, shapes, uses. You have some that
7. are considered based on weight limit. You have
8. toddler units that can only hold a certain amount of
9. weight and capacity. Then you have your medium to
10. large bounce houses that has netting around the
11. sides that can only have a certain amount of weight
12. capacity, as well. And a lot of times, you know --
13. sometimes you rent them with staff, sometimes you do
14. not rent them with staff. And sometimes people
15. overload the inflatables, and if you overload them,
16. they will collapse.
17. CHAIRMAN FOX: They'll almost
18. implode.
19. MR. ANTJUAN KOGER: Yeah, it won't
20. explode or anything, but it will make the inflatable
21. sag --
22. MR. HALE: Yeah.
23. MR. ANTJUAN KOGER: -- because it's
24. over the weight limit.
25. CHAIRMAN FOX: Yes, sir.

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1. MR. ANTJUAN KOGER: And you -- we try
2. to instruct the volunteers that -- most responsible
3. business owners in our industry will give
4. instructions on each rental to the person who is
5. going to be watching the material. We require that
6. they have a volunteer if they're not paying for our
7. staff to be there. And it's supposed to give
8. instructions on how to operate. So --
9. But they do come in different sizes
10. and shapes and for different uses. The
11. non-commercial inflatables that you're speaking of
12. at Sam's Club, those are made out of nylon. Those
13. are very bad for commercial use.
14. CHAIRMAN FOX: Yes, they are.
15. MR. ANTJUAN KOGER: And we do not use
16. those. So if you have different grades in vinyl,
17. you have 16-ounce and 18-ounce vinyl, you really
18. can't -- most people really can't tell the
19. difference. And if something was to fail, it
20. wouldn't be because of the vinyl material. It
21. may -- it would be because of the seams and how it's
22. manufactured.
23. CHAIRMAN FOX: So if I were to come
24. to your company -- let's call it the ACME company,
25. because I don't know what the name of your company

1. is. I go to the ACME company. We've been to the
 2. ACME zipline place, the ACME theme park, and now
 3. we're going to ACME inflatables. Do you -- how
 4. would you tell me -- if I said, okay, I've got a
 5. party and I want to have an inflatable there, do you
 6. sell that -- sell your product or your service to me
 7. by the number of people that that inflatable will
 8. carry or how -- or the height of it? Or how do you
 9. differentiate, is where I'm headed. We're trying to
 10. come up with the criteria to charge a tiered fee or
 11. a flat fee or -- we're trying to figure out a way to
 12. do that.

13. MR. ANTJUAN KOGER: Right. We
 14. will -- it kind of varies. We ask the person or the
 15. client who's going to have the inflatable how many
 16. people will be at the event and how many people do
 17. you think will be actually using it, and we kind of
 18. judge, okay, this particular inflatable will be good
 19. for X amount of people. And it's kind of hard to
 20. determine how many people is actually going to use
 21. your equipment or how big the crowd's going to be,
 22. because we never know --

23. MR. RADER: A lot of people will call
 24. you and they know what they want.

25. MR. ANTJUAN KOGER: Right. A lot --

1. most of the time, they do call and they know what
 2. they want. It's kind of hard to put a number on how
 3. many people will actually use the inflatable.

4. CHAIRMAN FOX: Okay. So with that
 5. being said, what is the most fair way for us to
 6. impose a fee on you for having that inflatable, or
 7. not having it, but selling the use of it in a
 8. commercial venture?

9. MR. RADER: The number of
 10. inflatables?

11. MR. ANTJUAN KOGER: Yes. I'd say
 12. number of inflatables. Yeah. Because -- yeah. I
 13. mean, just off the top of my head --

14. MR. RADER: That makes sense to me.

15. MR. ANTJUAN KOGER: -- that'd be the
 16. easiest way. That's the number of equipment. What
 17. we don't like, as operators, that we kind of get
 18. double charged, because we got to have -- submit a
 19. payment to the State and we also have this -- submit
 20. a payment to the third-party inspector for the same
 21. unit, and that's kind of like we're getting double
 22. dipped on that and we're really not happy about
 23. that. So if it can kind of be one fee that includes
 24. the inspection and the State fee, we just -- we
 25. don't like getting double dipped basically.

1. CHAIRMAN FOX: Well, I think the way
 2. it's set up today, that there is a third-party
 3. inspection.

4. MR. ANTJUAN KOGER: Right.

5. CHAIRMAN FOX: However -- whatever
 6. that fee is. But I think there's also, correct me
 7. if I'm wrong, but it's a permit or a use fee.

8. MS. JEFFERSON: It's a permit fee.

9. CHAIRMAN FOX: Permit fee that you
 10. would have to pay, and that does not include an
 11. inspection.

12. MR. ANTJUAN KOGER: Right.

13. CHAIRMAN FOX: It's not --

14. MR. HALE: Unless you had an accident
 15. with a serious injury.

16. CHAIRMAN FOX: Unless you had an
 17. accident with a serious injury.

18. MR. ANTJUAN KOGER: Right.

19. CHAIRMAN FOX: So what we're looking
 20. to do is do something fair, try to be fair and
 21. equitable to everyone.

22. MR. RADER: On the permit fee.

23. CHAIRMAN FOX: On a permit fee.

24. MS. JEFFERSON: Right.

25. CHAIRMAN FOX: And we have talked

1. about a 25, a 50, a 100. You didn't even wince at
 2. 100. You didn't --

3. MR. ANTJUAN KOGER: Yeah. That'd be
 4. 25 with --

5. MR. RADER: He's wondering if you're
 6. saying 100 flat fee or 130.

7. MR. ANTJUAN KOGER: I mean, I believe
 8. 25 is what it's currently at. That's for our
 9. industry.

10. MR. FARMER: Per device.

11. MS. JEFFERSON: \$25 per device.

12. MR. ANTJUAN KOGER: Right.

13. MR. HALE: Per device?

14. MR. FISHER: Typically, the average
 15. inflatable company, how many inflatables are they
 16. going to have in stock that they offer? And I know
 17. that varies a lot but --

18. MR. ANTJUAN KOGER: Right. We're a
 19. little over 40, is what we have. There's a few
 20. companies that's over, like, 50, 60, and 70 in -- at
 21. least in the Nashville area that I know about. But
 22. there's a lot that only have 10. And --

23. MR. RADER: Are you the norm or are
 24. you kind of above average?

25. MR. ANTJUAN KOGER: I'm above

1. average. I'm above average. Yeah. I would say I'm
 2. in the top three that I know about --
 3. MR. RADER: Yeah.
 4. MR. ANTJUAN KOGER: -- in the area.
 5. MR. FISHER: So the upper end of some
 6. of the larger inflatable --
 7. MR. ANTJUAN KOGER: Right.
 8. MR. FISHER: -- companies, you're
 9. looking at probably 40, 50 units.
 10. MR. ANTJUAN KOGER: At least.
 11. MR. FISHER: And then the more, just
 12. a guy renting --
 13. MR. ANTJUAN KOGER: 20 and below.
 14. MR. FISHER: Yeah.
 15. CHAIRMAN FOX: What's the extreme
 16. number that you're aware of out there? Who has the
 17. most?
 18. MR. ANTJUAN KOGER: Probably -- in
 19. our area or anywhere?
 20. CHAIRMAN FOX: In the state of
 21. Tennessee.
 22. MR. ANTJUAN KOGER: State of
 23. Tennessee? I'm not sure about anybody outside the
 24. state, but probably, maybe 60 to 100.
 25. CHAIRMAN FOX: Okay. So if we

1. imposed a fee -- because we don't know what we're
 2. going to do yet -- but if we said --
 3. MR. ANTJUAN KOGER: Right.
 4. CHAIRMAN FOX: -- it's \$50 per
 5. inflatable, that's \$5,000 for 100, the way I count,
 6. right?
 7. MR. ANTJUAN KOGER: That's a lot for
 8. a seasonal business, in my opinion. You know, we're
 9. only --
 10. CHAIRMAN FOX: For 100 inflatables?
 11. MR. ANTJUAN KOGER: So --
 12. CHAIRMAN FOX: \$50 a piece.
 13. MR. ANTJUAN KOGER: A piece for 100
 14. inflatables? I think that's a lot.
 15. MR. HALE: But if you have 100
 16. inflatables, you're --
 17. MS. O'CONNOR: Bringing in --
 18. MR. HALE: You're making -- you're
 19. doing a lot of business, probably.
 20. MR. ANTJUAN KOGER: Well, yeah, but
 21. some units that we have aren't an every-weekend
 22. unit. So you have some -- so basically, I mean, I
 23. have pieces that sit there for a month before they
 24. rent. So I'm paying \$100 on that piece and it
 25. doesn't even go out like some of the other pieces.

1. Because it's all trendy. You got a Disney princess
 2. inflatable that may go out 50 times, you got a
 3. Mickey Mouse and they go out five times, but you
 4. kind of got to have it to cover -- if you want to
 5. cover all your audience. So you're paying money on
 6. units that don't go out as much as others.
 7. MS. O'CONNOR: But on --
 8. MR. ANTJUAN KOGER: So it's tricky.
 9. MS. O'CONNOR: Help me understand.
 10. On those bigger -- I'm assuming they're bigger
 11. units --
 12. MR. ANTJUAN KOGER: Yes.
 13. MS. O'CONNOR: -- that aren't going
 14. out all the time.
 15. MR. ANTJUAN KOGER: Right.
 16. MS. O'CONNOR: Isn't your risk a
 17. little higher on that, because you're going to have
 18. more kids bouncing on them? So I mean, would -- you
 19. see where I'm going with this. Wouldn't that
 20. justify, then -- it's not going out as much, but
 21. when it does go out, you know, it's --
 22. MR. ANTJUAN KOGER: Well, you may --
 23. you get more money for a bigger unit, but
 24. necessarily, the kids are on it. Like, we have some
 25. 27-foot water slides that we only allow two people

1. to be on at a time, but it's a super huge
 2. inflatable, 60 feet long and 27 feet long and tall,
 3. but we only allow two people to be on it at a time.
 4. So we make them form a line off the unit. But you
 5. may get a lot of volume, like an obstacle course
 6. where kids would run through it and then they're off
 7. of it, versus a bounce house where you got kids that
 8. are in there for 10 minutes at a time and then all
 9. would come out and they'd replace with 10 more kids.
 10. But --
 11. CHAIRMAN FOX: What I just heard you
 12. tell me was you charge X number for this particular
 13. type of deal --
 14. MR. ANTJUAN KOGER: Right.
 15. CHAIRMAN FOX: -- and this amount for
 16. the smaller ones.
 17. MR. ANTJUAN KOGER: Right.
 18. CHAIRMAN FOX: What's the
 19. differentiation? How --
 20. MR. ANTJUAN KOGER: We --
 21. CHAIRMAN FOX: Is there -- is it
 22. by -- that's where --
 23. MR. ANTJUAN KOGER: Right.
 24. CHAIRMAN FOX: -- I was headed a
 25. while ago. Is there a -- by number of people or by

1. weight or by size? How do you differentiate what
 2. you're going to charge for those two elements?
 3. MR. ANTJUAN KOGER: The size of the
 4. unit is because it costs us a whole lot more money
 5. to buy that unit.
 6. CHAIRMAN FOX: Okay.
 7. MR. ANTJUAN KOGER: And we will get
 8. more rent -- more money for the rental -- you get
 9. more money for it because it's a bigger attraction.
 10. Some -- as Coca-Cola calls us to say, you know, we
 11. got a big family festival. What's your biggest
 12. slide you got? Well, it's this and this and that.
 13. We charge more for it just because it's larger and
 14. it's --
 15. CHAIRMAN FOX: Certainly.
 16. MR. ANTJUAN KOGER: -- a bigger piece
 17. but --
 18. MR. RADER: Sure.
 19. MR. ANTJUAN KOGER: -- as far as
 20. functionality of it, you could still maybe only have
 21. two people at a time. It's just a bigger
 22. attraction.
 23. CHAIRMAN FOX: Okay.
 24. MR. ANTJUAN KOGER: Does that kind of
 25. answer your question?

1. CHAIRMAN FOX: Yes. But think of it
 2. like this: Again, we're looking to charge a fee.
 3. MR. ANTJUAN KOGER: Right.
 4. CHAIRMAN FOX: We want to be fair and
 5. equitable. We've got to do -- we've got to maintain
 6. enough money to support our --
 7. MR. RADER: Inspectors.
 8. CHAIRMAN FOX: -- staff, our
 9. inspectors. But we also don't want to burden you.
 10. MR. ANTJUAN KOGER: Right.
 11. CHAIRMAN FOX: You being the person
 12. out there. Again, this is a two-way street. We're
 13. looking to -- if you've got a small inflatable,
 14. whatever determines that or what definition you use
 15. for that, you know, maybe that's a \$25 fee. And if
 16. you've got the big one where you've got 200 people
 17. that can be in that thing at one time, that's
 18. another fee.
 19. MR. ANTJUAN KOGER: Right.
 20. CHAIRMAN FOX: And I'm trying to
 21. figure out what that dividing line is.
 22. MR. ANTJUAN KOGER: Yeah. It's -- I
 23. understand exactly where you're going with it now,
 24. but it's -- like I said, it's tricky, because
 25. there's nothing that can hold a whole lot of people

1. at one time. It's just a bigger unit that -- it's
 2. way more --
 3. MR. RADER: Costs more money --
 4. MR. ANTJUAN KOGER: And it costs more
 5. money for us to buy and it's funner. So you've got
 6. a slide that can only have two people on it at a
 7. time, but it's a better experience, so we charge
 8. more.
 9. CHAIRMAN FOX: Okay.
 10. MR. ANTJUAN KOGER: But you
 11. necessarily can't have 50 people on it just because
 12. it's bigger.
 13. MR. FISHER: Yeah.
 14. MR. ANTJUAN KOGER: Does that make
 15. sense?
 16. CHAIRMAN FOX: I understand. Yeah.
 17. So if this --
 18. MR. ANTJUAN KOGER: I know you're
 19. trying to make -- trying to see how to charge more,
 20. how to differentiate the two, but just because it's
 21. larger doesn't mean we can have more people on it.
 22. It's just as a funner experience for the customer.
 23. That's all.
 24. MS. O'CONNOR: Right.
 25. CHAIRMAN FOX: Right.

1. MR. RADER: Is your industry -- is it
 2. year-round?
 3. MR. ANTJUAN KOGER: No, it's not.
 4. MR. RADER: So come --
 5. MR. ANTJUAN KOGER: The -- well, it
 6. is --
 7. MR. RADER: -- February and March,
 8. you're pretty much -- unless it's --
 9. MR. ANTJUAN KOGER: Two weeks
 10. (verbatim), my doors will probably be closed.
 11. MR. RADER: Yeah.
 12. MR. ANTJUAN KOGER: All the way up
 13. until March. So we're paying a yearly fee for
 14. something we only use for five or six months out of
 15. the year.
 16. MR. RADER: Is that the norm for your
 17. industry?
 18. MR. ANTJUAN KOGER: Yes. For -- it's
 19. regional, so Florida's going to be year-round.
 20. MR. RADER: Sure. Yeah.
 21. MR. ANTJUAN KOGER: Yeah, it's always
 22. going to be year-round.
 23. MR. RADER: Right.
 24. MS. O'CONNOR: Right.
 25. MR. ANTJUAN KOGER: But Tennessee --

1. MR. RADER: Florida's going to be
 2. year-round.
 3. MR. ANTJUAN KOGER: -- we get ice on
 4. the ground in January. So I don't have any
 5. business. So I got my units -- we winterize them.
 6. So probably in the next couple of weeks, we're going
 7. to blow everything up, we're going to make sure
 8. they're completely dry; we store them all the way up
 9. until March. We won't touch them.
 10. CHAIRMAN FOX: Wow.
 11. MR. ANTJUAN KOGER: So we're paying a
 12. yearly fee on all this stuff. We pay yearly
 13. insurance on all this stuff and then we only use it
 14. for six months.
 15. CHAIRMAN FOX: Just so --
 16. MR. RADER: I'll ask you another
 17. question. And I'm not asking you specifically. But
 18. what would you say -- somebody that would have an
 19. average number of inflatables in your industry, what
 20. will they gross a year in revenue?
 21. CHAIRMAN FOX: What would the ACME
 22. Inflatable Company gross?
 23. MR. RADER: A range. I mean, it can
 24. be a range. From somebody's that's got 10 to 20
 25. units to somebody that's in your category.

1. MR. ANTJUAN KOGER: Right. You're
 2. looking anywhere from 60 to 150, maybe 200. It
 3. depends on how good of a name you've got out there
 4. and how well your reputation is.
 5. MR. RADER: Sure. Sure.
 6. MR. ANTJUAN KOGER: So yeah. So if
 7. you get a lot of units going out, it varies.
 8. CHAIRMAN FOX: Okay.
 9. MR. MOORE: Do you have units you can
 10. set up inside?
 11. MR. ANTJUAN KOGER: Yes.
 12. MR. MOORE: Okay. Because -- back in
 13. East Tennessee, we have, I think, two or three -- I
 14. think they call them jump houses or something --
 15. that are just --
 16. MR. FARMER: There's several
 17. businesses here in town that have inflatables that
 18. are open year-round because they are indoors.
 19. MR. ANTJUAN KOGER: Right.
 20. MR. FARMER: Monkey Joe's --
 21. MS. JEFFERSON: Like Monkey Joe's.
 22. MR. ANTJUAN KOGER: Right.
 23. MS. JEFFERSON: We have some other
 24. companies.
 25. MR. FARMER: And so when you're

1. charging a fee for all inflatables, there's some
 2. people that are going to be making money off of
 3. inflatables year-round.
 4. MR. ANTJUAN KOGER: Right.
 5. MR. FARMER: Where you won't be able
 6. to make --
 7. MR. ANTJUAN KOGER: I'm not.
 8. MR. RADER: You don't have --
 9. MR. ANTJUAN KOGER: Right. I'm just
 10. a rental company. They're a FEC or a family
 11. entertainment center.
 12. MR. MOORE: Yeah.
 13. MR. ANTJUAN KOGER: So they're open
 14. year-round. And then it may make sense for them.
 15. Maybe you could categorize it for just the type of
 16. industry, because we're rental only. We don't have
 17. an open door where people come in and pay \$10 to
 18. play all day. We don't --
 19. MR. RADER: You bring it to my house.
 20. MR. ANTJUAN KOGER: That's it.
 21. MR. RADER: Yeah.
 22. MR. FARMER: But on the other side of
 23. that, carnivals are not here all year.
 24. MS. O'CONNOR: Exactly.
 25. MR. FARMER: I'm sure Dollywood's not

1. as busy in the winter as it is July 4th.
 2. CHAIRMAN FOX: Oh, we are, but
 3. there's just nobody there.
 4. MR. FARMER: Good point. Nobody's
 5. paying to get in, right? So it's kind of --
 6. MR. RADER: Nobody but the newlyweds
 7. and the nearly deads, right?
 8. MR. FARMER: So the only ones I see
 9. that keep busy all year round is maybe the
 10. inflatables that are inside.
 11. MR. ANTJUAN KOGER: Right.
 12. MR. FARMER: So you're not in the --
 13. your boat by yourself. You're in a boat with
 14. three-quarters of the --
 15. MR. ANTJUAN KOGER: Exactly.
 16. MR. FARMER: -- of the population.
 17. MR. ANTJUAN KOGER: Exactly. That's
 18. a good point. I mean --
 19. MR. FARMER: That's the way I'm
 20. looking at it.
 21. MR. ANTJUAN KOGER: Yeah, that's a
 22. good point.
 23. MR. FARMER: So --
 24. CHAIRMAN FOX: So we've got two or
 25. three goals here. One of those is, first and

1. foremost, paramount, is that we make this industry
 2. as safe as we possibly can.
 3. MR. ANTJUAN KOGER: Right.
 4. CHAIRMAN FOX: The other is, we want
 5. you to make money. And the third is we've got to be
 6. able to support, again, the staff and the people who
 7. are going to come out and inspect. So that --
 8. MR. ANTJUAN KOGER: Right.
 9. CHAIRMAN FOX: That's kind of hard to
 10. do.
 11. MR. RADER: Do you think what we
 12. charge now is unfair? Or what the State fees are?
 13. MR. ANTJUAN KOGER: I don't like that
 14. it's -- we got to pay them two different -- we have
 15. to pay for each inflatable twice.
 16. MR. RADER: Well --
 17. MS. O'CONNOR: Well --
 18. MR. ANTJUAN KOGER: But I think the
 19. \$25 is a fair rate. I'm not going to disagree with
 20. that. I mean, that's --
 21. MR. RADER: I was really talking
 22. about the permit, not the third-party inspection
 23. fee.
 24. MR. FARMER: Yeah. I think that's a
 25. fair price.

