

FOR THE CASE OF
Elevator & Amusement Device Safety Board
Meeting

TRANSCRIPT OF
Board Meeting

December 6, 2016

Stone & George

COURT REPORTING

2020 Fieldstone Pkwy

Suite 900 - PMB 234

Franklin, TN 37069

(615) 268-1244

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STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
WORKER'S COMPENSATION DIVISION

TRANSCRIPT OF PROCEEDINGS

OF

ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD MEETING

December 6, 2016

BEFORE: Robbie Fox, Chairman

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

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The above-styled cause came on for hearing on this the 6th day of December, 2016, before The Elevator & Amusement Device Safety Board at 220 French Landing Drive, Tennessee Room, 1st Floor, Nashville, Tennessee, when and where the following proceedings were had, to wit:

A P P E A R A N C E S

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- Robbie Fox, Chairman
- Paul D. Fisher, Board Member, Manufacturer Representative
- Kelly O'Connor, Board Member, Public at Large Representative
- Larry R. Moore, II, Board Member, Owner and Lessee Representative
- Lewis Moorner, Jr., Board Member, Public at Large Representative
- Chris Farmer, Elevator Inspector Supervisor
- Kim Jefferson, Esq., Administrator
- Dan Bailey, Esq., Legal Counsel
- Carlene T. Bennett, Board Secretary
- Anita Rhodes, Department of Labor and Workforce Development
- Leanne Durm, Department of Labor and Workforce Development
- Jann Dower, Department of Labor and Workforce Development
- Melinda Kelsey, Department of Labor and Workforce Development
- Mary Audrey Powers, Navitat Canopy Adventures
- Don Stock, The Adventure Guild
- Antjuan Koger, Tennessee Bounce Parties
- Chris R. Koger, CK Vending

AGENDA

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- I. Call Meeting to Order
- II. Introductions
- III. Pledge
- IV. Announcements
- V. Annual Conflict of Interest Policy Acknowledgment and Disclosure
- VI. Elevator Unit's Report
- VII. Amusement Device Unit's Report
- VIII. Old Business
 - * 16-04
- IX. New Business
 - * None
- X. Discussion Items
 - Proposed Meeting Dates for 2017:
 - * Tuesday, March 7, 2017
 - * Tuesday, June 6, 2017
 - * Tuesday, September 12, 2017
 - * Tuesday, December 5, 2017
- XI. Announcement of Next Meeting - The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board meeting will be held in the first floor TOSHA Hearing Room at 9:00 a.m. (CT) on Tuesday, March 7, 2017 at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.
- VII. Adjournment

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P R O C E E D I N G S

CHAIRMAN FOX: Okay. So we're going to declare a quorum and call the December 6th, 2016 meeting of the Elevator and Amusement Device Safety Board to order. I guess at this point, we'll start with the introductions, and you're first up, Carlene.

MS. BENNETT: Carlene Bennett, Board secretary.

MR. FARMER: Chris Farmer, Elevator Unit supervisor.

MR. FISHER: Paul Fisher, Board member.

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

CHAIRMAN FOX: Robbie Fox, Board member.

MR. MOORER: Lewis Moorer, Board member.

MS. JEFFERSON: Kim Jefferson, Administrator.

MR. BAILEY: Dan Bailey, legal counsel.

MR. STOCK: Don Stock from the Adventure Guild.

1 MS. POWERS: Mary Audrey Powers,
2 Navitat Canopy Adventures.

3 MS. KELSEY: Melinda Kelsey, Chief of
4 Staff.

5 MS. RHODES: Anita Rhodes, Elevator
6 and Amusement Supervisor.

7 CHAIRMAN FOX: You know, we never
8 have learned your name, ma'am.

9 THE REPORTER: Dominique Dubois from
10 Stone & George.

11 CHAIRMAN FOX: Dominique.

12 THE REPORTER: Yes.

13 CHAIRMAN FOX: And the last name?

14 THE REPORTER: Dubois.

15 CHAIRMAN FOX: Dubois.

16 MR. MOORE: En Francais.

17 CHAIRMAN FOX: I'm going to go out on
18 a limb and say that last name's not East Tennessee,
19 is it? Okay.

20 First of all, before we proceed, I
21 want to thank everybody for their thoughts, their
22 prayers, their e-mails, their texts, their phone
23 calls in reference to our situation in Gatlinburg,
24 Pigeon Forge, Sevier County over the last week.
25 For those of you who have not been there, the City

1 of Gatlinburg is -- has been devastated by fire.

2 I think, as of this morning, they've
3 identified approximately 1,800 homes that have
4 been destroyed and I think at present, there are
5 14 who perished in the fire. One of those -- let
6 me speak from a personal standpoint. One of those
7 was an employee of Dollywood, a gentleman who was
8 a ride mechanic, and he lost his wife and two
9 children. Now, if you've seen any of that on
10 television, it's heartbreaking, and we're doing
11 everything we can, as a company, to take care of
12 him.

13 And then I hope that you have seen
14 where Dolly Parton has put together My People
15 Fund. And let me ask you to do this; I'm not a
16 bit ashamed or embarrassed to ask you to do this:
17 So if you have some extra money that you don't
18 need, please donate to the My People Fund. It
19 does not go to Dollywood or whomever; it goes
20 directly to those people who are affected -- or
21 were affected or continue to be affected by the
22 fire. She put together a deal where they're going
23 to pay each family or each, I guess, residence,
24 whatever, \$5,000 a month for the next six months.
25 And obviously, if it needs to go further, that's

1 obviously a consideration. But again, I'm not
2 embarrassed or ashamed to ask you to do that. So
3 please consider that.