1. MS. JEFFERSON: And it's \$150 plus
 2. \$25 per inflatable.
 3. MR. HALE: Right.
 4. MR. FARMER: So you pay 1,150 a year,
 5. \$1,150 a year.
 6. MR. ANTJUAN KOGER: Right.
 7. MR. FARMER: For 40 units.
 8. MR. ANTJUAN KOGER: Right.
 9. MR. FARMER: Is that what you said
 10. you had? You had 40?
 11. MR. ANTJUAN KOGER: Yeah. Well, 32
 12. of them are required to be inspected by the State,
 13. but I have other inflatables that kids actually
 14. don't get on. So we have games that people just
 15. shoot basketball on, things like that.
 16. MR. FARMER: Got you. Got you.
 17. MR. ANTJUAN KOGER: It's not required
 18. by the State.
 19. MR. RADER: Got you.
 20. MR. FARMER: I understand. So it's
 21. 32 times 25 plus 150.
 22. MR. ANTJUAN KOGER: Right. I mean,
 23. would you guys be open to kind of separate the
 24. categories from a family entertainment center to
 25. just a rental fleet versus maybe a different

1. structure --
 2. MR. RADER: I think I'm open to
 3. anything. I'm speaking for myself here.
 4. MS. O'CONNOR: I would be, too.
 5. MR. FARMER: That's what this
 6. workshop's for, right?
 7. CHAIRMAN FOX: Yeah. Again, we're
 8. trying to be fair and equitable.
 9. MR. ANTJUAN KOGER: Right.
 10. CHAIRMAN FOX: And again, make our
 11. program sustainable.
 12. MR. ANTJUAN KOGER: Right.
 13. CHAIRMAN FOX: We don't know all the
 14. answers. Thank God for that.
 15. MR. ANTJUAN KOGER: Yeah. I think
 16. the -- as far as -- getting back to your question
 17. about the tiers on different-sized inflatables, I
 18. think they're too similar to kind of separate on
 19. that as far as charging more per -- just because of
 20. how big an inflatable it is. I think that's kind
 21. of -- it's -- they're too similar.
 22. MR. RADER: Wouldn't that be too
 23. confusing, though?
 24. MR. ANTJUAN KOGER: It is, because
 25. they're different --

1. MR. RADER: Yeah.
 2. MR. ANTJUAN KOGER: It could be
 3. something that looks totally different and so cool
 4. but the functionality is really the same. It's just
 5. a different design and it looks different but it
 6. really does the same thing. So it's kind of hard to
 7. distinguish.
 8. But I think you can kind of draw your
 9. line on the rental versus the FEC, you know,
 10. because, you know, I may open up an FEC down the
 11. line sometime. But right now, I'm just a rental.
 12. So we're all in the same boat. And they make
 13. money all year round and pay one fee and then we
 14. don't and then we have to pay the same fee.
 15. MR. MOORE: But then you also have to
 16. look at, you know, the public paying fire marshal
 17. inspections. They have a rental fee or -- to lease
 18. the building or -- I mean, there's other fees
 19. associated with one of those that are inside of a
 20. building that you don't have to pay. And I --
 21. again, I'm trying to be fair to you.
 22. MR. ANTJUAN KOGER: Right.
 23. MR. MOORE: But it's the same --
 24. MR. HALE: But they're having a fire
 25. marshal inspection and they're having a --

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1. MR. MOORE: Yeah.
2. MR. HALE: -- you know, they could be
3. having an electrical inspection requirement.
4. MS. O'CONNOR: But that --
5. MR. HALE: Like you said, rent --
6. MR. MOORE: But it --
7. MR. HALE: -- insurance for the
8. building.
9. MR. ANTJUAN KOGER: We pay rent,
10. insurance for the building, too, that --
11. MS. O'CONNOR: Well --
12. MR. FISHER: And at the same time,
13. they're not going to be the same size. They're not
14. going to have 40 units.
15. MR. ANTJUAN KOGER: In a --
16. MR. MOORE: Right. Right.
17. MR. FISHER: You know, they're
18. probably going to have five or ten and --
19. MR. MOORE: And that's what most --
20. MR. FARMER: Tops.
21. MR. FISHER: Whereas --
22. MS. O'CONNOR: And I would argue,
23. too, that it's not the State's responsibility to
24. differentiate when you run your business. I mean,
25. that's entirely up to you. I don't know that the

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1. State needs to determine that we're going to charge
2. this person because they only operate their business
3. six months out of the year as opposed to a year
4. long. To me, that's on you. That's your choice.
5. CHAIRMAN FOX: Yeah. That would
6. be --
7. MS. O'CONNOR: That's just -- I mean,
8. that's cost of doing business and that's how you
9. choose to run your business. I don't know that
10. we --
11. MR. FARMER: I think --
12. MS. O'CONNOR: -- need to get into
13. that.
14. MR. FARMER: -- we originally decided
15. that the amount of device that you have depends
16. on -- I mean, the more you have, the more money you
17. make and the more you're going to have to pay the
18. State for permits.
19. MS. O'CONNOR: Yeah.
20. MR. FARMER: That's fair.
21. MR. RADER: Right.
22. MS. O'CONNOR: Yeah.
23. MR. FARMER: That's in everything.
24. CHAIRMAN FOX: Yeah.
25. MR. FARMER: You know? I think just

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1. coming up with a dollar amount that's --
2. MS. O'CONNOR: That's fair.
3. That's --
4. MR. FARMER: -- that's correct and
5. fair and pays for us, the State, to oversee is what
6. we have to decide.
7. MR. ANTJUAN KOGER: And I --
8. MR. FARMER: I think the only way to
9. do it is by the number of devices you have, because
10. it's not fair to charge a person who has five
11. inflatables the same as the person who has 40 or 32
12. inflatables. It's not fair to them. That's just
13. what I'm thinking.
14. MR. ANTJUAN KOGER: I agree.
15. MR. HALE: I mean, that's why we're
16. doing a flat fee.
17. MS. O'CONNOR: Yeah.
18. CHAIRMAN FOX: Yeah.
19. MR. FISHER: But I think we --
20. MR. FARMER: Well, like --
21. MR. FISHER: We probably do need to
22. differentiate the type of device it is, because I
23. don't know that we should charge the same amount for
24. 40 inflatables as for 40 rollercoasters.
25. MS. O'CONNOR: Right.

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1. MR. FISHER: That we --
2. MR. HALE: I think that inflatables
3. have to be dealt with as their own separate entity.
4. CHAIRMAN FOX: Got it.
5. MS. O'CONNOR: Yes.
6. MR. FISHER: Yeah.
7. MR. HALE: I don't think that we
8. can --
9. MR. FARMER: Same as ziplines.
10. MR. FISHER: Same as ziplines.
11. MS. O'CONNOR: Yes.
12. MR. HALE: -- lump inflatables in
13. with mechanical rides any more than we could lump
14. ziplines in with mechanical rides. I think there
15. are some categories and things -- and I realize that
16. we can't make it so cumbersome that Ms. Jefferson
17. and the staff are like, well, what the heck's this
18. qualify under? I don't think we can have so many
19. categories that it's just --
20. MR. RADER: No.
21. MR. HALE: -- becomes a nightmare,
22. but I do think we have to categorize some things
23. ziplines --
24. MS. O'CONNOR: Inflatables.
25. MR. HALE: -- inflatables, and

1. mechanically operated rides.
 2. MR. FARMER: But keep in mind we're
 3. charging a permit fee, and correct me if I'm wrong,
 4. it doesn't take any longer to permit a zipline or a
 5. rollercoaster than it does an inflatable.
 6. CHAIRMAN FOX: That's true.
 7. MR. FARMER: All the permit process
 8. is the same.
 9. CHAIRMAN FOX: Yeah.
 10. MR. FARMER: Regardless of what the
 11. third-party inspector -- what we're charging for is
 12. a permit fee --
 13. MR. HALE: Right. But I'm --
 14. MR. FARMER: -- to permit it.
 15. MR. HALE: I agree on the \$150 part
 16. of it, but on the per-device fee, I think we have to
 17. take into consideration that it takes -- we do not
 18. have the same amount invested in investigating an
 19. inflatable accident as we would --
 20. MS. O'CONNOR: Yes.
 21. MR. FARMER: Yeah. I agree.
 22. MR. HALE: -- a rollercoaster
 23. accident.
 24. MR. FARMER: I agree with that, too.
 25. MR. RADER: Absolutely.

1. stand up in a ferris wheel and jump over the side to
 2. the ground. This is a rider responsibility issue.
 3. The owner of that ferris wheel is not responsible.
 4. They're not -- so that inspection was valuable to
 5. that owner, because it showed the owner was not at
 6. fault but that the rider was.
 7. And the same situation with an
 8. inflatable. If there's an incident and the
 9. inspector comes in and says, well, you know, the
 10. inflatable was properly set up, it was properly
 11. maintained, but the kids inside decided -- of the
 12. inflatable decided to get in a fight and broke one
 13. of them's leg. That wasn't the fault of the
 14. inflatable. That was a rider responsibility
 15. decision.
 16. So I think what we're offering as why
 17. we're charging the fees is to make that inspector
 18. available and make the process available to
 19. protect not only the public but also the owners,
 20. as well. And I think that's part of the argument
 21. when somebody says, well, you're charging me a fee
 22. but you didn't really come in and inspect. No,
 23. but I have the capability to assist in an accident
 24. situation because I did collect that fee.
 25. MS. JEFFERSON: So you want to have a

1. MR. HALE: For instance.
 2. MS. JEFFERSON: So let me ask a
 3. question just for clarity. So currently, we have
 4. two fees. We have the permit fee and we have the
 5. device fee. Now, there is contention, you know,
 6. outside of the State, out in the industry, because
 7. the industry feels that currently we're charging the
 8. same -- the device fee that we charge is the same
 9. that the third-party inspector is charging. So are
 10. we trying to get away from that because we don't
 11. want to have an appearance that we're actually
 12. charging the same as that third party where we have
 13. fees that are comparable for what they're doing?
 14. Because we're not inspecting anymore. Now, the only
 15. time we would inspect is if there's a special
 16. reason, if there's an accident.
 17. MR. HALE: But I think that's part of
 18. what -- and as I said to Mr. Koger earlier, I said,
 19. the thing about the state inspector is that
 20. inspector is there as a neutral and detached person.
 21. MR. FARMER: Yeah.
 22. MR. HALE: And their inspection may
 23. be as valuable to him as it is to the person
 24. that's -- to a prosecuting attorney. That inspector
 25. may come in and say, well, you're not supposed to

1. built-in, I guess, you're looking at -- you'd like
 2. to have a built-in fee for that in the event that we
 3. need it versus a special inspection fee that's
 4. separate?
 5. MR. HALE: No. I was, I guess,
 6. justifying why we charge a fee.
 7. MR. FARMER: Yes. And also, we're
 8. going to be out making these non-compliant companies
 9. compliant. They're your competitors.
 10. MS. O'CONNOR: Yes.
 11. MR. ANTJUAN KOGER: Right.
 12. MR. FARMER: It's going to level that
 13. playing field. If they're renting a cheaper unit
 14. they bought at Sam's, we're going to catch them
 15. doing it. These compliance officers are going to
 16. catch them and they're going to make them stop doing
 17. it. And that's your competition. We're going to
 18. make everybody on an even playing field.
 19. MR. HALE: That's right. As --
 20. CHAIRMAN FOX: We're going to try.
 21. MR. FARMER: That's -- you're paying
 22. for that protection in that permit fee.
 23. MR. HALE: And as Mr. Koger and I
 24. were discussing, I said to him, you know, I owned
 25. inflatables at one time, don't anymore, but I -- and

1. what bothered me was that I was paying insurance, I
 2. was giving instructions and putting my employees
 3. that were operating them through classes of how to
 4. safely operate those devices, and down the street,
 5. there's a guy renting them out that you backed up to
 6. his dock and he kicked it off the dock in the back
 7. of your truck and said, good luck, with no
 8. insurance, no training, no -- and that concerns me
 9. that there are those companies out there operating
 10. that way.

11. And I think part of our
 12. responsibility as a State is to ensure that those
 13. less than reputable operators are made to operate
 14. like Mr. Koger does and -- as opposed to in a
 15. manner that's endangering people's safety.

16. MS. O'CONNOR: And just to further
 17. clarify just so that I have this correct and we're
 18. on the same page, this is not a double dipping and a
 19. double fee. Permitting is what -- it is one thing,
 20. and that comes to the State for all of those reasons
 21. that Mr. Hale just said. The third-party inspection
 22. is also so that you can get insurance. You know, so
 23. that -- it's not, you know, a double fee. It's
 24. just, there again, a cost of doing business. Yes,
 25. you have to pay twice on the same device, but that's

1. two different parties for two different reasons.
 2. And it's a cost of doing business.

3. MR. ANTJUAN KOGER: I can see it.

4. MS. O'CONNOR: I don't like it either
 5. but it's --

6. MR. ANTJUAN KOGER: Yeah. I can see
 7. it. And I can see it.

8. MS. O'CONNOR: No. I feel your pain.

9. MR. ANTJUAN KOGER: Yeah. I can see
 10. it.

11. MS. O'CONNOR: I don't like it
 12. either, but it just -- it is what it is.

13. MR. ANTJUAN KOGER: Right.

14. CHAIRMAN FOX: Did you say you had 60
 15. inflatables?

16. MR. ANTJUAN KOGER: No.

17. MR. RADER: 38.

18. CHAIRMAN FOX: 38?

19. MR. HALE: 38?

20. MR. RADER: That he's paying the
 21. permit fee.

22. CHAIRMAN FOX: Okay.

23. MR. FARMER: 32 of them.

24. MR. ANTJUAN KOGER: 32.

25. MR. HALE: 32, you said.

1. MS. O'CONNOR: Yeah, 32.

2. MR. FARMER: 32 of them. That he's
 3. paying -- it's \$25 a device and then I'm sure your
 4. inspector's charging the same.

5. MR. ANTJUAN KOGER: Same price.

6. MR. FARMER: Is that right? So
 7. you're paying \$50.

8. MR. ANTJUAN KOGER: Right.

9. MR. FARMER: And then \$150.

10. MR. ANTJUAN KOGER: And back to
 11. your -- you're saying about making people compliant,
 12. there's a lot of people who just do them out of
 13. their garage.

14. MR. FARMER: Yes.

15. MR. ANTJUAN KOGER: There's a lot of
 16. churches and schools that have their own equipment
 17. that they just blow up for the school.

18. MR. FARMER: Yes.

19. MR. ANTJUAN KOGER: That -- I show up
 20. at the event and there's -- they don't have any
 21. stakes in their bounce houses. Because they may
 22. have something that we want (sic). They may have
 23. their own bounce house but want to get a slide from
 24. us or an obstacle course from us, and we show up and
 25. then they got their own stuff. If you guys would

1. think about that as far as the churches and things
 2. that have their own equipment that's just blown up
 3. and --

4. MR. FARMER: Yeah.

5. MR. ANTJUAN KOGER: At their
 6. functions.

7. MR. FARMER: Well, we just
 8. interviewed three compliance officers this week that
 9. hopefully we'll be on that soon. So that's the
 10. goal, is to have people out there looking for this
 11. kind of stuff.

12. CHAIRMAN FOX: Remember that very
 13. first thing I said a minute ago about those goals?
 14. Number one is to be safe.

15. MS. O'CONNOR: Yeah.

16. CHAIRMAN FOX: We don't want anybody
 17. hurt. And that's why we're doing this. That's why
 18. we're trying to proceed forward with this. And
 19. we're going to try our very best to make the State
 20. of Tennessee as safe as it possibly can be.

21. MS. O'CONNOR: With the churches and
 22. schools, do those fall under -- I know we had this
 23. conversation with non-profits and ziplines. Are
 24. they basically exempt?

25. MS. JEFFERSON: No.

1. CHAIRMAN FOX: Uh-uh.
 2. MS. JEFFERSON: They're not.
 3. MS. O'CONNOR: So we --
 4. MS. JEFFERSON: And --
 5. MS. O'CONNOR: So they would have to
 6. be permitted also?
 7. MS. JEFFERSON: Yes. And we've run
 8. into some schools, as well as some churches. My
 9. church, for example. I explained to them, because
 10. they weren't familiar with the statutory
 11. requirements. But now that I've explained it to
 12. them, then they know to check to make sure that the
 13. company we hire, when we have children's activities,
 14. make sure the companies we hire, the church hires,
 15. rather, has a valid permit. And so we're doing it
 16. one at a time. We do have -- do we have a temp line
 17. on our website?
 18. MS. BENNETT: We do, where they can
 19. report non-compliant companies.
 20. MS. JEFFERSON: Right. And you can
 21. do that anonymously. I know some people don't like
 22. to do that because you feel that you don't want to
 23. report your competitor. But some people don't have
 24. a problem with it, either.
 25. MR. ANTJUAN KOGER: I don't either.

1. information.
 2. CHAIRMAN FOX: Yes, sir.
 3. MR. ANTJUAN KOGER: Thank you.
 4. CHAIRMAN FOX: Thank you very much.
 5. MS. JEFFERSON: Thank you.
 6. MR. ANTJUAN KOGER: I'm glad to help.
 7. CHAIRMAN FOX: And I didn't mean to
 8. browbeat you there.
 9. MR. HALE: Yes, you did.
 10. MR. ANTJUAN KOGER: That's all right.
 11. CHAIRMAN FOX: I'm an old cop. I
 12. interrogate. You know what I mean?
 13. MR. ANTJUAN KOGER: Right. I wish I
 14. was more prepared. I really do, because I didn't
 15. have any -- I didn't know I was going to be up to
 16. speak and I didn't have any questions because I
 17. didn't know I was going to --
 18. MR. RADER: Well, you did good.
 19. MS. O'CONNOR: You were great. Thank
 20. you.
 21. CHAIRMAN FOX: You did great.
 22. MR. RADER: You did an excellent job.
 23. MR. HALE: You did a good job.
 24. MR. FARMER: Thank you.
 25. CHAIRMAN FOX: You've been very

1. I've done it. I've been on there typing in all kind
 2. of companies' names, I'll tell you.
 3. MS. O'CONNOR: We don't want the kids
 4. getting injured.
 5. MR. HALE: But doesn't it say
 6. something in the law about --
 7. MR. BAILEY: It does. But it's --
 8. well, what it says is an amusement device that is
 9. owned and operated by a non-profit, religious,
 10. educational, or charitable institution or
 11. association, if the device is located within a
 12. building subject to inspection by the State Fire
 13. Marshal or by any political subdivision of the
 14. State, under its Building, Fire, Electrical, and
 15. Related Public Safety ordinances. So --
 16. MR. HALE: It has to be inside.
 17. MR. BAILEY: -- if they're --
 18. MR. RADER: It has to be indoors.
 19. MR. BAILEY: If they're inside. But
 20. if they're operating them outside, then it's subject
 21. to being inspected by the State.
 22. MR. HALE: There you go.
 23. CHAIRMAN FOX: Okay. Sir -- any
 24. other questions?
 25. MR. RADER: You've been a wealth of

1. helpful to us.
 2. MR. ANTJUAN KOGER: Thank you.
 3. CHAIRMAN FOX: Thank you. All right.
 4. So what would be our recommendation on the
 5. inflatables?
 6. MR. HALE: Well, I think we should --
 7. number one, I think we should consider them as a
 8. separate category, not lump them in with --
 9. MS. O'CONNOR: Yes.
 10. MR. HALE: -- rides, with mechanical
 11. rides. And I --
 12. MR. RADER: To have a separate fee
 13. based --
 14. MR. HALE: Yeah, I think we --
 15. MR. RADER: Compare it to what's --
 16. MR. HALE: And I think we --
 17. MR. RADER: -- been proposed.
 18. MR. HALE: -- should charge them per
 19. device. And while I fully appreciate what he's
 20. saying about cost and so forth, I think a \$30 per
 21. device fee is not too cumbersome. It's an increase
 22. from where we were, not the increase necessarily
 23. that maybe y'all would prefer. However, I think
 24. there are a tremendous number of -- and I think
 25. you'll agree with this -- there's a tremendous

1. number of inflatable companies still to be located,
2. and these compliance officers are going to help with
3. that. So I think the revenue from those -- once all
4. those are located is going to be greater than what
5. we had -- first had anticipated.

6. MR. FISHER: I have a question about
7. that, just separating them out as a category. What
8. about similar to, like, trampolines? I mean, do you
9. consider them more of the mechanical variety or
10. would we consider them in the same category as
11. inflatables? Or -- because you get into a lot of --

12. MR. RADER: Well, I think --

13. MR. HALE: Well, I --

14. MR. FISHER: I mean --

15. MR. HALE: And I see your point. I
16. think at some point in time, though, we have to stop
17. dividing it up into categories or we'll be back in
18. the same shape. But I think that it is easy to
19. categorize inflatables by saying if it's operated by
20. the use of a blower, then it's an inflatable.

21. MR. FISHER: And I kind of agree,
22. because the business model of the majority of them
23. are different than a lot of the other -- because
24. outside of the few bounce house kind of thing, most
25. of them are on a rental basis.

1. MR. HALE: Right.

2. MR. FISHER: So I can see justifying
3. separating it out. I was just wanting to -- because
4. personally, I don't think we ought to just try to
5. fee this entire list separately or we'll be worse
6. off than we are.

7. MR. HALE: I agree. I agree.

8. MR. FISHER: Yeah.

9. MR. HALE: Totally agree. But I do
10. think that there is -- I think there's a reason to
11. separate inflatables out, that if there's an
12. accident that involves an inflatable, it's going to
13. take less time to investigate that than if it's a
14. rollercoaster that came off the track. You're not
15. inspecting welds and all those kinds of things if
16. you have an inflatable accident.

17. MS. O'CONNOR: But wouldn't the same
18. be true if you were investigating a trampoline?

19. MR. HALE: But -- and I don't
20. disagree, but where do you stop?

21. MS. O'CONNOR: I agree.

22. MR. HALE: And I think we have an
23. easy way to define these as devices that are
24. operated by use of a blower that --

25. MS. O'CONNOR: But my question still

1. goes back to then where do trampolines fall?

2. MR. HALE: But as far as trampolines,
3. you have a trampoline that's combined with a bungee
4. cord, so then -- you know, where they bounce on the
5. trampoline and the bungee cord takes them up. Well,
6. so is that a bungee cord or is that a trampoline? I
7. think --

8. MR. FARMER: It's a lot of fun.

9. MS. O'CONNOR: But how -- but it --

10. MR. FARMER: It's a lot of fun.

11. MS. O'CONNOR: Well, my question is,
12. so I own this -- I have to pay the fee. What fee am
13. I paying for that -- for my trampoline?

14. MR. FISHER: Or --

15. MR. HALE: Well, but -- and I agree,
16. but I think we have to define that when we move
17. further.

18. MS. O'CONNOR: Okay. Okay.

19. MR. HALE: My statement -- because we
20. can't vote on a motion in this, right?

21. CHAIRMAN FOX: Uh-uh. We can only
22. make a --

23. MR. HALE: We can only make --

24. CHAIRMAN FOX: Recommendations.

25. MR. HALE: But we can -- can we vote

1. to make a recommendation?

2. CHAIRMAN FOX: No.

3. MS. O'CONNOR: No. No.

4. MR. HALE: So --

5. MS. O'CONNOR: We can't --

6. MR. BAILEY: Basically, you just need
7. to have a discussion about what direction --

8. MR. HALE: Okay.

9. MR. BAILEY: -- you think we ought to
10. go in.

11. MR. STOCK: We can just talk about
12. it.

13. CHAIRMAN FOX: Well, we'll get ready
14. for December the 6th.

15. MR. HALE: So anyway, that's my
16. suggestion, that we consider inflatable devices,
17. those devices that are operated by use of a blower.

18. MS. BENNETT: Now inflatables do the
19. \$150, and then \$25 per inflatable. So you're saying
20. lump it all together at \$30?

21. MS. JEFFERSON: If we don't have that
22. \$150, we're going to end up worse off than where we
23. are now.

24. MS. O'CONNOR: Yeah.

25. CHAIRMAN FOX: Yeah.

1. MR. FISHER: Well, I think --
 2. MR. HALE: All right. So then --
 3. MR. FISHER: -- we could do the
 4. same --
 5. MR. HALE: Yeah. So we have to have
 6. the \$150 and then \$30 per device.
 7. MR. FARMER: A majority of their
 8. permits are through inflatables. So I hate to say
 9. it, but we need to put some emphasis on this money,
 10. because this is where -- I don't want to say
 11. 50 percent. I don't know the exact amount, but --
 12. MS. JEFFERSON: Well, you're --
 13. MR. FARMER: -- a lot of the
 14. revenues --
 15. MS. JEFFERSON: That's a good point.
 16. I was sitting here thinking about that, because
 17. we'll need to take a look at how many devices that
 18. we actually have based on the 250. We permitted 250
 19. companies last fiscal year. We need to take a look
 20. at the number of devices, determine how many of
 21. those are inflatables --
 22. MR. FARMER: Inflatables.
 23. MS. JEFFERSON: -- and multiply that
 24. times 30 times the \$150 --
 25. MR. HALE: You don't happen to

1. know --
 2. MS. JEFFERSON: -- just to see how
 3. much --
 4. MR. HALE: -- that number, do you?
 5. MS. JEFFERSON: -- revenue that's
 6. going to generate. Because again, our point after
 7. all this is done, we have to --
 8. MS. O'CONNOR: Be self-sustainable.
 9. MR. RADER: Live with it.
 10. MS. JEFFERSON: We have to --
 11. MS. O'CONNOR: Yes.
 12. MS. JEFFERSON: -- be able to live
 13. with it. And that's about -- what did we say, about
 14. \$480,000 --
 15. MR. FARMER: Yeah.
 16. MS. JEFFERSON: -- per year --
 17. MR. FARMER: That we'd have to make.
 18. MS. JEFFERSON: -- that we would
 19. need --
 20. CHAIRMAN FOX: Yeah.
 21. MS. JEFFERSON: -- to be self
 22. sufficient.
 23. MR. FARMER: Or we'll be back in the
 24. same boat --
 25. CHAIRMAN FOX: David, would --

1. MR. HALE: But --
 2. MR. FARMER: -- for years.
 3. CHAIRMAN FOX: Would you be totally
 4. opposed to -- I mean, we're charging 25, and I think
 5. we've talked about \$50. As Solomon said, would you
 6. go with 37.50?
 7. MR. HALE: 37.50. I'm sure that
 8. they're not going to want to be dividing out 37.50
 9. out of that.
 10. CHAIRMAN FOX: Well, Solomon did.
 11. MR. HALE: I see.
 12. MR. MOORE: I think we need to look
 13. at that figure and decide, okay, if it's 150 and 25
 14. per fee -- or per device fee, are we better off
 15. financially as the State to say, okay, we're going
 16. to charge \$200 and then 25 or 150 and 30?
 17. MR. FISHER: Well, I think if we base
 18. it off of the -- this flat fee proposal that we've
 19. got where there's not a permit fee, then -- plus per
 20. device, whereas if it's, let's say, this scale is
 21. for mechanical and amusement rides -- you know, if
 22. you've got one to five, that's \$500. And have
 23. another one that's, say -- it's for inflatables and
 24. it's -- one to five is \$300, you know, 10 is 750,
 25. or, you know, less of a -- you know, less per device

1. but built on the same scale so at least it
 2. simplifies that in that regard.
 3. CHAIRMAN FOX: Let me take the other
 4. side of this whole deal. In our world, a
 5. rollercoaster is a rollercoaster is a rollercoaster.
 6. It's a very complex device, a very complex machine,
 7. and I think that -- in this situation, I think
 8. Dollywood has at least helped get these things going
 9. and work -- to try to work through the safety
 10. issues. And, you know, I think a rollercoaster
 11. probably ought to have an inspection fee or a permit
 12. fee of about \$1,000 a piece.
 13. MR. HALE: Fixed or mobile
 14. rollercoasters?
 15. CHAIRMAN FOX: No. Fixed. I just
 16. say that's Dollywood. And probably a mobile
 17. rollercoaster, \$500.
 18. MR. HALE: All mobile rollercoasters
 19. like the kiddie rollercoasters?
 20. CHAIRMAN FOX: No. I'm talking about
 21. like a Mad Mouse or a --
 22. MR. HALE: Crazy Mouse.
 23. CHAIRMAN FOX: -- Crazy Mouse. I'm
 24. talking about something of that nature. But a Wild
 25. Eagle, that ought to be \$1,000. Now, that's a

1. little bit more than an inflatable, Mr. Koger, but
2. it's a little bit more complex.
3. MR. ANTJUAN KOGER: I have --
4. CHAIRMAN FOX: Sir.
5. MR. ANTJUAN KOGER: -- another
6. question. What category do you guys put, like,
7. mechanical bulls and --
8. MS. JEFFERSON: Those aren't
9. regulated and so --
10. MR. HALE: They're not regulated.
11. CHAIRMAN FOX: No, sir. We don't
12. want those.
13. MR. STOCK: Stuff you're intended to
14. get thrown off of.
15. MR. FISHER: Yeah.
16. CHAIRMAN FOX: We don't want those.
17. MR. FISHER: Now, we are still -- not
18. to disagree with you about the rollercoasters, but
19. we are, for the most part, basing this on
20. permitting.
21. CHAIRMAN FOX: Yes.
22. MR. FISHER: Not the inspection.
23. You're still --
24. CHAIRMAN FOX: Not the inspection.
25. MR. FISHER: -- going to a third

1. party --
2. CHAIRMAN FOX: That's --
3. MR. FISHER: -- or your in-house
4. probably or --
5. CHAIRMAN FOX: No, we have a --
6. MR. FISHER: -- your still third
7. party --
8. CHAIRMAN FOX: -- third-party
9. inspector that we --
10. MR. FISHER: And I'm sure that's more
11. expensive than what they pay for an inflatable.
12. CHAIRMAN FOX: Yes.
13. MR. FISHER: Yeah.
14. MR. HALE: Yes.
15. MR. FISHER: So I -- you know, from a
16. revenue side, it would be great to charge \$1,000 for
17. a rollercoaster, except for probably you, Robbie --
18. that -- heard about that. But, you know, I think
19. we're trying to be fair. This is like Chris said,
20. you know, paperwork's paperwork no matter whether
21. it's the, you know, Screaming Eagle or --
22. MR. FARMER: A Wild Eagle or --
23. MR. FISHER: Yeah.
24. MR. FARMER: -- an inflatable. It's
25. all the same, you know, permit.

1. CHAIRMAN FOX: I'm just --
2. MR. FARMER: I'm thinking that's
3. right, right? It's a little longer.
4. CHAIRMAN FOX: I'm just saying
5. it's -- you know, the complexity --
6. MS. BENNETT: It's a little longer of
7. an inspection.
8. CHAIRMAN FOX: -- of things like that
9. should -- to me, should cost more. And when you get
10. down into something like a Scrambler, whether it's
11. under 42, over 42, something in that mid-range -- I
12. think those are mid-range rides -- those ought to
13. be, like, 250, something of that nature. Like our
14. Sky Rider; that's a 250. Maybe some of our larger
15. rides, like the giant swings, that may be, you know,
16. 250 or 500. Depends on how many people it carries.
17. There's really no way, like I was
18. asking the gentleman back there about the
19. inflatables -- there's really no way to
20. differentiate what a small ride, medium ride, and
21. those sort of things are. But you kind of -- and
22. what I say about the examples a medium ride ought
23. to be 250 or \$500 and a big one like what we have
24. should be -- the Wild Eagle or something of that
25. nature should be \$1,000.

1. MR. RADER: So in your example, it's
2. pretty cut and dry, because the Screaming Eagle
3. versus your swings or the Waltz Swings is a little
4. different. But who in the Department is going to --
5. would be able to categorize that in your example?
6. CHAIRMAN FOX: Well, that's why this
7. is taking so long. There's not a definitive line
8. there or a defined line that says, okay, if it's
9. this -- that's why I said you have to look at
10. examples. If it's this, you charge this much. If
11. it's that, you charge that amount. There's really
12. no line. I'm saying that a coaster is what it is.
13. MR. HALE: I don't disagree with you
14. about the rollercoaster example. But if you went to
15. 250 per device, we or any -- looked at in the last
16. meeting that some of these people were going to get
17. 400 percent and greater increases in their cost. If
18. I own 20 medium-sized devices under that proposal,
19. I'd pay \$5,000.
20. CHAIRMAN FOX: \$5,000.
21. MR. HALE: Where this proposal puts
22. it at \$2,000 and we already talked about that some
23. of those folks were getting a 400 percent increase
24. at \$2,000.
25. MR. MOORE: And that 400 percent, you

1. know --

2. MR. HALE: And I mean, I realize

3. there was --

4. MR. MOORE: Yeah. It's --

5. MR. HALE: -- up and down the board,

6. but --

7. MR. MOORE: Yeah. It's all over the

8. road. Some -- well, as a matter of fact,

9. Dollywood's would go down if I'm -- so --

10. CHAIRMAN FOX: I was kind of happy

11. about that, in fact, for a minute, you know?

12. MS. JEFFERSON: Well, and what --

13. we're trying to come up with some type of equitable

14. way.

15. CHAIRMAN FOX: Yeah.

16. MS. JEFFERSON: And as we said last

17. time, it's going to be -- this is a challenge just

18. coming up with a way to make it fair to the majority

19. of the folks involved.

20. Now, before we proposed, if you had

21. one to five devices, that the annual fee would be

22. \$500. We have about 123 people in that category,

23. and the projected revenue would be about \$61,500

24. using that scenario. Then in the six to 10

25. category, we have proposed \$750, and we have about

1. 33 people or 33 companies in that category.

2. Eleven to twenty devices, that would yield an

3. annual fee of \$1,000, and we have about 36.

4. So as you can see, the majority of

5. the companies that we deal with have from one to

6. five devices and the majority of those are

7. inflatable companies. So the question is, right

8. now -- okay. Right now, companies pay \$150 plus

9. they pay \$25 per device. So the question is, is

10. \$500 unreasonable based on what we're talking

11. about today?

12. CHAIRMAN FOX: I would --

13. MR. MOORE: Do the math for

14. Mr. Koger's business. What was that --

15. MR. RADER: He's going to be

16. paying --

17. MR. FARMER: A lot more.

18. MS. JEFFERSON: He would pay --

19. MR. FISHER: Three or \$4,000.

20. MS. JEFFERSON: -- \$3,000.

21. MR. RADER: Yeah.

22. MR. HALE: Yeah.

23. MR. FISHER: Yeah.

24. MR. RADER: Were you paying 1,100?

25. MR. HALE: 1,100 now and he's going

1. to be paying 3,000 under this.

2. CHAIRMAN FOX: Well, if he's got 32

3. at \$25, he's at \$800, right?

4. MR. FARMER: Plus \$150.

5. CHAIRMAN FOX: Plus 150. 950.

6. MR. FARMER: That's \$950.

7. CHAIRMAN FOX: If he goes to 37.50,

8. he is at 1,200 or actually 1,350. If we go to 50,

9. he's at seven -- the 1,600 plus one fifty; he's

10. 1,750.

11. MR. HALE: Or if you use this

12. structure --

13. MR. RADER: Or this example --

14. MR. HALE: -- he'd go to 3,000.

15. MS. JEFFERSON: But look at how many

16. companies are within that \$3,000 range. You only

17. have about 11 companies that were in that range out

18. of the 250 companies that we --

19. MR. HALE: And I understand what

20. you're saying but just because there's only 11 of

21. them in the category doesn't mean we should --

22. MS. JEFFERSON: Right. And I

23. certainly understand, but -- so where do we place

24. the burden? Because it's going to be a burden on a

25. category.

1. MS. DURM: Chairman, may I say one

2. thing?

3. CHAIRMAN FOX: Please.

4. MS. DURM: Can I say -- I will say

5. just, you know, in the State's consideration on our

6. own as we've sat in a room and tried to deliberate

7. on, you know, bouncing around fee structure ideas,

8. there's the considerations of -- because we all know

9. they're small business owners that have fee

10. employees. And so of course our goal as the State

11. is to be small business friendly.

12. So do you do a flat fee structure no

13. matter if they have one device or 50 devices? Do

14. you do it on a graduated scale based on the number

15. of devices they have? Do you do it based on the

16. type of device on that list? So we have --

17. definitely trying to be considerate of businesses.

18. I just wanted to say that.

19. MR. HALE: And I think we also have

20. to say that the guy that owns five carnival rides is

21. going to make more money per use than the guy that

22. has five inflatables. If he's got an inflatable,

23. he's getting \$185 for it to go out the door to rent

24. it, but the guy that has the carousel is going to

25. get exponentially more money than that off his

1. carousel setting up for the same amount of time.
2. MR. MOORE: Could we not
3. differentiate between motor driven and non-motor
4. driven? And since --
5. MR. HALE: Which is where I was with
6. the whole inflatable thing. Inflatables are a
7. different thing, because they're not a mechanical
8. ride.
9. MR. MOORE: If the motor propels the
10. ride.
11. MR. HALE: That's right.
12. CHAIRMAN FOX: What if it's --
13. MR. HALE: It's not a mechanical
14. ride.
15. CHAIRMAN FOX: What if it's linear
16. induction?
17. MR. MOORE: Right. You still have to
18. pay --
19. MR. HALE: You'll need to spell that
20. for her.
21. CHAIRMAN FOX: Linear induction.
22. MR. FISHER: We'll just argue
23. rollercoasters are gravity-driven. There's no motor
24. involved once you get to the top of the hill.
25. CHAIRMAN FOX: See, that's why this

1. is so complicated. And again, I --
2. MR. RADER: Well, and we don't want
3. somebody like the gentleman that owns the
4. inflatables, we don't want to deter him from growing
5. his business.
6. MS. O'CONNOR: No.
7. CHAIRMAN FOX: No.
8. MR. MOORE: Absolutely.
9. MS. DURM: Right.
10. CHAIRMAN FOX: And I said I want him
11. to be -- "he" being generically -- to be safe, make
12. money, and then us sustain the deal.
13. MR. STOCK: What about revenue? Look
14. in some capacity of -- that becomes a little sticky,
15. too, but it does address -- it's what got me
16. thinking -- sitting -- I'm counting everything
17. looking at this fee and I know what we paid and I
18. know what our revenue is and I know he paid and he
19. gave some boundaries of what his revenue was. Like,
20. that's super disproportionate.
21. MR. RADER: That's why I ask him.
22. That's kind of where I was going.
23. MR. STOCK: Yeah. Because it is
24. super disproportionate and that revenue is very
25. sticky because then you get nobody wants you to be

1. reporting what they're making and that other stuff.
2. But that is an equitable way to at least put a
3. definable factor on it. And if someone is making a
4. tremendous amount of money with these 50 things,
5. that -- and then -- which means if they are, they're
6. probably a lot more in terms of exposure. There's
7. more people. There's everything. And so I --
8. that's how our insurance is done. I didn't like it.
9. I jumped up and down and screamed and yelled and
10. cried and said why --
11. MR. RADER: Well, that's how the
12. industry is.
13. MR. STOCK: Why am I -- you know,
14. why --
15. MR. RADER: Based on sales.
16. MR. STOCK: That's true.
17. MR. RADER: For general liability.
18. MR. STOCK: Yeah. That's how --
19. MR. FISHER: But we are strictly
20. talking about a permitting fee. Just -- we're
21. not -- I mean, your cost of doing business is
22. probably higher than his as far as what you pay in
23. your insurance --
24. MR. STOCK: Oh, agreed.
25. MR. FISHER: -- and that sort of

1. thing. And you've got property that's involved that
2. he doesn't. I mean, all the businesses are going to
3. be different. And like I said, if we just narrow
4. down -- yeah, you're probably going to pay,
5. percentage-wise, less or Dollywood's going to pay,
6. percentage-wise, less of revenues just for these
7. permitting fees, but that's a small part of the
8. operating cost of it. So we can't really take into
9. account -- well, you know --
10. CHAIRMAN FOX: And the --
11. MR. FISHER: -- to some extent.
12. CHAIRMAN FOX: And the revenues are
13. subjective.
14. MR. STOCK: They are.
15. MR. FISHER: Yeah.
16. MR. STOCK: Depends on how you count
17. it.
18. CHAIRMAN FOX: That's right.
19. MR. HALE: I want to impose an
20. inflatable question back here to you all. The \$25
21. fee -- this is not a question about whether you like
22. the \$25 fee or not. Nobody likes taxes or fees, but
23. they're inevitable.
24. So if I said to you that I was
25. increasing your fees, your yearly fee, by \$384, is

1. that a tremendous -- do you -- would you feel like
2. that's a tremendous increase?
3. MR. ANTJUAN KOGER: No.
4. MR. HALE: All right. So with that
5. said, I would -- King Solomon, I would agree that
6. \$37 would --
7. CHAIRMAN FOX: And 50 cents.
8. MR. HALE: Well, I calculated it on
9. 37, but -- because going from 25 to 37 makes a \$384
10. difference.
11. CHAIRMAN FOX: Yeah.
12. MR. HALE: Sometimes it's a matter of
13. the way you perceive it. So is that --
14. CHAIRMAN FOX: Would you go three or
15. 37.50? 37.50 going once.
16. MR. FARMER: Is it safe to say, we're
17. looking for a magic number to sustain this unit?
18. CHAIRMAN FOX: Yes.
19. MR. FARMER: When we get these
20. compliance officers in, they're going to be
21. discovering all these new places --
22. CHAIRMAN FOX: Yes.
23. MR. FARMER: -- that are going to
24. have to start paying fees.
25. MS. O'CONNOR: Yes.

1. MR. FARMER: It's hard to take into
2. account what you don't know about.
3. MS. O'CONNOR: Yes.
4. MR. FARMER: But is there a way that
5. we could have a sliding scale, where we can
6. reevaluate this without going through the whole rule
7. process again, where, if we find another 600
8. companies to pay their fees, we're going to be
9. making more money we need then? And I don't want to
10. just get completely off topic, but we don't have --
11. we have a lot of unknowns. When these compliance
12. officers are going to start finding a lot of
13. places --
14. MS. O'CONNOR: But when we do, we're
15. going to need more compliance officers.
16. MR. HALE: That's right.
17. MS. O'CONNOR: So I think that's
18. going to -- I think --
19. MR. FARMER: Well --
20. MS. O'CONNOR: I'm afraid that's
21. going to wash out.
22. MR. FARMER: Yeah. Maybe. I don't
23. know the compliance officers, we're going to be --
24. they're going to be finding these place. They're
25. not going to be finding the same place twice. So I

1. don't know if the need's going to be to get more of
2. them. We would hope that would grow into something.
3. MS. O'CONNOR: But as they grow into
4. inspectors, we'll have more places.
5. MR. FARMER: Yeah. Okay. Yeah. You
6. might be right.
7. MS. O'CONNOR: I mean, I love the
8. idea of all this money we don't know what to do
9. with, but realistically, I'm afraid that --
10. MR. FARMER: We haven't had any yet,
11. right?
12. MR. FISHER: Have they ever found
13. money they didn't know what to do with?
14. CHAIRMAN FOX: Okay. Just to kind of
15. sum it up, could we agree on 150 plus the 37.50 for
16. inflatables? If we want --
17. MR. HALE: You're going to get that
18. 50 in there, aren't you?
19. CHAIRMAN FOX: Well, it's like, you
20. know, Solomon --
21. MS. JEFFERSON: Could we just round
22. it off to a --
23. MR. HALE: I understand.
24. MS. JEFFERSON: Could we just round
25. it off to a whole number?