4 And again, there are a lot of people
5 in Sevier County who are hurting and need your
6 help, and the second part of that, they need your
7 prayers. And so please consider that, as well.
8 That's almost as important. It's probably even
9 more important. So with that being said, again,
10 that's my impassionate plea.

11 With that being said, if you will,
12 let's stand. We'll do a moment of silence, if
13 you'll indulge me and then we'll do the pledge.
14 And Chris, will you do the pledge when we finish
15 the moment of silence.

16 MR. FARMER: Yes.

17 (Moment of silence observed.)

18 CHAIRMAN FOX: Mr. Farmer, if you
19 will.

20 (Pledge of Allegiance recited.)

21 CHAIRMAN FOX: Thank you all. Item
22 Number four on the list: Announcements. In the
23 event of an emergency or natural disaster, security
24 personnel will take attendees to a safe place in the
25 building or direct them to exit the building on the

1 Rosa Parks side. And I always ask the question,
2 which way are we going to go? That way. Okay.
3 Just so everybody knows.

4 The annual conflict of interest.
5 This is the annual deal that we have to sign off
6 on. Each of you -- each of the Board members
7 should have that in their packets somewhere, and
8 we need to get that to you today before we leave;
9 is that correct?

10 MS. BENNETT: Yes. And just make
11 sure you sign -- there should be two pages on the
12 back. There's just one saying that you received the
13 disclosure and one is the actual disclosure. So --

14 CHAIRMAN FOX: Let's just take a
15 couple of minutes and do that real quick so that we
16 don't --

17 MR. MOORER: Did you find it?

18 MR. MOORE: Not yet, but I'm looking.

19 CHAIRMAN FOX: Yours is right here.
20 The last two pages.

21 And while you all are signing that,
22 let me also say that -- about the fire in
23 Gatlinburg. I've been in the so-called emergency
24 services building -- or business for 45 years. I
25 know I don't look that old, but I've been there a

1 long time and I've seen a lot of things happen in
2 my life but never anything like that.

3 I've also -- I will also tell you
4 that I've never seen the support that the fire
5 service and the emergency services people received
6 from the various fire departments across the
7 state. It was literally overwhelming. I mean, if
8 you've never seen anything or never been anywhere
9 like that or seen anything like that, it was just
10 overwhelming.

11 I saw two fire trucks -- and we were
12 headed up to the cabins. We had -- ma'am, can you
13 shut that off for -- don't take this part of it.

14 (Whereupon, a discussion off the
15 record occurred.)

16 CHAIRMAN FOX: All right. We're back
17 on now. We're back on the record. Okay. We're
18 good to go if you'll pass those over. Thank you.

19 All right. I believe we're ready for
20 Item Number six, and I believe that's the Elevator
21 Unit report.

22 MR. FARMER: Alrighty. I kind of go
23 over the same stuff every time, but I'll do it
24 again. We currently have 26 field inspectors and
25 myself. We do have one route over here into

1 Nashville that we plan to fill really soon. All the
2 local inspectors have really stepped up and assisted
3 with that route. As you all know, Nashville's
4 booming right now, so downtown's not a great place
5 to have a vacant route, but we're handling it.

6 All these numbers are through the
7 calendar year. We've had 611 construction permits
8 pulled this year. 154 of them will be
9 authorizations to existing elevators or
10 escalators. 457 of them are new installs. We've
11 performed about 21,600 inspections this year with
12 our group. We have 514 pending installation
13 permits. That's elevators that are being
14 installed. We've accepted 461 new ones this year.
15 And our number's up to a little over 14,000 units
16 that we do inspect. So -- that we inspect twice a
17 year. That's all I've got on numbers.

18 Just to let you all know, I will be
19 heading to Gatlinburg at the end of this week. Of
20 course, we lost the Sky Lift, if y'all are
21 familiar with it. The top side of the Sky Lift
22 burned up. We're not real sure what all the Ober
23 tram damage has been done to it, but we're going
24 to do some testing on it to make sure that it's
25 safe before we open it back up to the public. I'm

1 sure we lost elevators. So we're going to --

2 CHAIRMAN FOX: I'm positive you did.

3 MR. FARMER: Yeah. Me and the local
4 inspector, the field inspector up there, are going
5 to go around, checking every one of them, make sure
6 they're safe before they get back in operation for
7 the public. So wish us luck. That's all I got.

8 CHAIRMAN FOX: Okay. And
9 Ms. Jefferson?

10 MS. JEFFERSON: Okay. The Amusement
11 Device Unit completed applications received through
12 December 2nd, which was last Friday: 129. The
13 number of companies issued permits to date -- or
14 through that date, December 2nd, 2016, is 172.

15 Number of payments received, 137; the
16 amount of revenue processed, \$89,600. The number
17 of companies -- number of amusement device
18 companies where permits were issued, 172. The
19 number of accidents reported since the beginning
20 of the fiscal year, 11. The number of
21 noncompliant companies referred to the proper
22 authorities for Class C misdemeanors are 13. And
23 the number of penalties collected under the public
24 chapter, the new public chapter is one reported,
25 and that was reported back in July when the law

1 became effective.