1. MR. HALE: I tried.
2. MS. JEFFERSON: A whole number.
3. MR. HALE: I tried.
4. MR. RADER: I agree.
5. MR. HALE: King Solomon over here is
6. who wants to keep --
7. MR. FARMER: Be easy on us.
8. MR. HALE: -- adding that 50 cents.
9. MR. FARMER: We're State employees.
10. Be easy on us.
11. CHAIRMAN FOX: Okay. \$37.
12. MS. JEFFERSON: 37.
13. MR. HALE: That makes it --
14. CHAIRMAN FOX: Can we agree on that?
15. I mean, is there opposition to that?
16. MS. JEFFERSON: Well, we want to take
17. a look at the course to make sure that that's
18. sufficient to sustain the program, because a
19. majority of those companies pay 123. So we would --
20. MR. HALE: I still --
21. MS. JEFFERSON: -- at least look at
22. the numbers -- is there any way we can look at the
23. numbers?
24. MR. HALE: I still contend, though,
25. that -- and I realize we want this to become

1. self-sufficient. But I'm not sure that it's
 2. reasonable to believe that it will ever be
 3. completely self-sufficient.
 4. MR. RADER: Or certainly
 5. immediately --
 6. MS. O'CONNOR: I think we have to
 7. make that -- I think we have to go in that
 8. direction, though, because --
 9. MS. JEFFERSON: We do. And that's
 10. why we came up with this. Because this will --
 11. MR. HALE: And that --
 12. MS. JEFFERSON: -- put us closer.
 13. CHAIRMAN FOX: But we're still
 14. 286,000.
 15. MS. JEFFERSON: But this is without
 16. renewals. This -- well, these are the renewals.
 17. These aren't the new companies. So we know we're
 18. going to have these unless some people fall off or
 19. maybe they close their business or so forth. But we
 20. know that, you know, based on what we have here --
 21. and it doesn't have to be this, but we have to come
 22. up with some type of structure that's going to show
 23. how we're going to generate funds.
 24. MR. HALE: And I don't disagree. I
 25. know we've got to do funding. But I can't with a

1. good conscience vote to change that man from paying
 2. \$900 to \$3,000.
 3. MS. JEFFERSON: Right. And I
 4. understand. But we just have to come up with
 5. something that's going to show us how we're still
 6. going to get here. It doesn't have to be this.
 7. MR. FISHER: How many inflatable
 8. devices do you think we're permitting right now?
 9. Just on a device basis, if we've got 200 and
 10. something --
 11. MS. JEFFERSON: 250 we permitted
 12. last --
 13. MR. FISHER: And that's companies?
 14. MR. HALE: Well, that's companies.
 15. MS. JEFFERSON: Yes. Per company.
 16. MR. FISHER: So if they averaged 10
 17. devices per company, which is probably pretty
 18. conservative, that's, you know, 2,500 individual
 19. devices.
 20. MS. BENNETT: I would say we have at
 21. least 500 inflatables, because I know I pulled --
 22. MR. FISHER: Okay.
 23. MS. BENNETT: -- 300 from one
 24. inspector. So --
 25. MR. FISHER: Okay. So that's

1. probably a little bit high.
 2. MS. BENNETT: 500 in individual
 3. devices, as far as inflatables.
 4. MR. FISHER: Okay. So if we increase
 5. the permit fee for that to \$12 per device, that's
 6. adding \$6,000 from where we're at right now.
 7. CHAIRMAN FOX: Yeah. You're at
 8. \$18,500.
 9. MR. FISHER: So we're gaining some
 10. but you're not talking about a significant amount of
 11. money.
 12. MS. JEFFERSON: For -- yeah. From
 13. 35 --
 14. MR. FISHER: From what we're --
 15. MS. JEFFERSON: Well, we're at 37.
 16. MR. FISHER: Yeah.
 17. CHAIRMAN FOX: In you all's
 18. estimation, how many companies are out there that we
 19. do not --
 20. MS. JEFFERSON: About 600 is what
 21. we're estimating. We've been using that number to
 22. estimate. Of course, we haven't had people out
 23. there, you know, on the -- you know, out there in
 24. the field. So we won't know until our compliance
 25. officers go on and they're able to identify what's

1. in their territory. But we're estimating about 600
 2. for the entire state. There could be more than
 3. that. I doubt if it's less, but it could be more.
 4. CHAIRMAN FOX: Okay. Sir, how many
 5. inflatable companies do you think are out there that
 6. we're unaware of?
 7. MR. ANTJUAN KOGER: A lot. A lot. I
 8. do -- I still service -- I still get out in the
 9. field and I work on weekends and I see all kinds of
 10. unmarked vehicles left and right with inflatables
 11. packed on the back of their truck. I see six or
 12. seven a day. And no telling where they're coming
 13. from or who's doing them. But I see inflatables out
 14. in the field. I've been driving by and see if --
 15. take a look at it and they're not anchored or
 16. anything. And there's some of -- some foreign
 17. company I've never heard of.
 18. There's companies that are from out
 19. of state and they subcontract to local people here
 20. and they're not paying any fees because they're
 21. out of state. And they -- and they're large
 22. companies, that they get orders from people from
 23. Tennessee, in the Nashville area. And they find a
 24. local mom and pop whose -- they get -- and run
 25. inflatables for them. And they're not paying any

1. fees. They have hundreds of inflatables they have
 2. access to, and they're not paying fees for them.
 3. MR. HALE: In fact there are 600
 4. companies and each one of them owned 10 inflatables,
 5. that's over \$200,000 in revenue.
 6. MR. FISHER: Probably they're not
 7. going to be that big if we don't know about them.
 8. But you --
 9. MR. HALE: I'll bet they are.
 10. MR. FISHER: But -- yeah. But you
 11. very well could be --
 12. MR. HALE: I fully agree --
 13. MS. O'CONNOR: Yeah.
 14. MR. HALE: -- with what he's saying.
 15. They're coming in here from --
 16. MR. FISHER: I mean, yeah, if they're
 17. out of state --
 18. MR. HALE: -- everywhere.
 19. MR. FISHER: -- then there's --
 20. MR. FARMER: And not all of them are
 21. \$600 --
 22. MR. HALE: And --
 23. MR. FARMER: -- inflatable companies.
 24. There are probably some leisure devices.
 25. MR. FISHER: Right.

1. MS. JEFFERSON: Right. Different
 2. types. That's 200 -- well --
 3. MR. FARMER: Per division is what
 4. we're --
 5. MS. JEFFERSON: Right. 200 permits
 6. were for the entire --
 7. MR. FARMER: Yeah.
 8. MS. JEFFERSON: All the permits
 9. issued for the entire --
 10. MR. HALE: Right. But you said you
 11. thought there were --
 12. MR. FARMER: 600.
 13. MR. HALE: There may be as many as
 14. 600 companies out there.
 15. MS. JEFFERSON: Right. Companies
 16. total. Total. All different types of companies,
 17. including ziplines, including the fixed -- on the
 18. fairs --
 19. MR. FISHER: Or just 600 companies
 20. that we should have permits for that we don't
 21. total --
 22. MS. JEFFERSON: Yes.
 23. MR. FISHER: -- through the --
 24. MS. JEFFERSON: Because last fiscal
 25. year --

1. MR. HALE: Well, then, so some of
 2. those you're going to get more than \$37 per device.
 3. MR. FARMER: Quite possibly.
 4. MR. HALE: But if there's 600
 5. companies and each one of them have 10 devices,
 6. whether they're a merry-go-round or an inflatable,
 7. that's over \$200,000.
 8. MS. JEFFERSON: But -- yes, and I
 9. understand what you're saying. But --
 10. CHAIRMAN FOX: It's just --
 11. MS. JEFFERSON: But keep in mind,
 12. we're looking at the numbers and we're looking at
 13. what we're going to be able to do. Because of
 14. course, you know, we hired new people. Of course
 15. these folks -- they won't even be certified. So as
 16. far as the inspection part, that -- as far as
 17. inspecting accidents, they won't even be able to do
 18. that. So we won't see that --
 19. MR. HALE: I understand. But it
 20. doesn't keep them from going out and finding the
 21. non-compliant companies.
 22. MR. FARMER: Yes.
 23. MS. JEFFERSON: Right. They will
 24. find the non-compliant companies for us but we'll
 25. have to train them as to how to do that. So it

1. takes time to actually train them to do that. So
 2. this year --
 3. MR. HALE: But that's true no matter
 4. what the fee structure is.
 5. MS. JEFFERSON: So -- right. And
 6. that's correct. But this year, I just want us -- it
 7. takes about three to four months to actually train
 8. them and I know we received the funding in July. So
 9. we're, what -- this is October.
 10. MR. FARMER: We're three months in.
 11. MS. JEFFERSON: And we have to
 12. actually hire them and we have to get them trained.
 13. And so we're looking at -- this year has been pretty
 14. much a wash, because they'll probably be ready to
 15. actually perform mid-2017 or so. So that year is
 16. pretty much a wash. But that's okay, because we
 17. have funding for that year.
 18. I'm not sure that they'll find all
 19. the companies, you know, during the first year
 20. that they're actually working out there. We're
 21. not really sure how that's going to go. We're
 22. estimating that there are about 600 companies.
 23. Whether or not that's true, whether or not there
 24. are less, whether or not there are more, we don't
 25. really know. So --

1. MR. HALE: But that's true regardless
 2. of what the fee structure is.
 3. MS. JEFFERSON: But with -- yeah.
 4. But with what we have here, what we've proposed,
 5. that's based on the total number that we issue
 6. permits to. So we know for a fact that we would be
 7. able to get that amount. That's why we use the
 8. numbers that we --
 9. MR. HALE: Right. But again --
 10. MS. JEFFERSON: -- issued permits to
 11. in the past.
 12. MR. HALE: -- that is based on
 13. changing his fee from \$950 to 3,000.
 14. MS. JEFFERSON: Right. We -- I
 15. understand that.
 16. MR. MOORE: What about insurance,
 17. Mitch? I mean, I'm sure Dollywood doesn't pay the
 18. same as what Mr. Koger does as far as insurance.
 19. And if there's anybody in the room that would know
 20. how to get every dollar out of -- no, I'm just
 21. kidding. But I mean, you know --
 22. CHAIRMAN FOX: Wow.
 23. MR. MOORE: The insurance industry
 24. has it broken down. Now, I'm sure it's a
 25. significantly difficult process to do that. But

1. I -- you know, I would imagine if we could base our
 2. fees somewhere similar to what -- the way insurance
 3. companies do that, then the fee --
 4. MR. RADER: Well, Robbie was right.
 5. That's how they -- the general liability is based
 6. off of the revenue, off the gross sales. So -- but
 7. I don't know if that's an equitable way to -- you
 8. know, there's a lot of variables involved.
 9. MR. MOORE: Well, I mean, how would
 10. you do it for a brand new startup company, say, when
 11. it was Silver Dollar City way back when, back --
 12. MR. RADER: Well, you would base it
 13. off of a projection.
 14. MR. MOORE: Projected income.
 15. MR. RADER: Yeah. And then they
 16. would come in and they'd do an audit at the end of
 17. the policy period and compare what was projected
 18. versus what they actually did. And that would set
 19. them in motion for the first year.
 20. MR. FARMER: I think you're getting a
 21. little too complex for the State.
 22. MR. MOORE: Yeah. Yeah.
 23. MR. RADER: Well, I think --
 24. MR. MOORE: But I mean, I guess what
 25. I was saying is, Mr. Koger's not going to have the

1. same risk or income as a company that's -- such as
 2. Dollywood or --
 3. MR. FARMER: And I think that's the
 4. reason why we're trying to separate --
 5. MR. MOORE: Yeah.
 6. MS. O'CONNOR: Inflatables.
 7. MR. FARMER: -- inflatables --
 8. MR. MOORE: Yeah.
 9. MR. FARMER: -- from coasters.
 10. MS. O'CONNOR: Yeah.
 11. MR. FARMER: I mean, I think we just
 12. need to -- we're going to have to do it as a whole
 13. to get the money.
 14. MR. MOORE: Right.
 15. MR. FARMER: But you're going to have
 16. to get all the categories together --
 17. MR. MOORE: Yeah.
 18. MR. FARMER: -- and figure out what
 19. the end will be.
 20. MR. RADER: But I think with the
 21. inflatable industry -- and I like where Don was
 22. going with the revenue -- is if you could set a fee
 23. based off of what their sales figures were, it would
 24. definitely be more equitable.
 25. MR. MOORE: Yes.

1. MR. RADER: Because, you know, for
 2. the most part, if you take somebody that's a
 3. competitor of his that has 40 inflatables and you've
 4. got -- they're probably going to be just about
 5. identical in terms of gross revenue.
 6. MR. MOORE: Right.
 7. MR. RADER: So it would be more of a
 8. fair --
 9. MR. HALE: But --
 10. MR. RADER: -- playing field based --
 11. MR. HALE: But then --
 12. MR. RADER: -- off that category.
 13. MR. HALE: But then whose
 14. responsibility is it to follow up to see whether
 15. they're really reporting correctly or not?
 16. MR. RADER: Well, whose
 17. responsibility is it now that -- or do they have 32
 18. or do they actually have 40?
 19. MR. HALE: Right, but I can go out to
 20. his shop and walk around and count. As long as I
 21. can count to 32, I know what's there.
 22. MR. RADER: Well, make them send in a
 23. tax return.
 24. CHAIRMAN FOX: You know, the --
 25. obviously, the elephant in the room is how can we

1. get more money?
2. MR. RADER: And be fair.
3. CHAIRMAN FOX: And be fair.
4. MS. O'CONNOR: And be fair.
5. CHAIRMAN FOX: And the one thing that
6. we said back when this law was first enacted is we
7. would exempt the go-karts for quite some time. And
8. I guess the question is, is it time to pull the
9. go-karts?
10. MR. HALE: If you're looking at me, I
11. said for several -- I wasn't really for exempting
12. them to start with, but we made that --
13. CHAIRMAN FOX: Well, we didn't have
14. anybody to -- we didn't -- we had no inspectors at
15. that time.
16. MR. HALE: That's right.
17. CHAIRMAN FOX: And I mean, we had
18. absolutely none. And that requires a law change, a
19. recommendation for the law to be changed. And --
20. MR. HALE: That will meet opposition.
21. CHAIRMAN FOX: Well, I don't think
22. anybody's going to line up to hug us or anything if
23. we just increased the fees.
24. MR. HALE: No. No.
25. CHAIRMAN FOX: I mean, I --

1. MR. HALE: I agree.
2. MR. STOCK: Is there an ASTM standard
3. for go-karts?
4. CHAIRMAN FOX: I'm sorry?
5. MR. STOCK: Does ASTM have a standard
6. for go-karts?
7. CHAIRMAN FOX: Oh, absolutely. Oh,
8. yes.
9. MR. HALE: Oh, yeah.
10. CHAIRMAN FOX: What's you all's
11. feelings about bringing them out?
12. MS. O'CONNOR: I agree. I agree with
13. you, because I don't think it's equitable that
14. Mr. Koger needs to pay for his inflatables and
15. Mr. Smith with his go-karts doesn't.
16. MR. MOORE: I agree with that
17. 100 percent.
18. MR. HALE: And I would be a little --
19. about them, but, you know, we made that trade on the
20. front end because it's where we needed to be to get
21. the laws that we have.
22. CHAIRMAN FOX: Yes.
23. MR. HALE: But now it's time --
24. MR. RADER: That was the deal you
25. cut?

1. CHAIRMAN FOX: Well, there was no --
2. no. We --
3. MR. HALE: It was the biggest
4. opposition to the law.
5. CHAIRMAN FOX: Yeah.
6. MR. HALE: I mean --
7. CHAIRMAN FOX: The go-kart can -- the
8. go-kart folks were adamantly opposed to it.
9. MR. HALE: We -- it took four
10. sessions to get the law passed, riding against --
11. primarily against the go-kart industry. I mean,
12. that's just the way it -- I mean, that's just
13. calling it what it is, right?
14. CHAIRMAN FOX: And if we brought them
15. out, they would have to go by the same ASTM
16. inspection process and we would -- and a lot of
17. states have, you know, a \$25 or a \$50 permit on each
18. go-kart. And then it's inspected by a third party.
19. MR. BAILEY: Mr. Chairman, can I ask
20. a question?
21. CHAIRMAN FOX: You can ask anything,
22. sir.
23. MR. BAILEY: Do -- and this is for
24. either ziplines or the inflatables. What -- do you
25. file some types of reports to Tennessee Department

1. of Revenue?
2. MR. STOCK: Oh, yeah --
3. MR. BAILEY: What's that?
4. MR. STOCK: Yeah. We -- I mean,
5. like, in terms of, like, sales tax --
6. MR. BAILEY: Right.
7. MR. STOCK: -- and those types of
8. things, yeah.
9. MR. BAILEY: All right. And when
10. you -- when -- is -- does that show your -- I mean,
11. that -- it shows what -- the revenue that you
12. brought in, right? I mean, it's based on --
13. MR. STOCK: Yeah, it's -- to
14. Chairman Fox's point, because we have companies who
15. have -- like, we build, we inspect, and it's all
16. within the same company, and we also have the
17. operations at our location at Ruby Falls.
18. MR. BAILEY: So your revenue's not
19. just on devices.
20. MR. STOCK: So flopping down a tax
21. return wouldn't --
22. MR. BAILEY: Wouldn't do it.
23. MR. STOCK: -- tell you the story. I
24. mean, you would have some -- in dealing with the
25. revenue side of stuff, you would have to, you know,

1. have people who were honest in their reporting.
2. MR. BAILEY: Right.
3. MR. STOCK: I mean, there's just --
4. there's some -- if all they do is operate this
5. location, that would work. But some other point,
6. it'd have to be -- yeah. They have to report
7. that -- they'd have to draw that piece out of
8. their -- you know, out of their books.
9. MR. BAILEY: Yeah. Because you'd
10. want to focus only on the revenue from the device.
11. MR. STOCK: Yeah. You don't --
12. and -- right. It's not -- it shouldn't be included
13. if you're selling, you know, popcorn and --
14. MR. BAILEY: Yeah. Right.
15. MR. STOCK: It'd be like the -- but
16. for us, it would be -- we -- it's confusing because
17. we work with Ruby Falls on the -- like I said, but
18. it would be the ticket sales, basically is what that
19. would be based on, which is easy for us to do
20. because, I mean, they have -- there are pages of,
21. you know, the accounting and all that stuff. So, I
22. mean, it could be done, but again, you are basing --
23. to some extent, you're going to be basing it on
24. people's trustworthiness to report the revenue.
25. MR. BAILEY: Right.

1. MR. HALE: And I think if you'll --
2. MR. STOCK: And of course -- or
3. report the lowest possible viable number that they
4. can because that's just --
5. MR. HALE: And I think if you get on
6. Craigslist, you'll find a dozen ads any day that
7. say, rent an inflatable for X number of dollars
8. cash. And the reason they're renting them for X
9. number dollars of cash is because they're not
10. reporting that revenue. I mean, it's just that
11. simple.
12. MR. ANTJUAN KOGER: I mean also, we
13. rent out other things, as well, that would be tied
14. into that revenue. So, like, we do tables and
15. chairs and cotton candy, popcorn, and soda machines
16. that generate revenue that's not --
17. MR. BAILEY: Right.
18. MR. ANTJUAN KOGER: -- glued into the
19. ride. So we have to pay for cotton candy that's
20. kind of mixed in with the rides, too. So --
21. MR. BAILEY: Got you.
22. CHAIRMAN FOX: And just like with us,
23. I can't tell you how many --
24. MR. BAILEY: Yeah.
25. CHAIRMAN FOX: -- hamburgers we sell

1. at Red's --
2. MR. BAILEY: Sure.
3. CHAIRMAN FOX: -- every day.
4. MR. BAILEY: Sure.
5. CHAIRMAN FOX: To extract that out of
6. our money.
7. MR. MOORE: But is the insurance --
8. MR. RADER: Yeah. So it's going to
9. be a different category. It's going to be, you
10. know, food sales, amusement device rides -- they're
11. going to have a separate rate for the liability
12. codes based off of what, you know, the exposure --
13. food and beverage and, like I said, amusement
14. device. You'd have to have them break it out.
15. I mean, it's going to be -- you know,
16. when you get back to the honesty part of it, we're
17. assuming they're being honest, now, when they tell
18. you how many devices they have. I mean, we're not
19. actually physically going out and inspecting that,
20. I assume.
21. MR. HALE: But you have the option
22. to.
23. MR. RADER: Yeah. You have the
24. option to.
25. MS. JEFFERSON: Well --

1. MR. HALE: You have the option, once
2. we get the inspectors, to go out there to Billy
3. Bob's Inflatable and say, I want to walk through and
4. count how many devices you've got.
5. MR. FISHER: But that's a lot simpler
6. than going, I need four accountants to go through --
7. MR. BAILEY: Right.
8. MR. FISHER: -- your books and see --
9. MR. HALE: That's right.
10. MR. FISHER: -- if you're being
11. honest on how much money you're making.
12. MR. HALE: And audit your sales.
13. MS. JEFFERSON: Mitch, can I ask --
14. let me ask a question. As far as the insurance part
15. is concerned, now, we actually receive the
16. certificate of insurance from the companies now just
17. to verify that they have valid insurance and the
18. effective dates are correct and that information.
19. Do you all receive something that you could forward
20. to the State that shows the revenue for the company?
21. Is that proprietary information that the insurance
22. companies would be prohibited from providing to the
23. State? Because we could certainly ask the insurance
24. companies to provide that to us if that's something
25. that we --

1. MR. RADER: It could be provided.
 2. Now, whether it's allowable for the insurance
 3. carrier to give you that by law, I'd have to check
 4. into that.
 5. MS. JEFFERSON: Could you maybe check
 6. into that?
 7. MR. RADER: Because an auditor's
 8. going to go out and they're going to audit -- you
 9. know, like I say, they're going to audit the
 10. revenues based off of each category. You know, the
 11. food's going to be broken out.
 12. MR. MOORE: Yeah.
 13. MR. RADER: Sales.
 14. MR. HALE: But how many hundreds of
 15. insurance companies would you have to contact in
 16. order to --
 17. MS. JEFFERSON: Well, what we do --
 18. MR. HALE: -- find everybody?
 19. MS. JEFFERSON: We do it now.
 20. MR. RADER: Well, there's not --
 21. you're going to be surprised. There's not a lot of
 22. markets out there that are going to do inflatables.
 23. You're going to have maybe three carriers or four at
 24. the most that are going to do inflatables. You're
 25. going to have less --

1. MR. HALE: Maybe.
 2. MR. RADER: -- less carriers to do
 3. amusements. American Specialty --
 4. MR. HALE: Sure.
 5. MR. RADER: K&K. There's only --
 6. MR. HALE: Yeah, Haas --
 7. CHAIRMAN FOX: There's probably --
 8. MR. RADER: -- three or four that
 9. that's --
 10. MR. HALE: Haas & Wilkerson,
 11. Allied --
 12. MR. RADER: Yeah.
 13. MR. HALE: -- K&K.
 14. MR. RADER: Yeah. That's right.
 15. CHAIRMAN FOX: That's about it.
 16. MR. RADER: So --
 17. MS. JEFFERSON: And what we do now --
 18. we already request a certificate of insurance. And
 19. now we've gotten to the point where we'll request --
 20. there's a certain form that they can provide us to
 21. show the devices. So what we do is compare what
 22. they -- what the customer includes on their device
 23. list to what they actually reported to the insurance
 24. company. So we -- we actually do that now. So if
 25. we can ask for an additional document that lists the

1. revenue, maybe we could look at what you're
 2. referring to. Because if there's an easy way for us
 3. to get that information rather than requesting tax
 4. forms, then --
 5. MR. MOORE: To me, that would be a
 6. great way to make this as --
 7. MR. RADER: It would definitely make
 8. it so much more fair than knocking some board --
 9. MR. MOORE: Absolutely. Absolutely.
 10. MR. RADER: I mean, your sales range
 11. would be from a million to two point five. And then
 12. if you're falling in that category, then it's going
 13. to be --
 14. MR. HALE: But for a --
 15. MR. RADER: -- \$1,000 --
 16. MR. HALE: For a mobile -- for a
 17. carnival, they're going to have to try to separate
 18. out the difference between what they made in --
 19. MS. O'CONNOR: Tennessee.
 20. MR. HALE: -- Tennessee versus what
 21. they made in Florida or South Carolina. They're
 22. going to have to try to separate their revenues out
 23. separately for what they did in Tennessee versus --
 24. because you -- it's not fair to charge them for -- I
 25. mean, I know of a carnival that when the winter

1. season's over, they go to the Dominican Republic
 2. (verbatim). We're not going to charge them for --
 3. MR. RADER: Well, I don't know that
 4. that's --
 5. MR. HALE: -- what they took in in
 6. the Dominican Republic.
 7. MS. O'CONNOR: Don't they have to
 8. separate that out for states that have state income?
 9. So that -- you know, they have to pay certain --
 10. MR. RADER: Sales -- don't they pay
 11. sales tax --
 12. MS. O'CONNOR: -- sales and use tax
 13. to the --
 14. MR. HALE: I suppose they --
 15. MS. O'CONNOR: -- certain states?
 16. CHAIRMAN FOX: At some point --
 17. MR. HALE: Yeah, I'm not sure if they
 18. separate out food versus --
 19. (Multiple people speaking
 20. simultaneously.)
 21. CHAIRMAN FOX: Well, we've
 22. obviously --
 23. MR. RADER: Kicked a dead horse to
 24. death.
 25. CHAIRMAN FOX: We've ridden this

1. horse quite far. And if we could, let's talk about
2. a 30-minute break and we'll be back in here at
3. 12:30. Is that fair enough?
4. MS. JEFFERSON: Sounds good.
5. CHAIRMAN FOX: Does that work?
6. MS. JEFFERSON: Are we ready to eat?
7. MR. FARMER: Stephanie's (phonetic)
8. bringing it now.
9. MS. JEFFERSON: Okay. Great.
10. MS. BENNETT: And also, for the
11. audience, there's a restaurant right next door if
12. you'd like to stay in the building and purchase some
13. lunch or snacks or a drink.
14. MR. FARMER: They have really good
15. food.
16. MS. BENNETT: Yeah. They have really
17. good food.
18. MR. STOCK: I've got to catch a
19. flight back to St. Augustine. Is there anything
20. else that you guys are going to go over that would
21. be helpful, anything else you need me for before I
22. leave?
23. CHAIRMAN FOX: No.
24. MR. HALE: Leave at your own risk.
25. CHAIRMAN FOX: I don't -- yeah, leave

1. at your own risk. I think if you send us that
2. information we requested, I think we're fine --
3. MR. STOCK: Awesome.
4. CHAIRMAN FOX: -- on your end.
5. MR. STOCK: Okay. Thank you guys
6. very much.
7. CHAIRMAN FOX: Thank you.
8. MS. O'CONNOR: Don, thank you.
9. MS. BENNETT: Have a safe flight.
10. (Recess observed.)
11. CHAIRMAN FOX: Do we have a consensus
12. so that we can let our young lady here work on the
13. law? Do we have a consensus that we would want to
14. change the reporting trigger to comply or to be the
15. same as -- or be 21? Did I get that number right?
16. Number 21 and --
17. MR. MOORE: Twenty-one is --
18. CHAIRMAN FOX: Okay.
19. MR. MOORE: -- the serious injury.
20. CHAIRMAN FOX: The serious injury.
21. Do we have a consensus that that's what we want to
22. do?
23. MR. RADER: Yes.
24. MR. HALE: Yes.
25. MR. MOORE: Yes.