2 The Amusement Device Unit will have
3 four new employees as of December 19th, 2016,
4 Monday, December 19th. We will have an Amusement
5 Device Manager, as well as three compliance
6 officers. We'll have one compliance officer
7 located in Davidson County, one in Gibson County,
8 and one in Sevier County. Of course, the manager
9 will be located here, along with the compliance of
10 Davidson County -- compliance officer here in this
11 office.

12 All of the compliance officers, as
13 well as the manager, have law enforcement,
14 military, as well as quality control experience,
15 which is a plus. So as a result of the approved
16 State funding, we were able to hire four
17 employees, and we're waiting for HR so we can hire
18 the last employee, which is an administrative
19 support person.

20 Okay. Okay. As we've indicated
21 before, these compliance officers will help to
22 locate noncompliant companies. They will act as
23 an extra layer of protection and oversee
24 third-party inspections. Hopefully, after they
25 become certified, they'll be able to assist with

1 inspections. And one of the third-party
2 inspectors sent in information. I've provided
3 that to the Chairman who's distributed that to you
4 for your review.

5 The first memo talks about go-kart
6 tracks. I know that's something that came up in
7 the workshop, so I wanted to pass that on, because
8 he provided a contact person. If we have
9 additional questions about go-karts, this person
10 is, from what I understand, an expert in the
11 industry. The other memo is about inflatables and
12 some of the regulations, new regulations and some
13 of the areas that they've asked the inspectors to
14 focus in on. So if you take a look at that, if
15 you have any more questions, we may want to have
16 the third-party inspector come in and actually
17 testify as to those things at some point. And
18 that's --

19 CHAIRMAN FOX: Can we talk about this
20 just a second on Mr. Pandolfo?

21 MS. JEFFERSON: Sure.

22 CHAIRMAN FOX: The NAARSO group --
23 either one or two times a year, they go to
24 Pennsylvania and Joe, Mr. Pandolfo, is in the
25 Poconos and they have a school up there. Again,

1 NAARSO -- it's a 40-hour training course. And Joe
2 teaches there, but also, it would be -- this is a
3 suggestion. You don't have to write this in stone.
4 It's a suggestion. If we were to send those folks
5 up there, they could at least get some of their
6 40-hour training as soon as possible and they could
7 talk with Joe Pandolfo at the same time.

8 He would -- I can assure you -- I
9 mean, I can call him on the phone and ask him. He
10 will give them his time, you know, out of class,
11 whatever, to teach them or tell them anything they
12 want to know about go-karts.

13 MS. JEFFERSON: Okay. Well -- and
14 that is an idea. And just to let you all know, we
15 have contacted all three agencies. Carlene has done
16 that, and she is actually working with the three
17 agencies so that they can send someone to the
18 central office for training. And so that's what
19 they're going to do the first week or so. They're
20 going to have someone come down from NAARSO, from
21 AIMS, as well as ACCT here in this office. But we
22 will keep that, you know, under consideration for
23 future reference.

24 The first thing that we'll do is to
25 actually acclimate them to State government,

1 because the manager is coming from private
2 industry. Some of the others are coming from
3 state agencies, but there are other states. And
4 what we want to do is to actually teach them, as
5 far as the government is concerned, because there
6 are certain programs they have to become familiar
7 with, like the Edison program that we enter our
8 time in. Also, the computer program that we
9 currently have.

10 So yeah, we basically put together a
11 training for them for the first couple of weeks,
12 but that's definitely something that we could
13 consider -- will consider as far as go-karts are
14 concerned.

15 CHAIRMAN FOX: And you have a
16 training plan in place for them.

17 MS. JEFFERSON: Yes. We're working
18 on a training plan. Yes.

19 CHAIRMAN FOX: Okay. Could I ask you
20 to copy this board with it?

21 MS. JEFFERSON: Sure.

22 CHAIRMAN FOX: Okay.

23 MS. JEFFERSON: We plan to put
24 together an agenda. In fact, Carlene's working on
25 it now, so we'll be happy to send you a copy of the

1 agenda.

2 CHAIRMAN FOX: Just see what they're
3 going to be training on and what they're going to be
4 doing. The gentleman -- or lady, gentleman,
5 whomever, from the private sector, the manager, what
6 type of business was that person in?

7 MS. JEFFERSON: Quality control. It
8 was an industry. None of the folks have amusement
9 device industry background because of the pay. It
10 was very difficult to get folks from the industry.
11 We had three persons who turned down positions
12 because they didn't pay enough. And so all of these
13 persons have quality control. The manager has
14 quality control, which is really good from a
15 manager's perspective. And the others have law
16 enforcement and military experience.

17 CHAIRMAN FOX: In your training plan,
18 where are they going to obtain the experience in
19 inspecting amusement rides?

20 MS. JEFFERSON: Well, they're going
21 to be trained by experts from the industry. A
22 NAARSO representative, ACCT representative, as well
23 as an AIMS representative will come on site and
24 provide the original training. We hope to train
25 them every quarter.

1 So once they come on board and we
2 give them the introduction, they receive the
3 introduction from these experts, then we can set
4 up a training plan. We can move forward. But the
5 first week, we wanted to at least put them in a
6 position so they could talk with folks from the
7 industry. They can come in and explain what the
8 industry requires. I believe Mr. Stock -- are you
9 going to be one of those?

10 MR. STOCK: Yes, ma'am.

11 MS. JEFFERSON: Could you speak to
12 that as to what you plan to --

13 MR. STOCK: As far as our section of
14 the industry, we're going to do -- I think we have
15 two or three hours to spend with them. And my
16 intent is to cover a lot of the same material that I
17 presented to the Board, as well as the document --
18 the content of the document that we put together for
19 terminology and all those kind of things. Really
20 just kind of giving them a good perimeter on the
21 uniqueness of our industry, kind of what its
22 complexion is in the state and then basically
23 have -- hold off probably 30 minutes just for
24 questions so -- just so that they can get a gauge
25 of, you know, whether -- knowledge base or

1 experiences. Who knows? They might have, you know,
2 been involved in some of those experiences,
3 especially law enforcement. I mean, there's many
4 times they have team development stuff that they
5 might have experienced.

6 So that's my -- from my place in it,
7 that's what I'm looking to do.

8 MS. O'CONNOR: Can I ask a question?
9 Is this training exclusively classroom-type training
10 or is it also field training, as well?

11 MS. JEFFERSON: Well, actually,
12 during the first week, we're just trying to
13 introduce them. We're going to have to put them in
14 touch with people who can actually train them in the
15 field. I'm not an inspector, so what I want to do
16 is put them in touch with people from these
17 different agencies who can actually train them.

18 Originally, Kelly, I believe it'll be
19 in-house. It won't be in the field until they get
20 the introductory training.

21 MS. O'CONNOR: Will you --

22 MS. JEFFERSON: And then we're going
23 to move forward. Hopefully, after three months or
24 so after they settle in, I want them to all come to
25 the next board meeting in March so they can --

1 actually, so you all can meet them and you can ask
2 them questions. But after that time, then that will
3 start the next training phase. This is going to be
4 continuous training over a course of a year.

5 MS. O'CONNOR: I just want to make
6 sure they get field training before they're actually
7 out there doing the job.

8 MS. JEFFERSON: Oh, yes. Definitely.

9 MS. O'CONNOR: Okay.

10 MS. JEFFERSON: Definitely. We were
11 not going to just -- I mean, they can't inspect
12 anyway. You have to become certified --

13 MS. O'CONNOR: Right.

14 MS. JEFFERSON: -- before you can
15 inspect.

16 MS. O'CONNOR: And I realize that.

17 MS. JEFFERSON: But we're going to do
18 it as soon as possible. I don't want you all to
19 think we're going to sit on our hands and they're
20 not going to get the training, because they will get
21 the training. But in addition to industry training,
22 there's other training that has to take place --

23 MS. O'CONNOR: Of course.

24 MS. JEFFERSON: -- to acclimate them
25 to government.

1 MR. MOORER: Ms. Jefferson, do any of
2 these people have any industrial safety background?

3 MS. JEFFERSON: The quality control;
4 I would say that that person definitely does. And
5 that's going to be the manager. The other persons,
6 like I said, military, we would have to -- I would
7 prefer -- I don't want to say that they don't. And
8 I don't have their resumes in front of me at this
9 point. But I will give you all an opportunity to
10 ask questions, probe, when they come in in March.
11 We can do that. We'll have a better idea once we
12 get them all together and we go through the
13 introduction training -- introductory training. But
14 you will have an opportunity to ask them questions
15 in March.

16 CHAIRMAN FOX: How much -- I'm
17 sitting here trying to think of a way to help you.
18 How much money do you have set aside for them to
19 train? I mean, like, per diem and rooms and meals,
20 and so forth and so on.

21 MS. JEFFERSON: We set aside a
22 certain amount of moneys. I don't have the budget.
23 I don't think I have a budget in front of me, but
24 I'll have to refer to the budget to see how much we
25 set aside for --

1 CHAIRMAN FOX: Just swag.

2 MS. JEFFERSON: I can't really
3 recall.

4 CHAIRMAN FOX: Five, \$10,000?

5 MS. JEFFERSON: It may possibly be
6 about \$6,000.

7 CHAIRMAN FOX: Okay.

8 MS. JEFFERSON: Six to \$8,000. I
9 can't recall off the top of my head.

10 CHAIRMAN FOX: All right.

11 MS. JEFFERSON: And we had to prepare
12 a budget before we obtained funding.

13 CHAIRMAN FOX: You mentioned that one
14 of these would be going to Sevier County. Do they
15 live there now?

16 MS. JEFFERSON: No. This person --
17 the person in Sevier County will be moving to Sevier
18 County.

19 CHAIRMAN FOX: Okay.

20 MS. JEFFERSON: It's not a person who
21 lives there.

22 CHAIRMAN FOX: And you're going to
23 hire them when?

24 MS. JEFFERSON: They start work on
25 December -- it's Monday, December the 19th. And

1 they'll be here -- again, they'll be here in this
2 office, you know, for the first couple of weeks.
3 They'll be here in this office, because we have to
4 obtain -- actually, Chris is helping obtain State
5 offices in every county, as well as equipment. We
6 have to prepare their equipment. And we're
7 receiving temporary equipment at this point, because
8 it takes a longer period of time to order their
9 permanent equipment. It won't be back in time. So
10 we're getting their equipment together, their State
11 offices -- there's a lot that goes into this
12 preparing for them to come on board.