1. MR. FISHER: Yeah.
2. CHAIRMAN FOX: Okay. So now we will
3. bring that up for a vote, then, again on December
4. the 6th, make it official. But I think you have the
5. Board's recommendation.
6. MS. DURM: And just so -- to make
7. sure I have a clear understanding, is to use the
8. ASTM standard definition --
9. CHAIRMAN FOX: Yes.
10. MS. DURM: -- for when it comes to
11. serious injury.
12. CHAIRMAN FOX: Yes, and reporting.
13. MS. DURM: Is that correct?
14. CHAIRMAN FOX: And the reporting
15. trigger.
16. MS. DURM: Okay. Thank you.
17. MR. RADER: Mr. Chairman, if I'm not
18. here on the 6th, will that --
19. CHAIRMAN FOX: Just depends on --
20. MR. RADER: -- mess the quorum up?
21. CHAIRMAN FOX: Just depends on if we
22. have a quorum or not.
23. MS. JEFFERSON: So that means three
24. people wouldn't be present, but we have a total of,
25. what, eight?

1. MS. BENNETT: There's eight.
2. MS. JEFFERSON: Eight members.
3. MS. BENNETT: But, now, Mr. Moorer
4. might come.
5. CHAIRMAN FOX: Yeah.
6. MS. BENNETT: He just couldn't make
7. today. So it would be two. So we'd still have six.
8. CHAIRMAN FOX: So we would move
9. forward with that. And the other thing is we're
10. waiting on Mr. Stock who would report to us on the
11. 15th of November. When that happens, I'll
12. distribute that to everyone. And then the
13. inflatables, we want to go to \$37 on inflatables.
14. MR. HALE: Yeah. That's fine.
15. CHAIRMAN FOX: \$37.
16. MR. MOORE: Could I ask one thing?
17. And Carlene, please don't slap me, but I would be
18. interested in knowing how many inflatable devices we
19. have, if that's not too much to pull out. If it is,
20. then I'm fine with -- but I just was wondering where
21. that would put us with the \$37 versus where we are
22. now.
23. MS. BENNETT: We can try divvying
24. out. The problem with our computer system is it
25. just asks for total number of devices and we put 19

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1. or two or 12, whatever the case may be, and it --
2. MS. JEFFERSON: It didn't
3. distinguish.
4. MS. BENNETT: It doesn't distinguish
5. between what those devices are. So --
6. CHAIRMAN FOX: So there's no coding
7. of that in any way, shape, form, or fashion?
8. MS. BENNETT: No. Our computer
9. system is a --
10. MR. FARMER: It's an elevator
11. program.
12. MS. BENNETT: It's an elevator
13. program that we're using for amusements and it
14. wasn't made to do amusements. So we have --
15. MR. RADER: Okay. What about the
16. initial application when they sign up, when they
17. determine -- they tell you how many devices they
18. have? Let's --
19. MS. JEFFERSON: We'll have to go
20. through and count them manually.
21. MS. BENNETT: Yeah. We have --
22. MS. JEFFERSON: I mean, there's a way
23. to come up with it. But we just have to do it
24. manually versus --
25. MS. BENNETT: Yeah. I mean, it would

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1. take -- it'd take a little bit, but, you know, we
2. could --
3. MR. MOORE: I was just wanting to --
4. and the reason I request that -- I was just wanting
5. to know what total dollar figure we're getting from
6. those because of the sheer number of devices and how
7. much that would increase with the \$37, which -- if
8. we knew that, we could do the math real quick now.
9. But --
10. MS. JEFFERSON: And actually, we have
11. that spreadsheet that was prepared on behalf of the
12. Department.
13. MR. FARMER: Yeah. It's on the
14. laptop.
15. MS. JEFFERSON: And we can
16. probably -- hopefully, we have someone in here who
17. could help us take a look at those companies, who
18. can highlight the companies and possibly do a report
19. to kind of get an idea.
20. CHAIRMAN FOX: Is this the one Larry
21. put together?
22. MS. JEFFERSON: No. That's the
23. original one that the Department put together.
24. CHAIRMAN FOX: Okay.
25. MR. BAILEY: Before we move on on

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1. that, on the first item, you talked about using the
2. ASTM definition of serious injuries. Are you also
3. wanting to delete the definition of serious
4. incident?
5. MR. MOORE: Which would be 20.
6. MR. FARMER: I'll get it going in
7. just a second. It'll take a few minutes.
8. CHAIRMAN FOX: I --
9. MR. RADER: I think so.
10. CHAIRMAN FOX: I think so.
11. MR. BAILEY: Okay. Because, I mean,
12. that's what I was thinking that you were heading.
13. CHAIRMAN FOX: Is that what you would
14. suggest just to avoid the ambiguity?
15. MR. BAILEY: I mean, it can stay in.
16. I have no real suggestion one way or the other, but
17. I --
18. MR. HALE: Don't you think it
19. conflicts with 20, though, the way that -- it tells
20. you to do one thing and 21 tells you to do another?
21. MR. BAILEY: No. I think they are
22. addressing two different situations. One is a
23. situation where someone was injured on the device,
24. transported for medical treatment but did not spend
25. the night, and the other is for someone who's

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1. injured bad enough that they do have to spend the
2. night in the hospital. So I think it was addressing
3. two different things.
4. And if -- I mean, basically, if you
5. leave the definition of serious incident in there
6. and change 21 to reflect the ASTM, that might be a
7. little bit more overlapping, if you do that. But
8. I was just trying to get clear what your desires
9. are.
10. MR. HALE: Well, that -- I think his
11. example about the broken toe is a good example of
12. why 20 doesn't exactly work correctly. And even
13. speaking as a fair person, I know at my own county
14. fair, if we have a child that has an injury and we
15. can't locate that parent or guardian, they're going
16. to end up at the hospital regardless of how minor
17. the injury is, because we don't have a parent or
18. guardian to say, no, we're going to come pick them
19. up. We're going to release them to them. Even
20. though they may have a very minor injury, they're
21. going to end up transported to the hospital.
22. MR. BAILEY: Yeah. I understand
23. that. I mean --
24. MR. HALE: So --
25. MR. BAILEY: -- I'm just asking, you

1. know, what --
 2. MR. HALE: Oh, I know. I know.
 3. MR. BAILEY: Whether or not your --
 4. what you're recommending includes deleting serious
 5. incident. Because it'd have to be deleted from the
 6. definition and then over here in the statute where
 7. it says, you have to report a serious incident.
 8. CHAIRMAN FOX: I say delete the
 9. serious incident.
 10. MR. BAILEY: Okay. And then change
 11. the -- 21's definition of serious physical injury to
 12. the ASTM --
 13. CHAIRMAN FOX: To the ASTM. Yes.
 14. MR. HALE: As conforms to the ASTM
 15. standard.
 16. MR. BAILEY: That's what I was trying
 17. to get cleared up.
 18. CHAIRMAN FOX: Yeah. And that's -- I
 19. mean, that's in the glossary. I think it's seven --
 20. F747-15. I believe that's correct on it.
 21. MR. FARMER: Do you know a way to
 22. isolate them?
 23. MS. BENNETT: I guess you could do a
 24. control F and do "inflatable" and it would go to
 25. each one.

1. MR. FARMER: You might want her
 2. drive.
 3. MS. BENNETT: Well, then we would
 4. have to add up the number of devices over there.
 5. MR. FARMER: Control F?
 6. MS. BENNETT: Uh-huh. And then just
 7. put in "inflatable." Although, not every company
 8. has "inflatable" in its company name, but that would
 9. locate the inflatable companies, some of them.
 10. MR. HALE: Yeah, just like Bounce
 11. Party right there is not --
 12. MS. BENNETT: Uh-uh. So, I mean, it
 13. could just give you a gloss-over.
 14. MR. FARMER: So we could do "bounce
 15. party."
 16. MS. JEFFERSON: And the rental
 17. companies.
 18. MR. FARMER: Rental? Some of them,
 19. it has the same in both, like "Bounce Rental," and
 20. it's going to count them twice.
 21. MS. JEFFERSON: So that may be a
 22. project that we have to --
 23. MS. BENNETT: Yeah, that would
 24. take --
 25. MR. HALE: You see there's one --

1. that Astro Jump of Chattanooga says they have 50
 2. devices. I suspect they're all inflatables.
 3. MS. BENNETT: They are.
 4. CHAIRMAN FOX: And I have no idea
 5. what Alterface is in Pigeon Forge.
 6. MS. BENNETT: It's actually like -- I
 7. think it's like the wax museum thing, Alterface.
 8. CHAIRMAN FOX: Okay.
 9. MS. BENNETT: Animatronic --
 10. MR. BAILEY: That's an amusement
 11. device?
 12. MS. O'CONNOR: That's what I was
 13. wondering too.
 14. MS. BENNETT: I think they have some
 15. things in there that are.
 16. MR. BAILEY: Oh. Oh.
 17. MR. FARMER: So I think you'd have to
 18. go look through individually. I mean, we could
 19. probably sit down in 30, 45 minutes and do it, but I
 20. don't know if you want us to do it right now.
 21. (Discussion off the record.)
 22. MR. MOORE: But like I said the only
 23. reason I ask that is because even -- regardless of
 24. how we change our fee structure, it would be really
 25. nice to know exactly where we're headed with this.

1. CHAIRMAN FOX: Right.
 2. MR. MOORE: And how hard it is going
 3. to hit those that own inflatables.
 4. MR. HALE: Yeah. But I don't think
 5. we can try to balance the budget on the -- strictly
 6. on the inflatable businesses.
 7. MR. MOORE: No.
 8. CHAIRMAN FOX: No.
 9. MS. O'CONNOR: No.
 10. MR. MOORE: No. And that's why --
 11. MR. HALE: Even though they may be a
 12. lion's share of that number.
 13. MS. O'CONNOR: No.
 14. CHAIRMAN FOX: Well, that's why I
 15. brought up the -- and the next item would be the
 16. go-karts. It still may not -- I don't know that --
 17. do you think we could find somebody to carry that if
 18. we, in fact, made the go-karts part of the process?
 19. MS. DURM: Possibly, sir. I mean, of
 20. course that would have to be considered, depending
 21. on the member. It could go either way.
 22. CHAIRMAN FOX: Okay. I think that
 23. now that we are moving toward the inspection system,
 24. I think that that's going to be more palatable to do
 25. that, and I think that'll help us. And there's -- I

1. believe that -- truly believe there's enough
2. go-karts out there to make a large -- well,
3. that's --
4. MR. HALE: Impact.
5. CHAIRMAN FOX: Yeah. A large impact
6. on our budget.
7. MR. HALE: Don't you feel like your
8. state representatives are the ones that are going to
9. catch the most --
10. MR. RADER: Absolutely.
11. MS. O'CONNOR: Yeah.
12. CHAIRMAN FOX: Yes.
13. MR. HALE: -- flack about that? So I
14. guess one of the questions would be at some point
15. how strongly they feel about it.
16. CHAIRMAN FOX: And --
17. MR. HALE: Because if they're opposed
18. to it and most of them are in their district, it's
19. going to be difficult.
20. CHAIRMAN FOX: Oh, yeah. And that's
21. just something we'll have to broach with them.
22. MS. O'CONNOR: Well, it goes back to
23. public safety, though. I mean, do we want injured
24. kids? No.
25. MR. HALE: Yeah.

1. MS. O'CONNOR: Nobody wants that.
2. And I think that by including go-karts, we're
3. including permits, we're including inspections. It
4. all goes to increase the safety of everybody.
5. MR. HALE: I agree.
6. MS. O'CONNOR: And if we're looking
7. for somebody, I would suggest that might be the
8. approach.
9. MR. HALE: So are you asking for a --
10. CHAIRMAN FOX: I'm asking for what
11. this board thinks, that --
12. MR. HALE: I believe --
13. CHAIRMAN FOX: -- if there's a
14. consensus.
15. MR. HALE: I say yes.
16. MS. O'CONNOR: Yes.
17. MR. HALE: I think we should move
18. forward with --
19. MS. O'CONNOR: Yes.
20. MR. HALE: -- exploring placing
21. go-karts under regulation.
22. MS. O'CONNOR: Yeah.
23. CHAIRMAN FOX: All right.
24. MS. O'CONNOR: I would agree with
25. that.

1. CHAIRMAN FOX: So with those things
2. being said, can we add those to the agenda for the
3. 6th? And then we'll vote on them at that time. And
4. that way, we've complied with our portion of this to
5. make a recommendation.
6. MR. BAILEY: All right.
7. CHAIRMAN FOX: Okay. All right.
8. MR. HALE: Did we get a yes or no
9. about the 37.50?
10. MR. BAILEY: 37.
11. CHAIRMAN FOX: Right now, it's \$37.
12. MR. HALE: Oh, yeah, 37. I'm sorry.
13. 37.
14. CHAIRMAN FOX: It's \$37. What do
15. y'all -- I mean, are we good with that? Is there a
16. consensus to do -- to increase the fee from 25 to
17. \$37?
18. MS. O'CONNOR: I'd personally go up
19. to 40, make it a little rounder. But --
20. CHAIRMAN FOX: You know, 40 is a much
21. prettier number than 37.
22. MR. MOORE: Considerably more
23. beautiful.
24. CHAIRMAN FOX: Yes.
25. MR. HALE: What happened to dividing

1. the baby?
2. CHAIRMAN FOX: It's up to you all.
3. MR. HALE: You've --
4. CHAIRMAN FOX: No. I'm -- that's up
5. to this group, whatever they want to do. I mean, I
6. like --
7. MR. RADER: I'm going to --
8. CHAIRMAN FOX: I like 50.
9. MS. O'CONNOR: Well, and I like -- I
10. actually like 50. To me, 40 was a good -- is a
11. good --
12. MR. RADER: Compromise.
13. MS. O'CONNOR: -- compromise, because
14. I didn't think that was -- based on the revenues
15. that they were talking about --
16. MR. RADER: Small percentage.
17. MS. O'CONNOR: -- the cost of the
18. doing business, that was a small percentage at 50.
19. So I think 40 is even --
20. MR. MOORE: Yeah. I'm on the same
21. grade, too.
22. CHAIRMAN FOX: Like I say, that's up
23. to -- I think that's up to this board. We either do
24. 37 or 40 or 50.
25. MR. FISHER: Well, are we looking to

1. increase the other categories?
2. CHAIRMAN FOX: I think --
3. MS. O'CONNOR: Yes.
4. CHAIRMAN FOX: -- we're going to have
5. to.
6. MS. O'CONNOR: Yes.
7. MR. FISHER: All right. Yeah. I
8. think, if anything, if we're looking to increase
9. every category, probably considering the number of
10. units, to be equitable, probably increase the
11. inflatables less than we increase the other
12. categories. Because you were even talking about
13. \$1,000 for some of the bigger devices, I'm sure
14. there's very few of them that meet that requirement.
15. Where did that --
16. CHAIRMAN FOX: No, there's not.
17. MR. FISHER: Yeah. What if you did
18. \$40 and, say, all these other -- double them. Then
19. you're still not hurting. And somebody that's got
20. 50 units, they're still going to go up quite a bit
21. but not 300, 400 percent.
22. CHAIRMAN FOX: So is the consensus,
23. then, to do --
24. MR. RADER: 40.
25. CHAIRMAN FOX: -- \$40.

1. MR. HALE: I will concede to \$40.
2. MR. MOORE: Well, I think in this
3. meeting, all we're doing is making suggestions to --
4. CHAIRMAN FOX: Yes.
5. MS. O'CONNOR: That's what I --
6. MR. MOORE: So --
7. MS. O'CONNOR: Yeah.
8. MR. MOORE: -- I guess --
9. CHAIRMAN FOX: Because I just want to
10. know where we're going.
11. MR. MOORE: Yeah. I think 40 is
12. great.
13. CHAIRMAN FOX: All right. So we
14. would ask them to put on there to consider \$40 on
15. the agenda. For the next meeting --
16. MS. O'CONNOR: Yes.
17. CHAIRMAN FOX: -- put on there to
18. consider \$40 per inflatable.
19. MS. O'CONNOR: Yes.
20. MR. MOORE: Sounds great.
21. CHAIRMAN FOX: Okay. All right.
22. So --
23. MR. MOORE: And that's still
24. including the --
25. MR. HALE: The 150.

1. MS. O'CONNOR: Plus the --
2. CHAIRMAN FOX: The 150.
3. MR. MOORE: Right.
4. CHAIRMAN FOX: All right. Do we want
5. to tackle anything -- the new in adventure
6. (verbatim) out there now or the alpine or the
7. gravity slides or, like, for lack of a better term,
8. the Goats on the Roof. I think that is a Weigan,
9. W-E-I-G-A-N (verbatim), it's a Wiegand ride.
10. MS. JEFFERSON: Like a coaster?
11. MR. RADER: Coaster?
12. CHAIRMAN FOX: It's a coaster.
13. MS. JEFFERSON: Okay.
14. CHAIRMAN FOX: But, I mean, it was
15. built by Wiegand, the Wiegand Company.
16. MR. FISHER: Where does that fall,
17. like, in these four categories?
18. CHAIRMAN FOX: To me, that is a --
19. MR. RADER: Coaster?
20. CHAIRMAN FOX: That's a spectacular
21. ride, that's a coaster, but it's not a -- it's not
22. necessarily a mechanical coaster. It --
23. MR. RADER: No. But let's clarify
24. something. You do control the speed.
25. CHAIRMAN FOX: You do control the

1. speed.
2. MR. RADER: Manually with all three
3. and --
4. MR. FISHER: Is that basically the --
5. that's the sled down the hill?
6. CHAIRMAN FOX: Yes.
7. MR. FISHER: Sort of.
8. MR. RADER: Well, it's a --
9. MR. FISHER: Or --
10. MS. JEFFERSON: It's on a rail.
11. MR. RADER: It's on rails.
12. CHAIRMAN FOX: Yeah.
13. MR. FISHER: Okay.
14. MR. MOORE: But is the one at Ober
15. Gatlinburg on rails?
16. MS. BENNETT: No.
17. MR. MOORE: I didn't -- I was
18. starting to say, I don't think I remember shooting
19. out of that kind of thing.
20. MS. BENNETT: It's a flume, isn't it?
21. MR. RADER: That one's -- yeah, that
22. one's a --
23. MS. BENNETT: It's more of a flume.
24. MR. RADER: Yeah.
25. CHAIRMAN FOX: Ober Gatlinburg has a

1. different slide than all the rest. It's an entirely
 2. different system. But the others are you're on a --
 3. like a little dolly, for lack of a better term,
 4. scooting down to there and you're pulling the brakes
 5. back on it.
 6. MS. O'CONNOR: It's like a luge.
 7. CHAIRMAN FOX: Like a luge.
 8. MR. HALE: Well, that's the same
 9. thing they have, though, that comes out of Ober
 10. Gatlinburg, isn't it, though?
 11. CHAIRMAN FOX: Theirs is a little bit
 12. different than theirs.
 13. MR. MOORE: Yeah, it comes in on -- I
 14. mean, you can fly out of that one at Gatlinburg.
 15. MR. RADER: So the --
 16. MR. MOORE: No question.
 17. MR. RADER: The Goats on the Roof
 18. would fall under the spectacular devices?
 19. CHAIRMAN FOX: I think it's a
 20. spectacular device. I don't think it's a -- I don't
 21. think that's a \$1,000 inspection. I don't think
 22. that's a \$1,000 permit fee.
 23. MS. JEFFERSON: The Goats on the
 24. Roof, is that by per -- is it per device or per
 25. company how we charge for those?

1. MS. BENNETT: Well, they have one
 2. device, which is a spectacular.
 3. MS. JEFFERSON: It's one device.
 4. MS. BENNETT: So they pay --
 5. MS. JEFFERSON: So \$200 plus 150 is
 6. how much they currently pay.
 7. CHAIRMAN FOX: It's how much?
 8. MS. JEFFERSON: About, what, 350?
 9. MS. BENNETT: Uh-huh.
 10. MS. JEFFERSON: 350.
 11. MS. BENNETT: The 150 plus the 200
 12. for a spectacular device. So they're paying 350
 13. now.
 14. CHAIRMAN FOX: Okay.
 15. MR. RADER: Do you know how much they
 16. generate?
 17. MS. O'CONNOR: A lot.
 18. MR. RADER: It's unbelievable.
 19. MR. FISHER: So if we increase,
 20. like --
 21. MR. RADER: I almost want to go back
 22. to the gross revenue.
 23. MR. FISHER: Well, if we increase the
 24. category "spectacular device" to \$1,000 a unit --
 25. CHAIRMAN FOX: I would suggest it be

1. two levels there. And then I would suggest --
 2. MR. FISHER: Almost splitting that up
 3. into --
 4. CHAIRMAN FOX: Yeah, I'd suggest the
 5. 500 on a spectacular device. And then -- like our
 6. rollercoasters.
 7. MR. FISHER: Super insane -- yeah.
 8. CHAIRMAN FOX: Yeah. Like, that
 9. would play well in marketing. Yeah. But I would
 10. say our stuff -- our rollercoasters would hold the
 11. extra -- would be \$1,000 a piece. But when it comes
 12. to Alpine slides, you're probably 500. You might go
 13. to 750.
 14. MR. MOORE: So we call that a gravity
 15. ride.
 16. CHAIRMAN FOX: That's a gravity ride.
 17. MR. MOORE: Versus a propelled ride.
 18. CHAIRMAN FOX: Uh-huh.
 19. MR. FISHER: Where do water slides
 20. fall into that?
 21. MS. O'CONNOR: We don't --
 22. MR. MOORE: Not even in there.
 23. MR. FISHER: They're not --
 24. MS. JEFFERSON: Just the inflatables.
 25. If you're inflatables, then we regulate.

1. MR. FISHER: All right.
 2. CHAIRMAN FOX: What do we guess for a
 3. kiddie ride?
 4. MS. JEFFERSON: \$50.
 5. MS. O'CONNOR: That sounds fair.
 6. CHAIRMAN FOX: You know, a kiddie
 7. ride, a flat -- it's a flat ride in most cases or
 8. like a Frog -- what they call a Frog Hopper.
 9. MS. BENNETT: 2,900.
 10. CHAIRMAN FOX: 2,900 --
 11. MR. HALE: No, that's --
 12. CHAIRMAN FOX: -- inflatables?
 13. MR. HALE: No, no. No, no.
 14. MS. BENNETT: No, he asked me a
 15. question.
 16. MR. HALE: She was --
 17. MS. BENNETT: I'm sorry.
 18. MR. HALE: I was looking for another
 19. number. I'm sorry.
 20. CHAIRMAN FOX: I thought, boy, we've
 21. got -- we don't have a bit of problem with 2,900.
 22. So is it --
 23. MR. RADER: What's a large device?
 24. Or how do you define that?
 25. MR. HALE: Tilt-A-Whirl.

1. CHAIRMAN FOX: You know -- yeah, a
2. Tilt-A-Whirl or like a --
3. MR. RADER: A Scrambler or --
4. CHAIRMAN FOX: -- Scrambler. A --
5. like our giant swing, we have a Bertazzon swing.
6. You know, it carries 40 people. It's just big.
7. There's really not much excitement. I shouldn't say
8. that, but, you know, it's not wild and crazy. It's
9. a great ride, but it just -- you know, it's not
10. extravagant. Something like that to me is a \$250
11. fee. Like a Gravitron would -- that'd be a medium
12. ride, would you agree?
13. MR. MOORE: Motor driven around a
14. central axis.
15. MR. RADER: Carlene, what's
16. miscellaneous?
17. MS. BENNETT: Inflatables, pillows,
18. glass houses, dark houses, walk-through dark houses.
19. CHAIRMAN FOX: What are we getting on
20. a dark house?
21. MS. BENNETT: \$25.
22. MR. RADER: 45.
23. MS. O'CONNOR: And then she said up
24. to 40 if we're --
25. MR. RADER: Yeah.

1. MS. BENNETT: -- going to charge the
2. same amount as inflatables and keep that category
3. the same.
4. CHAIRMAN FOX: I would agree.
5. MR. RADER: Mr. Chairman, just for
6. discussion, what if we -- we've talked about going
7. 40 to inflatables, so then miscellaneous would then
8. be 40. Kiddie devices go from 50 to 100, large
9. devices from 100 to 250, and the spectacular from
10. 200 to 500.
11. CHAIRMAN FOX: I'd probably hold the
12. kiddie rides.
13. MS. O'CONNOR: The kiddies.
14. CHAIRMAN FOX: You know, you got to
15. think of, again, that mom and pop who has that
16. little merry-go-round that's sitting out in front of
17. Walmart. That's a kiddie -- that's still a kiddie
18. ride, and those are not what I would consider
19. terribly dangerous, although a little Johnny or a
20. little Susie could fall off of one, but I would
21. suggest we stay with 50 or 100 at the most.
22. MR. RADER: Well, that's what I was
23. proposing, was 100.
24. CHAIRMAN FOX: 100?
25. MR. HALE: All right. But let me say

1. this --
2. MS. O'CONNOR: 75?
3. MR. HALE: -- using the formula that
4. you just said, the carnival -- the Wilson County
5. Fair is going 2,900, \$3,000 to over \$30,000 in fees.
6. I've got 62 rides sitting there and out of that, six
7. or eight of them are going to be classified as
8. spectaculars.
9. CHAIRMAN FOX: So 500, you're looking
10. at 3,000 right there.
11. MR. HALE: Right. And then -- so
12. I've got 62 rides. So now I've got 40 rides that
13. are probably -- 30 rides that are majors and the
14. rest are kiddie rides. We're pushing over \$30,000.
15. MS. O'CONNOR: David, what if we
16. held --
17. MR. HALE: Not even counting the
18. inflatables that are there.
19. MS. O'CONNOR: What if we held kiddie
20. rides at 50? What's that going to do to your total?
21. MR. HALE: What runs that number up
22. is changing large devices from 100 to 250. But the
23. other thing that that does is, what she was looking
24. for was a way to not have to classify rides and be
25. in a debate about whether my rides are major or

1. minor, and we originally did that by the passenger
2. size. And Ms. Jefferson and Carlene both are saying
3. that's problematic for them here at the office. So
4. we're defeating part of what she was trying to
5. accomplish --
6. MR. RADER: Got you.
7. MR. HALE: -- which is to streamline
8. it where they don't have to figure out is it a
9. major, is it a minor, is it a spectacular?
10. MS. BENNETT: And that's going to
11. come into play as we have three safety consultants
12. finding them and sending them in.
13. CHAIRMAN FOX: Uh-huh.
14. MS. BENNETT: It's going to take more
15. time in the office to decipher, because, you know,
16. we're not talking to the people directly; the
17. consultant is. So --
18. MR. HALE: And when you had, you
19. know, inspectors here who have been out there in the
20. world, they could read down through a list and say,
21. well, yeah, Tilt-A-Whirl, not a spectacular, it's a
22. major. No, don't let them tell you the Fire Ball is
23. a major, it's a spectacular. But now --
24. MR. RADER: But I understand the end
25. result that we're trying to accomplish is impossible

1. without no one able -- what we're dealing with,
 2. like, in terms of your example because how that's
 3. going to affect you and how it's going to affect
 4. others is -- without having the proper information
 5. to be able to plug those numbers, we're just
 6. saying -- because if we double it, it's going to
 7. affect X for --
 8. MR. HALE: And there's no doubt
 9. that --
 10. MR. RADER: -- \$10,000 --
 11. MR. HALE: -- the carnival at my fair
 12. is making more money than the carnival at -- that
 13. the DeKalb County Fair is making. But by ratio,
 14. it's going to put the same burden --
 15. MR. RADER: Sure.
 16. MR. HALE: -- on that fair. And most
 17. small fairs, even big fairs, are tremendously
 18. dependent on their revenue sharing from a carnival.
 19. That's the way that fairs make money off the
 20. carnival. They get a percentage of their revenue.
 21. Well, if -- obviously if that XYZ carnival pays
 22. \$30,000 as opposed to \$3,000, the fair's lost
 23. revenue. And most of those small fairs in
 24. particular are hugely dependent on that. They don't
 25. have the sponsorship base that a bigger fair has,

1. now. We were trying to get to the point where we
 2. can -- you know, they have something simple out
 3. there, anybody can read it, and they would know what
 4. the fee is.
 5. CHAIRMAN FOX: Well --
 6. MR. RADER: And we understand that
 7. and we want to try to accomplish that, but the
 8. problem is when we start throwing these numbers
 9. around, we don't know how we're affecting this
 10. carnival or this fair or -- by trying to come to the
 11. end result. I just -- we don't know what's in the
 12. middle is my point.
 13. MS. O'CONNOR: Okay. What do other
 14. states to do, because we -- I mean, we can't be the
 15. only one in this situation. So what's everybody
 16. else doing as far as --
 17. CHAIRMAN FOX: It's actually
 18. handled -- well, I'm sure he's got a list, but it's
 19. handled differently in different states.
 20. MS. O'CONNOR: So is there a way that
 21. there's a -- closer to a flat fee that also includes
 22. the bounce -- the inflatables --
 23. MS. JEFFERSON: Well, for example --
 24. and Chance took the liberty of putting together this
 25. information for other states. Arkansas. They --

1. and their primary revenue stream is what they get
 2. off the carnival.
 3. CHAIRMAN FOX: What if we bumped --
 4. I'm just asking a question. What if we bumped it to
 5. 150 where you -- the large devices?
 6. MR. HALE: And I -- I mean, that's
 7. certainly better than 250, isn't it?
 8. CHAIRMAN FOX: Yeah.
 9. MR. HALE: But I think we're also
 10. missing part of -- Ms. Jefferson's point is they're
 11. trying to get something other than having to make a
 12. decision where a device is classified.
 13. MS. O'CONNOR: I don't know if
 14. there's a way to do that --
 15. MR. RADER: I don't either.
 16. MS. O'CONNOR: -- unless we go back
 17. to revenue, though.
 18. MS. JEFFERSON: Well, if we --
 19. MS. O'CONNOR: If it's equitable.
 20. MS. JEFFERSON: If we set one fee --
 21. once we're finished -- well, yeah, I guess as long
 22. as we have to determine how many devices there are,
 23. then we're never going to have a set fee for them
 24. and they're always going to call us and ask us, how
 25. much is our fee? And that's what we're experiencing

1. for them, they have a flat -- it's more like a flat
 2. fee. It's one to five rides, they charge \$100. If
 3. it's two to six, \$200; 16 and 25, \$300; 26 to 35,
 4. \$400; and 36 or more, \$600. And their fees go into
 5. the General Fund. Fees charged would not be --
 6. they're not sufficient in Arkansas to cover, but
 7. they received from legislative funding, as well.
 8. MS. O'CONNOR: Does that include
 9. inflatables as well as amusement?
 10. MS. JEFFERSON: It's everything.
 11. MS. O'CONNOR: That's everything?
 12. MS. JEFFERSON: It's everything.
 13. MS. O'CONNOR: Okay.
 14. MS. JEFFERSON: In Colorado, funded
 15. entirely by the application and inspection fees.
 16. Fees are set by rule. Yearly application fee is
 17. \$500. So that's their permit fee, \$500 plus a
 18. yearly inspection fee, \$130 per device. They don't
 19. distinguish between different ones. They just --
 20. whatever you have is a \$130 per.
 21. In Florida, yearly permit fee is
 22. \$430. New rides have a license plate, which is
 23. something we want to take a look at, attached for
 24. tracking purposes. Inspection fees are 35 for
 25. kiddie rides; non-kiddie rides, \$70; super rides,

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1. 140. Late inspection fees are an additional \$100.
2. Florida collected \$65,000 in late fees last year.
3. That was just the late fees.
4. Okay. In Kentucky, inflatables are
5. \$50; bungee devices, which we don't regulate,
6. kiddie rides, climbing walls, which we don't
7. regulate, and water rides, which we really don't
8. regulate, are \$75. Go-kart facilities are \$125.
9. Major rides are \$150. Steel rollercoasters are
10. \$200. Wooden rollercoasters, \$300. Anything else
11. not listed is \$150.
12. CHAIRMAN FOX: What does North
13. Carolina do? Do you have that?
14. MS. JEFFERSON: Yes. I believe so.
15. CHAIRMAN FOX: North Carolina has a
16. fully funded state inspection process.
17. MS. JEFFERSON: Right. Their program
18. fees -- with shortfalls from the General Fund. Fees
19. are set by rule not to exceed \$250 for inspection
20. and the issuance of the operating license or permit.
21. For North Carolina, inflatables are \$100, kiddie
22. rides are \$45, go-karts are \$35 per kart; major
23. rides, \$90; rollercoasters, \$250; bumper boats,
24. \$250. Fees are all inclusive, no additional charge
25. for permit or certificate of operation. So they

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1. don't have all these different categories that we
2. were trying to come up with.
3. CHAIRMAN FOX: No, but they still
4. don't have a definitive --
5. MR. RADER: No.
6. MS. O'CONNOR: One price fits all.
7. CHAIRMAN FOX: They don't have a
8. definitive criteria to choose if it's a large,
9. medium, or small.
10. MS. JEFFERSON: That would be right.
11. CHAIRMAN FOX: And that's what we're
12. looking for. We're looking for a black-and-white
13. answer.
14. MR. RADER: And I don't see how we
15. can get it accomplished with simplicity in our
16. budget.
17. MR. FISHER: What if we did something
18. like this: Take the number of device categories,
19. kind of like this fee structure, but say if you have
20. an inflatable that's rented, just say if you rent it
21. out on a rental basis, then it counts as one half a
22. device. So if you have 40 inflatables that you
23. rent, then when you do your permit, you count it the
24. same as 20.
25. MR. HALE: So you've raised, our

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1. example, the man back here, from 900 to 2,000.
2. MR. FISHER: Yes. But that's a lot
3. less than three or 4,000.
4. MR. HALE: I agree. I just think
5. that's a pretty substantial -- I don't have any
6. problem with -- really with this fee structure with
7. the inflatables out of it.
8. MR. RADER: That's what I was
9. thinking, too.
10. MR. HALE: I mean, I don't have a
11. problem with the fee structure they've proposed if
12. you pull the inflatables out of it and made them
13. their own category. I also don't have a problem
14. with the thought process of a fixed rollercoaster
15. having an additional fee.
16. MS. JEFFERSON: Well, that may be
17. good, because we have 57 inflatable companies. They
18. have about 982 devices for all 57 companies.
19. MR. FISHER: Keep their fee structure
20. the same as it is now and then --
21. MR. HALE: No, this proposal.
22. MR. MOORE: No, I still think it
23. needs to go up.
24. MS. O'CONNOR: Yeah.
25. MR. FISHER: Yeah.

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1. MR. HALE: This one.
2. MR. MOORE: Yeah.
3. MS. JEFFERSON: So you all are okay
4. with this one? Is this the one you were looking at?
5. CHAIRMAN FOX: How many devices do we
6. have?
7. MR. MOORE: 982.
8. MR. FARMER: 982.
9. MR. HALE: 982.
10. MR. MOORE: And that's 44,000 or
11. something --
12. MR. HALE: So that's --
13. MR. MOORE: -- at \$40 a piece.
14. MR. HALE: That's \$39,000, 39,280,
15. right?
16. MS. BENNETT: Is that counting 150
17. each?
18. MR. MOORE: No.
19. MR. HALE: That's how much at \$40 you
20. would get --
21. MR. RADER: \$40 per inflatable.
22. MR. HALE: -- \$40 per inflatable,
23. you'd get \$39,280.
24. MR. RADER: Plus 150 on top of that.
25. MR. HALE: Plus 150. Oh, yeah. Plus

1. 150 on top of it.
2. MR. FARMER: That would be --
3. MS. BENNETT: Times the 38 or
4. whatever?
5. MR. HALE: Times the --
6. MR. BAILEY: Times 50 --
7. MR. FARMER: 57, I think.
8. MR. BAILEY: 57.
9. MS. BENNETT: 57?
10. MR. FARMER: I think 57 is what I
11. said.
12. MR. HALE: Well, yeah, so you've
13. got --
14. MR. MOORE: And that's 8,550.
15. MR. RADER: So \$50,000?
16. MR. HALE: Yeah. You're going to get
17. \$50,000 off of inflatables, roughly. Off the ones
18. you know of right now.
19. MS. BENNETT: The ones that we have
20. now, not counting the ones --
21. MR. HALE: Not counting what you're
22. going to find. So my personal opinion, I don't
23. really have a problem with this structure that they
24. proposed with the inflatables out of it.
25. MS. O'CONNOR: Does this new

1. structure work for go-karts?
2. MR. HALE: Well, I think we'll have
3. to establish a go-kart fee.
4. MR. RADER: Yeah. Because we may not
5. get those, right?
6. CHAIRMAN FOX: We may not.
7. MS. BENNETT: No, but if you do, the
8. 51 plus, if it's a big go-kart, it'd be, what,
9. 5,000? You know, there's a couple of big ones,
10. right? Several.
11. CHAIRMAN FOX: Well, you got to think
12. NASCAR Speed Park's got, like, 150 go-karts.
13. MR. RADER: That's right.
14. MS. O'CONNOR: So that'd be 5,000 for
15. that one.
16. MR. FISHER: Plus they're in sort of
17. some things like the rental -- because 100 karts
18. aren't going to be on the track at one time. Half
19. of them are going to be in maintenance.
20. CHAIRMAN FOX: Yeah, but you charge
21. what they own.
22. MR. FISHER: Right.
23. CHAIRMAN FOX: What they have to have
24. inspected.
25. MR. FISHER: But same with the

1. inflatables.
2. CHAIRMAN FOX: Yeah.
3. MS. BENNETT: But until we did a
4. separate fee, then it could fall in this category,
5. right?
6. MS. O'CONNOR: I just wanted to say,
7. as long as we're looking at this, let's look at
8. go-karts, too, and be proactive rather than --
9. MR. HALE: Yeah, yeah.
10. MS. O'CONNOR: -- sitting back here a
11. year from now.
12. CHAIRMAN FOX: Good point.
13. MR. HALE: Just decide --
14. MR. FISHER: Then you could see what
15. the fee would be --
16. MS. O'CONNOR: Yeah.
17. MR. FISHER: -- before --
18. MR. HALE: -- that we had some
19. idea --
20. MS. O'CONNOR: Where our numbers are
21. going to end up.
22. MS. RHODES: Can we charge a late fee
23. if they don't renew their permit on time?
24. MS. O'CONNOR: We should.
25. MR. MOORE: We should.

1. MS. JEFFERSON: That's a good point.
2. MS. O'CONNOR: If we're not, we
3. should be.
4. MR. MOORE: We definitely should.
5. MS. JEFFERSON: Then we don't have to
6. worry about it.
7. MS. BENNETT: We don't, but we really
8. need to as an incentive for them to renew it on
9. time.
10. MS. O'CONNOR: Let's --
11. MR. MOORE: And it needs to hurt,
12. too.
13. MS. O'CONNOR: Yes.
14. MS. JEFFERSON: Yeah.
15. MR. FARMER: We charge 50 percent in
16. elevators.
17. MR. MOORE: Yeah.
18. CHAIRMAN FOX: For late fees?
19. MR. FARMER: And it's in the laws.
20. MR. HALE: While we're throwing
21. things out here, let me add this: How would you all
22. feel about -- Chris was saying earlier that if
23. they -- a special inspection for an elevator's \$200.
24. How would we feel about a \$200 response fee so if
25. there's a ride accident, our inspector responds to

1. it, there's a \$200 response fee?
 2. MS. O'CONNOR: Yes.
 3. MR. HALE: And I want to add this to
 4. it and say, if there is a complaint that's called in
 5. in reference to ACME carnival and the inspector
 6. responds out there and finds out that it is -- that
 7. it's not a valid complaint, then they don't get
 8. charged.
 9. MS. O'CONNOR: Correct.
 10. MR. HALE: But if he finds out it's a
 11. valid complaint, then there is a charge. The reason
 12. I say that is what would keep Mr. Koger's -- that
 13. was here -- competitors from, every time he sets up
 14. an inflatable, calling down here and making a
 15. complaint and the inspector goes out there and hits
 16. him for another \$200? They go out there and it's an
 17. unfounded complaint. Then there's no charge. If
 18. the inspector goes and yes, there is a problem, then
 19. it's the \$200 response fee.
 20. MS. JEFFERSON: Okay. Now let me ask
 21. just to be clear. Okay. So we're talking about
 22. emergency situations where there's been an accident?
 23. MR. HALE: Been an accident and the
 24. inspector is sent out there. Because of that,
 25. there's a \$200 response fee.