13 CHAIRMAN FOX: I understand.

14 Orientation into --

15 MS. JEFFERSON: Yes.

16 CHAIRMAN FOX: -- the State
17 government is -- well, never mind.

18 We'll talk about this offline, but I
19 want to -- I'm just trying to figure out, again,
20 how I can help you train those folks at or put
21 them with what I consider to be Class A inspectors
22 where they are -- or actually, they're class
23 three.

24 The first week -- well, we'll talk
25 about it offline, but again, I want to help if I

1 can and offer you an opportunity for them to be
2 with what I consider the best in the business as
3 inspectors. I just have to -- I would have to
4 work out the details and make sure that those
5 folks would be okay with bringing you -- bringing
6 them up to Dollywood and letting them go through
7 with our ride -- the ride inspectors that come in
8 to do our inspections.

9 MS. JEFFERSON: Would that provide
10 them certified training?

11 CHAIRMAN FOX: No. But --

12 MS. JEFFERSON: Just some additional
13 training.

14 CHAIRMAN FOX: They don't certify.

15 MS. JEFFERSON: Okay.

16 CHAIRMAN FOX: There's only three
17 certifying agencies in our world and -- NAARSO,
18 AIMS, and ACCT.

19 MS. JEFFERSON: So none of them are
20 NAARSO, AIMS.

21 CHAIRMAN FOX: Oh, they're -- that's
22 what I said. They're level threes. And the
23 gentleman who owns the company has been the head of
24 both AIMS and -- well, part of NAARSO at one time.
25 Again, level three, three As.

1 MS. JEFFERSON: That's good.

2 CHAIRMAN FOX: But it may be that we
3 could get them to let those guys tag along with
4 them. And they're there for a week. So -- but
5 anyway, we'll discuss it further.

6 Anything else in the report?

7 MS. JEFFERSON: No. That's it.

8 CHAIRMAN FOX: Okay.

9 MS. JEFFERSON: Thank you.

10 CHAIRMAN FOX: All right. Old
11 business. Next item would be recommendations from
12 our meeting. Was it 1st of November, sometime back?

13 MS. BENNETT: October 26th.

14 CHAIRMAN FOX: That's why I have you
15 to keep me straight. The recommendations were,
16 number one, to delete T.C.A. 68-121-101(20), which
17 talked about the serious incident. We thought that
18 that may be a problem. And then we wanted to either
19 revise T.C.A 68-121-101(21). We either wanted to
20 revise that or use the ASTM definition. The ASTM
21 definition covers all the things that are in 20 --
22 the 21. So the easy answer here may be just to
23 delete the serious incident.

24 From a legal standpoint, Mr. Bailey,
25 if you look at the variation of ASTM standard and

1 you look at the revised T.C.A that's on your
2 document there, there's not an appreciable
3 difference. There's not anything there that makes
4 a change, to my knowledge. The only defining
5 factor is a 24-hour hospitalization, which could
6 be construed in the immediate admission and
7 overnight hospitalization.

8 MR. BAILEY: Yeah. I wouldn't --
9 just -- I wouldn't characterize it as a 24-hour --
10 it just says overnight hospitalization. So a person
11 could come in at 10:00 o'clock at night, be
12 admitted, spend the night, and be released at 10:00
13 o'clock the next morning. Yeah. I think that would
14 still qualify under this definition.

15 But are you asking to -- if you
16 delete serious incident and --

17 CHAIRMAN FOX: And just keep 21.

18 MR. BAILEY: And just keep 21.

19 CHAIRMAN FOX: It's already there.

20 And this means that --

21 MR. BAILEY: Okay. The current
22 language does say 24-hour --

23 CHAIRMAN FOX: Yeah.

24 MR. BAILEY: I was looking at the
25 proposed.

1 CHAIRMAN FOX: Right.

2 MR. BAILEY: Yeah. I mean, there's
3 really not any significant difference that I see
4 between the two -- the proposed and what's already
5 there at 121. We're talking about 21. 101, 21.

6 CHAIRMAN FOX: Yes.

7 MR. BAILEY: Okay.

8 CHAIRMAN FOX: Parentheses 21.

9 MR. BAILEY: All right. Got you.
10 No. I don't think there's a significant difference.
11 No.

12 CHAIRMAN FOX: And this stops -- that
13 if -- again, if Larry falls and breaks his leg
14 getting off the machine and he goes home in three
15 hours, we don't have to report that. "We" being the
16 amusement industry.

17 MR. BAILEY: Uh-huh.

18 CHAIRMAN FOX: If he stays the night
19 and has it operated on, then we have to report that
20 he's been admitted not just to the ER, but he's been
21 admitted. This also takes out the caveat about
22 being transported, because transported by an
23 ambulance was a trigger point in the serious
24 incident.

25 MR. BAILEY: Well, transported

1 doesn't necessarily mean by an ambulance. I mean --

2 CHAIRMAN FOX: That's my point.

3 MR. BAILEY: Yeah. The only thing
4 I'm looking at a little bit between 20 and 21 is 21
5 says, personal injury immediately reported to the
6 owner or operator as occurring on an amusement
7 device, where serious incident says, transported for
8 treatment of an injury as a result of being on, or
9 the operation of, the amusement device.

10 And 21, with it just saying
11 occurring -- as occurring on an amusement device,
12 I mean, that could be construed that even if they
13 fall -- break their ankle getting off the machine,
14 it occurred on the amusement device. I'm just
15 trying to be -- you know, the definition in 20 is
16 a little more specific that it has to be an injury
17 as a result of being on, or the operation of, the
18 amusement device, and 21 just says, as occurring
19 on an amusement device. So it's a little broader,
20 I think.

21 CHAIRMAN FOX: Well, my statement the
22 last time when we looked at this was maybe the best
23 thing to do is adopt the ASTM regulation, because
24 everything else we have and work with in the
25 amusement world is tied back to that, and just

1 forget 20 and 21.

2 MR. BAILEY: Well, the proposed --
3 unless there's some language missing -- doesn't even
4 refer to amusement device. It says, personal
5 injury. Then it says, and that results in death,
6 significant disfigurement, permanent loss of the use
7 of body organ, member, function or system, a
8 compound fracture or other significant injury or
9 elements that requires immediate admission and
10 overnight hospitalization and observation by a
11 physician. Is there language missing there?

12 CHAIRMAN FOX: Not that I'm aware of.
13 But the definitions of -- and this definition came
14 out of the ASTM amusement device, and I believe it's
15 15.7, I believe it is, the standard. And then it
16 breaks it down even further into F2291.

17 MR. BAILEY: I mean, if the language,
18 "as a result of being on or in the operation of the
19 amusement device," that's currently in 20, was
20 inserted in 21 where it says, report to the owner or
21 operator -- it currently says, "as occurring on an
22 amusement device." If that was taken out and that
23 language, "as a result of being on, or the operation
24 of, the amusement device," was inserted instead of,
25 "occurring on an amusement device," and the rest of

1 the language stayed, I think it would -- I think
2 that would do it.

3 I mean, it'd be more specific that
4 it's -- we're not talking about, you know,
5 breaking an ankle while getting off the ride or
6 something like that. It has to be something about
7 the ride itself.

8 CHAIRMAN FOX: Okay. I just
9 discovered something. Does everybody have that
10 document? Okay. Just making sure.

11 MS. O'CONNOR: If we're talking about
12 code, yes.

13 CHAIRMAN FOX: Yes. Okay. Could
14 you -- do that once more, please, and let's listen.

15 MR. BAILEY: The language that's
16 currently in 20, which we're proposing to delete 20,
17 but that phrase, "as a result of being on, or the
18 operation of, the amusement device," was inserted
19 at -- well, in paragraph 21, if the words,
20 "occurring on an amusement device," was taken out
21 and that phrase, "as a result of being on, or the
22 operation of, the amusement device," was inserted
23 there, then I think that would get -- cover
24 everything.

25 CHAIRMAN FOX: But in 21, it says,

1 "immediately reported to the owner or operator as
2 occurring on an amusement device."

3 MR. BAILEY: Right. But in 20, it
4 says, "as a result of being on, or the operation of,
5 the amusement device." And my only point was that's
6 a little more specific.

7 CHAIRMAN FOX: It is.

8 MR. MOORE: And because --

9 MR. BAILEY: And it's --

10 MR. MOORE: -- the way that I
11 understand this, Dan, if a part was to fly off of
12 this ride, that part would take care of it even if
13 you're not on the ride. If in spinning around
14 something slings off and hits a bystander --

15 MR. BAILEY: Right. I think that
16 phrase in 20 would cover that --

17 MR. MOORE: Yes.

18 MR. BAILEY: -- because it was, or
19 the operation of -- yes. Where occurring on an
20 amusement device might not --

21 MR. MOORE: Right.

22 MR. BAILEY: -- because that
23 situation --

24 CHAIRMAN FOX: Let me do a little cut
25 and paste here and then we'll read it. You want to

1 say, "as a result of being on, or in the operation
2 of an amusement device."

3 MR. BAILEY: Yeah. It's as a result
4 of being on, comma, or the operation of, comma, the
5 amusement device.

6 CHAIRMAN FOX: So it would read:
7 Serious physical injury means a patron's personal
8 injury immediately reported to the owner or operator
9 as a result of being on, or the operation of -- that
10 should be, an amusement device.

11 MR. BAILEY: Or operate -- well, the
12 language says, the amusement device. As a result of
13 being on, or the operation of, the amusement device.

14 CHAIRMAN FOX: Okay. The amusement
15 device, and that results in death, dismemberment,
16 significant disfigurement or other significant
17 injury that requires immediate inpatient admission
18 and 24-hour hospitalization under the care of a
19 licensed physician for other than medical
20 observation.

21 In layman's terms, if you are, in
22 fact, taken to a hospital, you are admitted, and
23 you're kept for 24 hours, then we must -- "we"
24 being the amusement industry, must notify the
25 State of Tennessee; i.e., Ms. Jefferson, that we've

1 had an injury and a problem.

2 MR. BAILEY: Correct. If -- I mean,
3 if that ultimately becomes the language.

4 CHAIRMAN FOX: Right. If that's
5 where we end up, then -- so if we deleted 20 and got
6 rid of that, because the transportation clause in
7 there is what was bothering everyone.