1. MS. JEFFERSON: But -- okay. But you
 2. said if it's not valid. So give me a situation --
 3. MR. HALE: Okay. No. I was saying
 4. if somebody called here, made a complaint, and said,
 5. hey, I was at the ACME fair and I don't think the
 6. rollercoaster's safe, and the inspector goes out
 7. there and he checks it, there's no validity to that,
 8. then there's no charge. If he gets there and says,
 9. wow, the -- two of the wheels fell off the
 10. rollercoaster, then there is a \$200 response fee.
 11. It keeps you from being penalized because your
 12. competitor is calling in and complaining on you.
 13. MS. JEFFERSON: And that's versus a
 14. situation where there is an actual accident. Say
 15. the company --
 16. MS. O'CONNOR: Yes.
 17. MS. JEFFERSON: -- has called in and
 18. reported an accident and then we send the compliance
 19. officer out. Then that automatically means --
 20. MR. HALE: Then there's a \$200 --
 21. MS. JEFFERSON: Right.
 22. MR. HALE: -- response fee. We're
 23. not calling it an inspection fee; we're calling it a
 24. response fee. You've at least covered the cost of
 25. the gas for the inspector to get there and --

1. MS. JEFFERSON: That's a good --
 2. MR. HALE: -- whatever might be --
 3. you know. It's not intended to be a money maker.
 4. It's intended to help cover the cost of that
 5. response.
 6. MS. JEFFERSON: Okay.
 7. MS. POWERS: I think I did what
 8. you're wanting. So if you're looking at the total
 9. of what they're currently paying, down at the
 10. bottom, it's 34,800. And then I totaled it up. If
 11. you were paying \$40 a device plus a \$150 fee instead
 12. of that, it would be 47,980, and that's a difference
 13. of 13,180.
 14. MR. HALE: 13,000 additional funds.
 15. MR. FARMER: That's based on \$40.
 16. MR. HALE: Based on \$40.
 17. MR. FARMER: But you all at one time
 18. said something about \$50. So --
 19. MS. JEFFERSON: Okay. But that's
 20. based on the current fee structure.
 21. MS. POWERS: Yeah.
 22. MR. HALE: All right. And the more
 23. we find, the more that money goes up.
 24. MS. JEFFERSON: Right. So that
 25. number -- I'm sorry, just to be clear. 34 -- I

1. can't see it. 34,800.
 2. MR. FARMER: So this is what we're
 3. doing now, Kim.
 4. MS. JEFFERSON: Right. The current.
 5. MR. FARMER: Then this --
 6. MS. JEFFERSON: And this would be --
 7. MS. POWERS: Just on inflatables.
 8. MR. FARMER: Just on inflatables. So
 9. it would raise it up to 47,900 with the proposed fee
 10. increase of \$40 or up to \$40 instead of 25.
 11. MS. JEFFERSON: Okay.
 12. MR. FARMER: So it only brings in an
 13. extra \$13,000, raising it up that extra \$15,
 14. correct? Is that what we're thinking?
 15. MS. POWERS: Yeah. Is that what you
 16. wanted, Ms. Jefferson?
 17. CHAIRMAN FOX: And that's
 18. 10 percent --
 19. MS. JEFFERSON: Yes.
 20. CHAIRMAN FOX: -- of your --
 21. MR. FARMER: Revenue?
 22. CHAIRMAN FOX: -- revenue.
 23. MR. FARMER: No. It's going to be
 24. more than 10 percent. Inflatables are probably a
 25. good 50 percent of our business, right? Maybe more?

1. More?

2. CHAIRMAN FOX: Yeah, but that's

3. 10 percent. That would be 40 -- 487,000 that we got

4. to come up with.

5. MR. FARMER: Yes.

6. MS. JEFFERSON: Yes.

7. MR. FARMER: Yeah, 10 percent -- you

8. only get 10 percent of the income out of 70 percent

9. of your business.

10. CHAIRMAN FOX: Yeah.

11. MR. HALE: But again, you can't take

12. that 50 percent of the business and balance the

13. budget on the deal.

14. MR. MOORE: How many total

15. companies --

16. MR. HALE: When they're the least

17. income.

18. MR. MOORE: -- are on there? Number

19. of companies.

20. MS. POWERS: That was with 58

21. different companies.

22. MR. MOORE: Okay. So 58, and

23. there's, what, 211, so you're looking at roughly

24. a --

25. MR. FARMER: No, there's 250

1. companies on there.

2. MR. MOORE: 200 --

3. MR. FARMER: 50.

4. MR. MOORE: 250. So it's a fee at

5. the end. And they would be producing -- what was

6. the figure?

7. MR. FARMER: 47,900 is what you would

8. be clearing right now, and that's just -- that's

9. everything. That's the 150 --

10. MR. MOORE: And we need 220,000 to

11. sustain or to --

12. MS. JEFFERSON: 400 --

13. MR. FARMER: 480.

14. MR. MOORE: 480.

15. MS. JEFFERSON: 487. And actually,

16. the 47 amount, it's slightly below the projected

17. amount here, because I think most of the inflatables

18. were in the one-to-five category. And so that alone

19. was the 61,500. So I now know we're not going to --

20. you know, our numbers may not necessarily jive, but

21. that just gives you an idea. This was the amount

22. that we were projecting for one to five devices at a

23. rate of \$500, which is different than those amounts,

24. because that's what we're doing now. So yeah, that

25. 47 amount there is slightly lower than the 61,500

1. that we were trying to project.

2. MR. HALE: But I also contend that we

3. almost doubled the fee on all of those inflatable

4. businesses. We went from 25 to 40. We've almost

5. doubled the cost that those inflatable businesses

6. are paying.

7. CHAIRMAN FOX: I want to go on record

8. saying I like 37.50.

9. MR. HALE: I'm with him, but --

10. CHAIRMAN FOX: No, I --

11. MS. O'CONNOR: I still think that's a

12. reasonable --

13. CHAIRMAN FOX: Oh, I know.

14. MR. HALE: I think \$40 is something

15. that --

16. CHAIRMAN FOX: I was just --

17. MS. O'CONNOR: Yes, it is --

18. percentage-wise, that's a big increase, but I still

19. think that's a reasonable fee.

20. MR. HALE: I'm not -- he brought it

21. back up, not me.

22. CHAIRMAN FOX: I agree with you.

23. MR. HALE: I'm not kicking the \$40.

24. MR. BAILEY: It was brought up a

25. little earlier about charging a fee for people who

1. do not renew their permit on time.

2. MS. O'CONNOR: Yes.

3. MR. BAILEY: That's already in the

4. statute. It says, the fee for any inspection or

5. operating permit under this chapter shall be

6. increased 50 percent if such fee is not paid within

7. 60 days from the date of the invoice for such an

8. inspection or permit.

9. MR. FARMER: And that's not isolated

10. just to elevators.

11. MR. BAILEY: No.

12. MR. FARMER: Correct? Okay.

13. MS. RHODES: We don't invoice,

14. though.

15. MR. BAILEY: In fact, over here where

16. it talks about -- it's an offense punishable as

17. provided for in 68 -- I'm reading here at

18. 68-121-117, paragraph A1. It is an offense

19. punishable as provided in 68-121-115 for an owner

20. to -- I'm paraphrasing here -- to operate a device

21. without getting the annual permit. And 68-121-115,

22. which is the one I just read at Paragraph B, says

23. the fees increase by 50 percent if not paid within

24. 60 days of the invoice.

25. MR. FARMER: Of invoice. Okay. So

1. what if we don't invoice?
 2. MS. RHODES: We don't invoice for
 3. amusements.
 4. MR. BAILEY: On the date of the
 5. invoice for such inspection or permit.
 6. MS. JEFFERSON: Right.
 7. MR. HALE: But you got to invoice
 8. them to make that whole.
 9. MR. MOORE: Yeah.
 10. MS. JEFFERSON: Well, yes. And
 11. again, as part of our system, our computer system,
 12. we hope to obtain a computer system that invoices.
 13. Right now, we don't have it so we're working with
 14. what we have. We generally let them know, send a
 15. letter with the amount, or just let them know how
 16. much it is and then they generally pay it, because
 17. we don't have an invoicing system set up now. As
 18. far as the --
 19. MR. BAILEY: Well, wait a minute. If
 20. you send them a letter saying --
 21. MR. RADER: Well, if you send them a
 22. letter, that's --
 23. MR. BAILEY: That's an invoice.
 24. MS. O'CONNOR: That's an invoice.
 25. CHAIRMAN FOX: Yeah.

1. MS. JEFFERSON: Well, but generally,
 2. our letters don't -- they don't really quote the
 3. amount. Is that right?
 4. MS. BENNETT: No. It's just a
 5. seven-day, you know, deadline response, you know --
 6. MS. JEFFERSON: We probably --
 7. MR. BAILEY: Well --
 8. MS. BENNETT: -- for them to contact
 9. us.
 10. MS. JEFFERSON: We could create --
 11. MR. BAILEY: But the annual permit is
 12. 150, right?
 13. MS. RHODES: Right.
 14. MS. BENNETT: Uh-huh.
 15. MR. BAILEY: And so if we send them a
 16. letter saying, hey, your annual --
 17. MS. JEFFERSON: We just send them a
 18. letter.
 19. MR. BAILEY: -- permit is about to
 20. expire --
 21. MR. RADER: They get that
 22. information.
 23. MS. O'CONNOR: Yeah.
 24. MR. RADER: They know that
 25. information.

1. MS. O'CONNOR: Yeah.
 2. MR. BAILEY: That's already -- that's
 3. an invoice.
 4. MS. O'CONNOR: Yeah. I would agree.
 5. MR. HALE: Right. But --
 6. MS. JEFFERSON: Even if it doesn't
 7. have the amount.
 8. MR. BAILEY: Yeah. Even if it
 9. doesn't have the amount. I think that's an invoice.
 10. MS. BENNETT: Well, he's saying the
 11. permit fee.
 12. MR. FARMER: Because it's a fixed
 13. amount.
 14. MS. BENNETT: A company permit fee of
 15. 150, not the device fee.
 16. MS. JEFFERSON: Right.
 17. MS. BENNETT: As long as we --
 18. MR. BAILEY: I mean, you can stick it
 19. in there, you know, in the letter just to be -- make
 20. it even more --
 21. MS. BENNETT: Well, you know, the
 22. device fee changes --
 23. MS. JEFFERSON: Right.
 24. MR. BAILEY: Right. The device fee.
 25. MS. BENNETT: -- from one year to the

1. next depending on what they're operating, but the
 2. company permit fee stays the same. So --
 3. MR. BAILEY: Right.
 4. MS. RHODES: We could have Rusty
 5. (phonetic) amend our renewal letter, you know, that
 6. we do send out.
 7. MS. JEFFERSON: Yeah. We're getting
 8. ready to get a new computer system anyway. So
 9. before we put that effort in there. We'll call it
 10. the way to --
 11. MR. HALE: So what you're saying is
 12. invoice them and say, you owe us \$150 plus X number
 13. of dollars for each device or whatever we come up
 14. with. And then they've got to figure out how many
 15. devices are going to operate in Tennessee.
 16. MS. JEFFERSON: And part of the
 17. problem, too, is the reason we don't have the -- we
 18. don't give them that information on the front-end is
 19. because we really don't know until they send
 20. everything to us. Because the fee, like I said, is
 21. so complicated, it's not a situation where they --
 22. they'll know what they're supposed to send us. They
 23. have to wait until they hear back from us. And
 24. generally, it's talking with them on the telephone,
 25. sending an e-mail, that type of thing.

1. MR. HALE: Right.
2. MS. JEFFERSON: Letting them know how
3. much the fee is.
4. MR. HALE: See, you've got companies
5. out there, amusement ride owners who may be in
6. Tennessee this year. Next year they may not play
7. anything in Tennessee because all they do is
8. subcontract into other carnivals. Carnivals go into
9. fairs, in particular, with a contract that says, I
10. have to provide so many spectacular rides, so many
11. major rides, so many minors, so many kiddie rides.
12. And so this year ACME Carnival Company may say,
13. okay, I'm going to use her Tilt-A-Whirl this year.
14. I'm not going to use yours. So now you don't have a
15. reason to permit in Tennessee, because you're not
16. going to send your Tilt-A-Whirl up here.
17. MS. BENNETT: And we have that happen
18. a lot on renewals to where there's no response from
19. the seven-day deadline and we'll call them and they
20. say, well, we're not playing in Tennessee this year.
21. MR. HALE: Right.
22. MS. BENNETT: And we request
23. something like an e-mail or something and we put it
24. in the file. Just in that --
25. MR. HALE: It says they're not going

1. to be in Tennessee.
2. MS. BENNETT: Not going to be in
3. Tennessee. And then --
4. MR. HALE: And they may have --
5. MS. BENNETT: -- they're caught in
6. Tennessee.
7. MR. HALE: They may own devices that
8. they're not going to permit in Tennessee because
9. they're not going to play them here. Even though
10. their carnival may be in Tennessee, they may say,
11. well, I'm going to be in Tennessee but I'm never
12. going to bring my Tilt-A-Whirl because I've got it
13. loaned out to, you know, some other carnival company
14. and I'm not going to bring it -- even though I still
15. own it, I'm got going to bring it to Tennessee.
16. It's on their insurance now and it's on loan to
17. them.
18. So there will be some deviation and
19. there may even be some times when people call in
20. that aren't in the 60-day window, and say, I've
21. had to add this piece of equipment from ACME
22. Carnival Company because mine broke. And now I
23. need to get it permitted in Tennessee, because,
24. you know, now -- so there will be some special
25. circumstances that would occur like that. But --

1. MS. JEFFERSON: And just to let you
2. all know -- I mean, Chance brought something to our
3. attention. We already send the fee schedule, the
4. current fee schedule, with our application out with
5. a list of all the fees. And so I think what Chance
6. is saying is that that can serve as our -- what we
7. call our invoice. So we're already, quote,
8. unquote -- we're not invoicing in the traditional
9. sense --
10. MS. RHODES: Right.
11. MS. JEFFERSON: -- of invoicing, but
12. by sending that information out, we're invoicing.
13. MR. BAILEY: Do you also send -- do
14. we send them the renewal letters for them to renew?
15. MS. JEFFERSON: We don't.
16. MR. BAILEY: Okay.
17. MS. JEFFERSON: Not for the renewal
18. letter. We can add that to it.
19. MR. BAILEY: You might want to do
20. that for renewal.
21. MS. RHODES: Do we need to add that
22. like we have on elevator invoices that states the --
23. MS. JEFFERSON: Actually --
24. MS. RHODES: States the --
25. MS. JEFFERSON: Actually, Anita, we

1. do. We send a seven-day letter now instead of
2. sending the renewal letters, because some of the
3. information is incorrect on the system. So we've
4. been sending a seven-day response deadline letter to
5. the customers. And we've been sending that -- don't
6. we send that letter with the amount that's owed? Is
7. that one of the things we send? We send the
8. requirements.
9. MS. BENNETT: We send the
10. requirements.
11. MS. JEFFERSON: Right. And that's in
12. the requirements, right?
13. MS. BENNETT: Uh-huh.
14. MS. JEFFERSON: So we're covered.
15. We're doing what we're supposed to do.
16. MS. RHODES: I mean, we say on the
17. invoice for elevators -- we say that if you do not
18. pay it within 60 days under this law, you know, we
19. will add that.
20. MR. FARMER: It says the 50 percent.
21. MS. RHODES: The 50 percent.
22. MS. JEFFERSON: Right. But that's in
23. your computer system, right?
24. MS. RHODES: It is. So we can add it
25. to our letter.

1. MS. JEFFERSON: Well, yeah. We're --
 2. I think we're good.
 3. MS. RHODES: Okay.
 4. MS. JEFFERSON: Based on what the
 5. chancellor said, I think we're good.
 6. All right. So invoicing is fine. So
 7. I guess we can start charging the 50 percent, but
 8. it's really difficult to collect the initial fee,
 9. let alone -- so I guess this just means we can
 10. tack that on. Is that what that's saying? We can
 11. tack that on when they finally pay in addition to
 12. what they're paying. The \$150 plus the device
 13. fees. We can tack the 50 percent on to future
 14. customers.
 15. MR. HALE: Well, you know, and I --
 16. MR. BAILEY: Well, I mean, if they
 17. don't pay it in time just --
 18. MR. HALE: Like I said, I think
 19. there's going to be -- have to use some common sense
 20. about some exceptions about that 50 percent. But by
 21. the same token, if you know that you're going to
 22. play the ACME fair in Tennessee and you've known a
 23. year in advance, there's no sense in you showing up
 24. here three days before the fair to get your permit.
 25. MR. FARMER: Would it be safe to say

1. if you're trying to add something on at the last
 2. minute that that would engulf the special
 3. inspection --
 4. MR. HALE: Maybe.
 5. MR. FARMER: -- fee or the special
 6. fee, where if you're trying to add something on
 7. late, would it cost you \$200 for one of our
 8. compliance officers to come out there to -- not to
 9. inspect but to verify that it's there and it got
 10. inspected?
 11. MR. HALE: Yeah. Now, that --
 12. MR. FARMER: I mean, that may be a
 13. way to generate revenue.
 14. MR. HALE: I don't have a problem
 15. with that.
 16. MR. FARMER: You're doing them a
 17. favor by letting them add the last minute.
 18. MR. HALE: I realize because I've
 19. been around the carnival industry a big portion of
 20. my life that there's going to be things that are
 21. going to happen where devices are brought in that
 22. they weren't planning on --
 23. MR. FARMER: Yes.
 24. MR. HALE: -- initially and things
 25. like that. I've also been around it long enough to

1. know that you shouldn't be down here three days
 2. before the ACME fair opens and saying, oh, by the
 3. way, I've got to get some permits.
 4. MR. FARMER: Yes.
 5. MR. HALE: You knew you were going to
 6. be at the ACME fair a year ago. After January, I
 7. guarantee you, 99 percent of the fairs in Tennessee
 8. know who their carnival's going to be. After the
 9. first week of February at the latest, 99 percent of
 10. all fairs know who their carnival's going to be.
 11. There's no reason that carnival couldn't be calling
 12. down here saying, I need to get my permit stuff
 13. squared away. They may not initially know what
 14. rides they're going to bring, but they can at least
 15. be talking to you and getting their \$150 in. They
 16. can be getting their paperwork in line. There's no
 17. reason for them not to.
 18. MS. DURM: And if I may say, sir,
 19. that happened several times --
 20. MR. HALE: Oh, I know it did.
 21. MS. DURM: -- this last year.
 22. MR. HALE: I know it did. Because
 23. the carnival people -- owners are calling me and the
 24. fairs are calling me and the fair's cousin's calling
 25. me and everybody else, and I'm, like --

1. MS. BENNETT: Well, and after
 2. January --
 3. MR. HALE: -- send the money.
 4. MS. BENNETT: After January, we sent
 5. out a letter in February and said, this is the
 6. permitting process. Here's what you need to do.
 7. You need to have it in here X number of days. And
 8. it still was late. So I mean --
 9. MR. HALE: And I don't think it's bad
 10. that the fairs are notified, but I think we do have
 11. to understand that there's a difference in the fair
 12. and the carnival. The fair is, for the most part,
 13. that event put on by volunteers to show cattle and
 14. pumpkins, and the carnival comes in along with it.
 15. MS. BENNETT: Well, we send it to all
 16. carnivals and all fairs.
 17. MR. HALE: All right. But the
 18. fairs --
 19. MS. BENNETT: So they all knew about
 20. it.
 21. MR. HALE: -- are not responsible for
 22. paying for those inspections.
 23. MS. BENNETT: No, no. I agree.
 24. MR. HALE: That burden is on their
 25. ride provider, their carnival.

1. CHAIRMAN FOX: Yeah.
 2. MS. BENNETT: I agree.
 3. CHAIRMAN FOX: All right. So to --
 4. MR. HALE: Cattle and pumpkins.
 5. CHAIRMAN FOX: I loved that one. I
 6. thought that was a good line.
 7. MR. HALE: Okay.
 8. CHAIRMAN FOX: So can we kind of wrap
 9. this section up? I think we've ridden the horse
 10. and -- for quite a while. And we've talked about
 11. late fees. We would certainly encourage that.
 12. MS. JEFFERSON: As you can see, we've
 13. been very lenient.
 14. MS. O'CONNOR: Yes, you have.
 15. MS. JEFFERSON: Just trying to bring
 16. people into -- because a lot of people say that
 17. they -- they're not familiar with the law, although
 18. the law has been effective since 2009. So we've
 19. been very lenient. So I think this would be a good
 20. time for us to pursue those late fees.
 21. MS. O'CONNOR: But ignorance of the
 22. law is never an excuse.
 23. MS. JEFFERSON: Is no excuse. Never
 24. an excuse.
 25. CHAIRMAN FOX: But I do think we need

1. to put them on notice that, ladies and gentlemen,
 2. we're going to be doing this from now on, as when
 3. you send out whatever else it is. Now, you may do
 4. it already. But late fees will be imposed.
 5. MR. HALE: The grid letters or
 6. something.
 7. CHAIRMAN FOX: Yeah. And we're
 8. looking at a \$40 fee for the inflatables. And then
 9. the other -- we want to look at this with the
 10. exception of inflatables and go 40 on the
 11. inflatables.
 12. MR. HALE: My suggestion is we use
 13. the proposed fee structure that was handed out by
 14. the Department with the exception of inflatables and
 15. that we add in there a \$200 response fee if our
 16. inspectors respond to an incident.
 17. CHAIRMAN FOX: And that'll be kind of
 18. the way we want to do that on the 6th of December,
 19. right? We want to be able to vote on that.
 20. MS. O'CONNOR: And at that time,
 21. we'll define whether we're talking about -- once we
 22. get Don's information, whether we're talking a
 23. device category for -- the ziplines are devices --
 24. CHAIRMAN FOX: Right.
 25. MS. O'CONNOR: -- or whether they're

1. actual courses, correct?
 2. CHAIRMAN FOX: Right.
 3. MR. HALE: Right.
 4. MS. O'CONNOR: Okay.
 5. CHAIRMAN FOX: Yeah. As soon as --
 6. MR. HALE: Yeah. We have to
 7. establish --
 8. CHAIRMAN FOX: As soon as he sends
 9. that --
 10. MS. O'CONNOR: We get some kind of
 11. information on that.
 12. MR. HALE: -- a zipline --
 13. MS. JEFFERSON: And we want -- just
 14. for clarification, we want one fee. We want to call
 15. it, like, the permit fee. Even though we're dealing
 16. with inflatables and they're two considerations.
 17. And the reason that we were asking about that is
 18. because Dan found something in the law that it says
 19. that actually, we're only supposed to have one fee.
 20. MS. O'CONNOR: Okay.
 21. MS. JEFFERSON: We're not really
 22. supposed to have two.
 23. MS. O'CONNOR: Okay.
 24. MR. MOORE: So --
 25. MR. HALE: So we can't charge

1. inflatables the 150 plus the 40 per device?
 2. MR. BAILEY: Well, I --
 3. MR. HALE: Like we've been doing?
 4. MR. BAILEY: I think --
 5. MS. JEFFERSON: You can charge but
 6. you can't call two separate things. You can't --
 7. MR. MOORE: And so in other words,
 8. that's why I was doing the math, trying to figure
 9. out what is the minimum. You know, say you had one
 10. device. You can't be charged \$150 for this and then
 11. \$25 for that device. There has to be a one fee of
 12. \$175 or something like that. In other words, there
 13. needs to be a -- am I stating that right, Dan?
 14. There has to be a minimum fee set.
 15. MS. JEFFERSON: He's going to take a
 16. look at the law.
 17. MR. MOORE: Does that sound right,
 18. Dan?
 19. MR. BAILEY: Well, the statute says
 20. that the Department is authorized to charge a fee to
 21. be set by the Department for the issuance of an
 22. annual permit. So I was pointing out to Kim
 23. earlier, on this particular page here, it shows
 24. annual permit fee, 150 per company plus device fees.
 25. And there could be an argument out there that, you

1. know, the statute doesn't authorize device fees,
 2. only an annual permit fee. But the argument can
 3. also be made that these device fees are part of the
 4. annual permit fee.
 5. MS. O'CONNOR: Yes.
 6. MR. BAILEY: And that's --
 7. MR. FISHER: So if we just said --
 8. MR. BAILEY: I think you can --
 9. MR. FISHER: -- the annual permit fee
 10. is \$150 --
 11. MS. JEFFERSON: Plus.
 12. MR. FISHER: -- plus \$25 per
 13. device --
 14. MS. JEFFERSON: Yes.
 15. MR. FISHER: -- is your total --
 16. MR. BAILEY: Annual permit fee.
 17. MR. FISHER: -- annual permit fee.
 18. MS. JEFFERSON: Yes.
 19. MR. BAILEY: Right. Yeah. I don't
 20. think --
 21. MR. HALE: Okay. So we can do it
 22. that way.
 23. MR. RADER: That's all a play on
 24. words.
 25. MR. FISHER: Yeah.