8 MR. BAILEY: Right. See, 21 doesn't
9 even -- it just -- they don't care how you got
10 there. If you're admitted --

11 CHAIRMAN FOX: That's correct.

12 MR. BAILEY: -- and then that's it.

13 CHAIRMAN FOX: And that's what I say.
14 The transportation issue at 20 was a trigger, where
15 it wouldn't be now.

16 MR. BAILEY: It wouldn't be if that
17 language is changed, yes.

18 CHAIRMAN FOX: Right.

19 MR. BAILEY: Right.

20 CHAIRMAN FOX: Because again, we
21 don't know if -- but -- and it says, "immediate
22 admission." So that also takes out the possibility
23 of Larry, again, going to the doctor tomorrow and --

24 MR. BAILEY: Yeah.

25 CHAIRMAN FOX: -- claiming an injury.

1 Sorry to pick on you, Larry, but you just happen to
2 be there.

3 MS. O'CONNOR: I have a question --

4 MR. MOORE: I'm looking for a free
5 ride.

6 MS. O'CONNOR: -- on this. Is -- it
7 seems pretty clear 99 percent of the time. Are
8 there potential situations where you don't really
9 know whether it's as a result of, for example, an
10 internal injury until after a doctor sees somebody
11 or, God forbid, an autopsy?

12 CHAIRMAN FOX: That has been the
13 reason for the 24-hour thing.

14 MS. O'CONNOR: Okay.

15 CHAIRMAN FOX: Or in this case,
16 "overnight" is what it says in ASTM, but the 24-hour
17 is what -- you're able to do -- let's say that you
18 have a heart attack.

19 MS. O'CONNOR: Okay.

20 CHAIRMAN FOX: They're able to do the
21 testing; they're able to do the enzyme testing to
22 make sure that's what it was. Or heaven forbid, you
23 have a stroke or whatever on the ride of some type
24 or another. They can at least isolate that. Was it
25 a medical condition or was it caused by the ride

1 action or interaction itself?

2 MS. O'CONNOR: Okay.

3 CHAIRMAN FOX: So in this case, what
4 we had talked about last time was making a
5 recommendation. Let me read this once more. Let
6 you all hear what's changed.

7 Serious physical injury means a
8 patron's personal injury immediately reported to
9 the owner or operator as a result of being on, or
10 the operation of, the amusement device and that
11 results in death, dismemberment, significant
12 disfigurement, or other significant injury that
13 requires immediate inpatient admission and 24-hour
14 hospitalization under the care of a licensed
15 physician for other than medical observation.

16 Now --

17 MR. BAILEY: Well --

18 CHAIRMAN FOX: Huh?

19 MR. BAILEY: I'm fine with that. I
20 mean, that phrase "for other than medical
21 observation" is, you know -- I don't know. It's
22 kind of out there. I mean, they think, well, okay.
23 He took a bad hit on the head but he may or may not
24 have a concussion; we're going to keep him. Well,
25 is that just for medical observation?

1 I don't know. That'll probably all
2 stay in there, but I could see that causing some
3 heartburn at some point in time.

4 MS. JEFFERSON: I agree.

5 MR. BAILEY: Yeah.

6 MS. JEFFERSON: Is this going to
7 cause us to interpret --

8 MR. BAILEY: I mean, do you have to
9 get a statement from the physician, well, no, I'm
10 keeping her here because she needs to be here or
11 because of her injuries, not because of medical
12 observation? You know, I don't know.

13 CHAIRMAN FOX: So you're saying take
14 that out.

15 MR. BAILEY: Well, I'm just throwing
16 it out there for discussion, Mr. Chairman. I --
17 every time I read that, I was thinking, well, what
18 kind of can of worms does that open up? You know, I
19 mean, do I -- you know, I mean, if I'm an amusement
20 device operator and Kim has some injury and we take
21 her to a hospital and they decide to keep her
22 overnight, do I -- I mean, well, do I report it or
23 do I find out, first of all, are they just keeping
24 her just to observe her? And if so, they don't have
25 to report it.

1 CHAIRMAN FOX: That's correct.

2 MR. BAILEY: You know. So I don't
3 know. And if you take it out, then it's -- you're
4 going to have to report it here regardless. But
5 why --

6 CHAIRMAN FOX: Do or do not.

7 MR. BAILEY: You would if they keep
8 her overnight if you take that phrase out, even if
9 they do keep her for medical observation, if you
10 take it out. But if you leave it in, it's just one
11 of those things that, okay, well, they kept that
12 patient. My understanding is they're keeping her
13 overnight, but why? You know. Then do you have to
14 inquire to the hospital, well, why did you keep
15 her --

16 MR. STOCK: Absolutely.

17 MR. BAILEY: Yeah.

18 MR. FARMER: And that not always easy
19 to get that information, either.

20 MR. BAILEY: Yeah. And they're very
21 reluctant to tell you anything.

22 CHAIRMAN FOX: That's correct.

23 MR. BAILEY: Yeah.

24 CHAIRMAN FOX: But in most cases, we,
25 you, the amusement industry's going to find out --

1 if it was either through the family or whomever --
2 find out if it was for medical observation.

3 MS. O'CONNOR: If we took that out,
4 Mr. Chairman, is that a particular hardship to the
5 amusement -- I mean, 24-hour, even if it is medical
6 observation, is that undue burden on the -- because
7 how many times is this actually happening? A lot?