1. MS. JEFFERSON: Yes.
 2. MR. BAILEY: I don't think showing
 3. them separately is a wise thing to do, really --
 4. MS. O'CONNOR: Yes.
 5. MR. BAILEY: -- if you get in the
 6. wording of the statute. I think it all needs to be
 7. called "annual permit fee."
 8. MS. JEFFERSON: Right.
 9. MR. HALE: \$150 plus X amount per
 10. device. Okay.
 11. CHAIRMAN FOX: Depends on how you say
 12. it.
 13. MR. HALE: Okay.
 14. MR. BAILEY: Yeah. It does.
 15. MR. HALE: Well, so like my posing
 16. the question to him, would you say \$384 was
 17. unreasonable? No. But he was saying, well, 40's
 18. unreasonable, but 384 wasn't. It's the same number.
 19. CHAIRMAN FOX: That's the reason to
 20. sell cars at 1995.
 21. MR. HALE: 1995.
 22. CHAIRMAN FOX: Or 19,995. All right.
 23. So we -- are we good with that and that's kind of
 24. how we want to proceed on the 6th, right? We want
 25. to make that recommendation that we put that on the

1. agenda, we vote on that, and get ready to go.
 2. MR. HALE: Yes.
 3. MR. RADER: Yeah.
 4. CHAIRMAN FOX: Okay. All right.
 5. Item Number 16-05. Discussion regarding rules for
 6. investigating device accidents and what is required
 7. of the owner and the operator.
 8. MS. DURM: Chairman, may I just make
 9. one statement before --
 10. CHAIRMAN FOX: Yes, ma'am.
 11. MS. DURM: I'm so sorry. And just --
 12. Dan is our legal counsel, but just to make sure
 13. that, you know, as far as the process is -- the
 14. legislation process to address some of these issues
 15. is entirely different. And the fee structure, that
 16. would, again, be a rule. It'll take around two
 17. separate tries.
 18. CHAIRMAN FOX: Yes.
 19. MS. DURM: I just want to -- okay.
 20. Just to make sure. Thank you, sir.
 21. CHAIRMAN FOX: Yeah. We -- yeah.
 22. We're --
 23. MS. DURM: Everyone's in the know.
 24. CHAIRMAN FOX: And we understand.
 25. All right.

1. MR. HALE: I think we discussed some
 2. of this already, didn't we?
 3. CHAIRMAN FOX: We have. We have. I
 4. guess just as a -- Ms. Jefferson, in your mind,
 5. what -- well, let me go through this and you tell me
 6. where we differ or where I'm off. We have an
 7. accident. If we have somebody who is in fact
 8. injured, transported, and furthermore, they go to
 9. the hospital, we call you.
 10. MS. JEFFERSON: Uh-huh.
 11. CHAIRMAN FOX: At that point, what is
 12. your -- what in your mind is your responsibility at
 13. that point? You being the Department. Not you
 14. specifically, but you being the Department.
 15. MS. JEFFERSON: Well, at that point,
 16. if the person -- I generally ask, was the person
 17. transported to the hospital by an ambulance? And if
 18. they say, yes, then at that point, I say, you need
 19. to complete a written report.
 20. CHAIRMAN FOX: Yes.
 21. MS. JEFFERSON: Because like I said,
 22. it's not best to call me.
 23. CHAIRMAN FOX: Right.
 24. MS. JEFFERSON: It's best just to go
 25. ahead and complete that accident report. And the

1. accident report's required by law to be submitted to
 2. the Department within 24 hours of the accident. In
 3. addition to that, I tell the --
 4. MR. BAILEY: In writing, too.
 5. MS. JEFFERSON: In writing. Right.
 6. The accident report. And so afterwards, I explain
 7. that in addition to the written accident report,
 8. they're required to obtain an inspector, a qualified
 9. third-party inspector from a list that's maintained
 10. on our website. They can go there and select their
 11. third-party inspector. Once they do that, I explain
 12. that the inspection report is due to our office the
 13. day after they have the inspection performed. At
 14. that particular point, after we receive that, we
 15. take a look at it to determine whether or not the
 16. device is safe and operable. We used to try to take
 17. a look at it regarding remedial action steps, but
 18. that's outside of what we do. As long as it says,
 19. safe and operable, we contact the company to let
 20. them know they may resume operation after speaking
 21. with the Commissioner and going through the proper
 22. and necessary steps.
 23. MR. MOORE: Do you reinforce to them,
 24. when they do contact you via report or whatever,
 25. that that ride has to be taken offline?

1. MS. JEFFERSON: They have to cease
 2. and desist. I'm sorry. We -- okay. Let me back
 3. up. It's all about a few things. So once they
 4. obtain the information as to, you know, the
 5. inspector -- qualified third-party inspector, we
 6. send a cease and desist letter. We try to send
 7. something even if it's an e-mail, because I was out
 8. of town a couple times when it happened. So I just
 9. send an e-mail to the person letting them know that
 10. they have to cease and desist the operation of that
 11. particular device.
 12. And once they send us the inspection
 13. report, if the inspection report reveals that it's
 14. safe and operable, then we send a letter, a
 15. resumption letter, a business resumption letter,
 16. letting them know, after talking with the
 17. Commissioner and everybody else involved, that
 18. it's okay to resume operation. However, if they
 19. never send us the inspection report, then they're
 20. not supposed to operate. They're not supposed to
 21. operate until they actually send us the
 22. information we need in order to issue that
 23. business resumption letter.
 24. CHAIRMAN FOX: Okay. May I ask a
 25. question? Is the -- is that process written or

1. available somewhere on the website? The exact what
 2. you just said. In other words, the steps that need
 3. to be taken.
 4. MS. JEFFERSON: Actually, I'll give
 5. you what's on the website. Let me take a look at it
 6. here.
 7. CHAIRMAN FOX: I think I have it. I
 8. just --
 9. MS. JEFFERSON: Okay. Because I did
 10. print that.
 11. CHAIRMAN FOX: Let me find it. It's
 12. something -- I can't remember. It's four things.
 13. MS. JEFFERSON: I believe it is.
 14. MS. BENNETT: Yeah. It's this one.
 15. MS. JEFFERSON: I believe it is.
 16. CHAIRMAN FOX: Yes. We have it.
 17. MR. HALE: This paper right here,
 18. Robbie.
 19. MS. JEFFERSON: Could you take a look
 20. at that --
 21. CHAIRMAN FOX: Yeah. Let me --
 22. MS. JEFFERSON: -- and just to let me
 23. know if that includes everything there? Some of it
 24. is policy. So of course it's not on there as far
 25. as, you know, contact literature and that type of

1. thing. But --
 2. MR. HALE: So once you receive the
 3. letter, and that can be by e-mail, that the device
 4. has been inspected and it's safe and operable, how
 5. long does it take to return that ride back to
 6. operation?
 7. MS. JEFFERSON: As long as it says
 8. safe and operable, the process is pretty quick.
 9. MR. HALE: Can that be done by
 10. e-mail?
 11. MS. JEFFERSON: We can -- we
 12. generally send them a letter by e-mail just letting
 13. them know that you're okay --
 14. MR. HALE: So if --
 15. MS. JEFFERSON: -- to resume
 16. operation.
 17. MR. HALE: -- the ACME theme park has
 18. an accident and they -- their third-party inspector
 19. is there within a few hours of the time that occurs,
 20. he inspects it, sends you a letter that says --
 21. MS. JEFFERSON: Sends the report.
 22. MR. HALE: -- anything that needed to
 23. be addressed has been addressed and the ride is safe
 24. and operable, then you should be able to give him a
 25. letter back. Now, the ride happens at -- their

1. accident happens at 9:00 o'clock on a Friday night.
 2. MS. JEFFERSON: Of course, that's not
 3. going to happen.
 4. MR. HALE: So --
 5. MS. JEFFERSON: Because we do that
 6. during business hours.
 7. MR. HALE: -- they're not going to be
 8. able to get that --
 9. MS. JEFFERSON: Until the next --
 10. MR. HALE: Even though the ride's
 11. been inspected and determined to be safe and
 12. operable, it's not going to operate until Monday.
 13. MS. JEFFERSON: Until the next
 14. business day, because we don't have people in the
 15. office on the weekends to process the information.
 16. CHAIRMAN FOX: Okay.
 17. MS. JEFFERSON: I think that's fair.
 18. I mean, the next business day.
 19. MR. HALE: Is it possible, once we
 20. get the inspectors online, that they would be able
 21. to release rides back into operation on the
 22. weekends?
 23. MS. JEFFERSON: Once they become --
 24. once they actually are trained. And that will take
 25. a year or so.

1. MR. HALE: Okay. All right. But
 2. don't --
 3. MS. JEFFERSON: So yes, after they
 4. are trained.
 5. MR. HALE: And don't take this wrong,
 6. but right now, there's nobody trained releasing
 7. them.
 8. MS. JEFFERSON: Well, no, no, no.
 9. Okay. You were talking about in their capacity on
 10. the weekends. See --
 11. MR. HALE: Right. What I'm saying
 12. is --
 13. MS. JEFFERSON: -- if they're going
 14. to actually --
 15. MR. HALE: The third-party
 16. inspector's there, inspects it -- the accident
 17. happened 8:00 o'clock Friday night, the third-party
 18. inspector's there by 10:00 o'clock and he inspects
 19. it and says, this needs to be corrected and it's
 20. corrected and he sends a letter to you that says --
 21. at 11:00 o'clock on Friday night that says, this
 22. ride's been repaired and it's now safe and operable.
 23. MS. JEFFERSON: But let's -- you have
 24. to understand, those people are supervised. And so
 25. they couldn't just go out on their own and do that.

1. I mean, they would have to come -- again, I have a
 2. supervisor. I have to go to the Commissioner and
 3. just make sure that everything is okay.
 4. MR. HALE: So they will not have the
 5. authority to release a ride back into operation.
 6. MS. JEFFERSON: Not that same day.
 7. And hopefully, that won't happen on a regular basis.
 8. If it does, we have to take a look at it case by
 9. case.
 10. MR. HALE: I think during fair
 11. season, it has the potential of happening regularly.
 12. MS. JEFFERSON: Right. Well, it
 13. didn't really happen this past time. We may have
 14. had a couple of accidents. For example, the Greene
 15. County accident. But that totally took that ride
 16. out of commission with what happened there.
 17. MR. HALE: Sure.
 18. MS. JEFFERSON: And, also, the same
 19. thing happened in Shelby County. So it was more
 20. than just a day or two. It wasn't -- they weren't
 21. expecting it to -- for us to turn it around within a
 22. day.
 23. MR. HALE: But I would believe that
 24. ACME theme park, that has a minor accident on a
 25. rollercoaster that requires a third-party inspector,

1. would rather not have their -- one of their major
 2. attractions out of commission for three days.
 3. MS. JEFFERSON: Right. I understand.
 4. And I think it would be case by case. But at that
 5. point, generally I'm still involved. I've been
 6. generally involved in these because --
 7. MR. HALE: And I'm not being critical
 8. of you by any means. I'm trying to understand. I'm
 9. hoping that our inspectors are going to be able to
 10. go out and resolve situations -- that they're going
 11. to have the authority to go out and resolve
 12. situations.
 13. MS. JEFFERSON: Well, we would have
 14. to take a look. Let's -- can we take a -- we'll
 15. just wait until you can see, you know, once our
 16. inspectors come on board. I think the best way to
 17. handle it is what we've been doing now. Like you
 18. said before, we hadn't had inspectors to -- and
 19. we've been able to give companies the authorization
 20. to resume. So I will still play a major role in it.
 21. If something like that happened, I would just ask
 22. that you contact me. I would do the same thing that
 23. I'm doing now. As far as them going out, you know,
 24. they would be able to go out at some point. But the
 25. question is, what will they be going out to take a

1. look at, because they're not really going to be
2. certified.
3. MR. HALE: Right. But they're going
4. to look at the same paperwork you're going to look
5. at and say, the third-party inspector's been here.
6. MS. JEFFERSON: And I would
7. probably --
8. MR. HALE: The third-party inspector
9. has --
10. MS. JEFFERSON: I would probably
11. continue to do that. I don't think that them
12. going -- like you said, it's not going to make a
13. difference if they go there or if you send it
14. directly to me at that point. So I would probably
15. just take a look at that information. And if the
16. third-party inspector says that it's safe and
17. operable, it's probably best just to go ahead and
18. allow you all to resume.
19. MR. HALE: But our inspector could go
20. out there and shut it down.
21. MS. JEFFERSON: If it's not -- right.
22. If they're still operating.
23. MR. HALE: He can shut it down, but
24. he can't open it up.
25. MS. JEFFERSON: Well --

1. CHAIRMAN FOX: Ms. Jefferson, here's
2. what we're trying -- here's -- I -- where he's
3. trying to head and where I was headed there a while
4. ago.
5. MS. JEFFERSON: Uh-huh.
6. CHAIRMAN FOX: If that incident
7. happens on the weekend -- let's say that it -- and
8. I'm not picking on these folks at all, but somebody
9. in Pigeon Forge, on one of those slides like we were
10. talking about, a Wiegand slide. You're talking
11. about, if they can't get it back open, there's a lot
12. of money lost there in that. And if -- really and
13. truly, if it were no fault of the ride, then it
14. needs to be reopened. But it has to go through the
15. process, third-party inspector, and furthermore, the
16. other inspector going out. But if they say, hey,
17. look, we understand there's no problem, and then
18. somebody signs off on the paperwork, we're trying to
19. get that back up --
20. MS. JEFFERSON: Right. I understand.
21. CHAIRMAN FOX: -- as expediently as
22. possible.
23. MS. JEFFERSON: I understand. And
24. just contact me. But right now --
25. CHAIRMAN FOX: Okay.

1. MS. JEFFERSON: -- let's take the
2. third-party -- the compliance officers out of it and
3. we'll continue to do it the way that we're doing it
4. now. When you all contact me, if there's an
5. accident, I'm generally working on the weekends,
6. what have you, and we'll get you operating. Because
7. we don't want you to lose business. So --
8. MR. HALE: All right. Because most
9. small fairs, if they lose their Saturday income --
10. MS. JEFFERSON: Yes.
11. MR. HALE: -- off their carnival,
12. then they -- you have caused a huge financial impact
13. to that small fair. Actually, any fair, small or
14. large, you've lost a huge amount of their income to
15. lose a Saturday and in some cases even a Sunday.
16. And I'm sure at theme parks, it's the same way.
17. CHAIRMAN FOX: It's either really and
18. truly -- the onus and responsibility literally falls
19. on that third-party inspector. So that third-party
20. inspector's going to bear the brunt of anything that
21. happens if he or she signs off on that without it
22. being safe and operable.
23. MS. JEFFERSON: Exactly.
24. MR. HALE: Okay.
25. CHAIRMAN FOX: They're --

1. MS. JEFFERSON: So if they say safe
2. and operable, I'll be happy to -- just contact me
3. and I'll be happy to say, resume. I'd rather for me
4. to take the blame for that than some new -- our new
5. compliance officers be placed --
6. MR. MOORE: One question associated
7. with that is, have we given the third-party
8. inspectors guidelines to say, if you're contacted at
9. this point, you have X amount of time to inspect?
10. Because say they didn't like this particular fair or
11. whatever and it happened at 6:00 o'clock on Friday
12. night and they say, okay, we'll be there, you know,
13. Sunday. I mean --
14. MR. HALE: Well, most inspectors are
15. probably connected to that carnival's insurance
16. company.
17. MR. MOORE: One way or another.
18. CHAIRMAN FOX: What you're seeing out
19. there right now, just like in Sevier County, we
20. have -- for the very first time that I can remember,
21. they call me and dog me until I help them find a
22. certified inspector, a third-party. And they
23. literally hired that individual to come and stay at
24. the fair while they, in fact, were operating.
25. MR. MOORE: Oh, great.

1. CHAIRMAN FOX: And so if there was an
 2. accident, then they were able to -- you know,
 3. they're jumping on the spot.
 4. MR. MOORE: I was just, you know,
 5. thinking to the previous --
 6. CHAIRMAN FOX: Yes.
 7. MR. MOORE: -- ACCT versus -- and I
 8. thought, okay, you know, you don't want any
 9. headbutting there. I don't like --
 10. MR. HALE: So yeah. At my -- at
 11. Wilson County, I've got multiple inspectors on site,
 12. but I have two independent third parties. The
 13. insurance company -- because it's such a large
 14. event, their insurance company sends an inspector
 15. down there and then they contract with a third-party
 16. inspection company that comes and stays on the
 17. grounds, and he responds to every situation that
 18. occurs on that midway as a third party.
 19. CHAIRMAN FOX: In my situation, I
 20. have to call a guy in Phoenix, Arizona. He boards a
 21. plane --
 22. MR. MOORE: Oh my goodness.
 23. CHAIRMAN FOX: -- and then he spends
 24. a day, boards a plane and goes back home. And
 25. that's the best-case scenario.

1. MS. JEFFERSON: And to answer your
 2. question, the inspection has to be initiated within
 3. 24 hours. Okay. It doesn't say it has to be
 4. completed. They have to -- but you at least have to
 5. reach out to a third-party inspector within 24 hours
 6. of the accident. But that's all the guidance that
 7. we have.
 8. CHAIRMAN FOX: Yeah. And I read
 9. that. I just -- where I was headed with that was
 10. the same place he was. We just want to expedite
 11. that resumption of the ride or attraction, whatever
 12. that may be.
 13. MR. HALE: Because a lot of fairs are
 14. hiring a third party and bringing them in at their
 15. expense now.
 16. CHAIRMAN FOX: Yeah.
 17. MS. JEFFERSON: Right.
 18. CHAIRMAN FOX: That's what I said
 19. about Sevier County. They did that --
 20. MR. HALE: Sevier County Fair. Yeah.
 21. CHAIRMAN FOX: -- the very first
 22. time. I mean, I've been associated and involved
 23. with that for quite some time. They've never done
 24. that before. But this year they did, and obviously
 25. it was on the heels of that Greene County thing,

1. which, you know, I thought was prudent on their
 2. part. They should do that. That's not a bad idea
 3. for any fair out there, to have a third party
 4. available to them immediately. But in the same
 5. token, we need to expedite that response back to
 6. them if we can.
 7. MS. JEFFERSON: Right. And we've
 8. been very lenient. We've gone over and above as far
 9. as working with them and trying to ensure that they
 10. don't lose profits. We've done that. So yeah. I
 11. would say a case-by-case analysis. I would say just
 12. contact me. That's probably the better way to
 13. handle it, like you all -- like we've been doing.
 14. That way we won't put the new inspectors or new
 15. compliance officers in a position to have to deal
 16. with that.
 17. CHAIRMAN FOX: And we understand
 18. that, as well. All right. Anything else on that
 19. one?
 20. All right. Item six, announcement of
 21. the next meeting. That's going to be -- I better
 22. do this the real way. The next regularly
 23. scheduled meeting of the Elevator and Amusement
 24. Device Safety Board Meeting will be held in the
 25. first floor Tennessee Room. Is that where we're

1. at or is that the --
 2. MS. BENNETT: Right next door.
 3. MR. BAILEY: That's right next door.
 4. CHAIRMAN FOX: That's next door.
 5. We're going big next time?
 6. MS. BENNETT: The bigger -- yeah.
 7. CHAIRMAN FOX: Okay.
 8. MS. BENNETT: Because it's a
 9. quarterly meeting.
 10. CHAIRMAN FOX: All right. First
 11. floor Tennessee Room at 9:00 a.m. central standard
 12. time on Tuesday, December 6th at the State of
 13. Tennessee Department of Labor and Workforce
 14. Development building, located at 220 French Landing
 15. Drive, Nashville, Tennessee.
 16. And the next item is Item Number
 17. seven. Do I have a motion for adjournment?
 18. MR. BAILEY: You don't need a motion.
 19. CHAIRMAN FOX: Thank God.
 20. MR. BAILEY: This is a workshop.
 21. CHAIRMAN FOX: Folks, thank you all
 22. for your time. Thank you for your effort.
 23. END OF PROCEEDINGS.
 24.
 25.

CERTIFICATE

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STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

I, Dominique A. Dubois LCR# 686,
Notary Public and Court Reporter, do hereby
certify that I have recorded to the best of my
skill and ability by machine shorthand all the
proceedings in the foregoing transcript, and that
said transcript is a true, accurate, and complete
transcript to the best of my ability.

I further certify that I am not an
attorney or counsel of any of the parties, nor a
relative or employee of any attorney or counsel
connected with the action, nor financially
interested in the action.

SIGNED this 17th day of November, 2016.

Dominique A. Dubois, LCR# 686
Notary Public State at Large
My commission expires: 8/9/2018

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