8 CHAIRMAN FOX: Not very much.

9 MR. BAILEY: Would the amusement
10 device operator know that within 24 hours? Because
11 that's when it has to be reported.

12 CHAIRMAN FOX: Yes. Again, the
13 layman look at this or layman term is, if you're
14 injured and they transport you to the hospital and
15 you're spending 24 hours in the hospital, if you're
16 injured that bad, the State needs to be notified
17 that --

18 MR. BAILEY: Well, yeah. And I --

19 CHAIRMAN FOX: Again, that's the
20 bottom line.

21 MR. BAILEY: And I think probably
22 90 percent of the cases, that's exactly, you know,
23 maybe more. But you could have those that are like,
24 well, do I or don't I? You know, kind of thing.
25 And unless you have the more -- additional

1 information -- I mean, personally, if I was the
2 operator, I would err on the side of reporting. If
3 I wasn't sure, you know, I would report it.

4 MS. O'CONNOR: So is it going to hurt
5 anything if we take out that observation clause? I
6 mean, would that be a problem for the operator to
7 report it?

8 CHAIRMAN FOX: Well, let's -- no.
9 Let's look at the bottom -- in the ASTM, it says,
10 other significant injury or illness that requires
11 immediate admission and overnight hospitalization
12 and observation by a licensed physician.

13 Those two are almost diametrically
14 opposed, aren't they?

15 MS. O'CONNOR: Yeah.

16 MR. BAILEY: Actually, that last
17 phrase or sentence -- or phrase of the ASTM
18 definition is probably the better one, really. That
19 requires immediate admission and overnight
20 hospitalization and observation by a licensed
21 physician.

22 Because like I said earlier, I have a
23 little bit of a problem with that 24-hour
24 hospitalization. I mean, if I'm released in 23
25 hours, I'm going to have to report it or do I?

1 You know, I mean, where this one just says it's
2 overnight. If they keep you overnight and you're
3 under a licensed -- being observed by a licensed
4 physician, it's reportable.

5 MR. MOORE: I mean, that actually
6 makes more sense, then, because if the accident
7 happened 2:00 o'clock today, they weren't admitted
8 till 4:00 o'clock this evening, you won't know until
9 4:00 o'clock the next evening if they were going to
10 stay 24 hours or not, and therefore, you're already
11 outside the guidelines that we required --

12 MR. BAILEY: Right.

13 MR. MOORE: -- to report that.

14 MR. BAILEY: Exactly. Yeah. Because
15 you've got to report in 24 --

16 MR. MOORE: Yeah. Because they may
17 spend 45 minutes to an hour or longer in an
18 emergency room --

19 MR. BAILEY: Right. Exactly.

20 MR. MOORE: -- before they're ever
21 admitted.

22 MR. BAILEY: Yeah.

23 CHAIRMAN FOX: Yeah. But the problem
24 is, they're -- I'm not arguing. I'm just taking
25 another side. There's objective criteria there.

1 Overnight is open and ambiguous.

2 MR. BAILEY: Well --

3 CHAIRMAN FOX: At least with the 24
4 hours, there's definitive, objective criteria to
5 report.

6 MR. BAILEY: Yeah. I mean, you've
7 got to wait until the 24-hour has passed, I guess,
8 to see if it falls into a reportable act, and I
9 don't know how far along you may be in your 24-hour
10 deadline to report it.

11 CHAIRMAN FOX: But again, if it's
12 serious enough till they've transported and
13 admitted -- once they're admitted to the hospital,
14 to me, that's a trigger point to notify
15 Ms. Jefferson and Carlene and Ms. Rhodes about the
16 incident. And then if they -- obviously, if it goes
17 longer than 24 hours, then that -- to me, then that
18 triggers the next thing to happen, in that, the
19 inspectors come to investigate and then the
20 third-party inspector would be called by the
21 owner/operator to come in and perform -- to perform
22 an inspection.

23 MR. BAILEY: I understand what you're
24 saying. I still have the issue with "for other than
25 medical observation," but I don't know how often

1 that will actually come up.

2 CHAIRMAN FOX: I can tell you that
3 it's never come up.

4 MR. BAILEY: Yeah.

5 CHAIRMAN FOX: I've been doing --
6 I've been in this for 15 years, and the medical
7 observation's never come up. If there's an
8 accident, you know it.

9 MR. BAILEY: Yeah.

10 CHAIRMAN FOX: And you know, it's
11 like when you go back and do the historical on the
12 incidents that have been reported here, you know
13 what's going on. To me, the -- I think that if we
14 left -- if we did that -- well, again, the one I
15 read there earlier -- taking 21 and making the
16 modification, as you brought out earlier, I think if
17 we do that, then I think what we've done is define
18 some objective criteria.

19 And it certainly causes us at certain
20 trigger points to notify the State of Tennessee
21 Department of Labor. And it affords the amusement
22 industry the ability -- or I shouldn't say the
23 ability, but it does not cause them to have to
24 call every time somebody breaks a bone. And that
25 sounded bad, but simply that -- I mean, you can

1 break a finger getting off of a ride and hook the
2 finger in there. Okay?

3 MR. BAILEY: Yeah.

4 CHAIRMAN FOX: Please understand, I'm
5 not arguing. I'm just trying to --

6 MR. BAILEY: Oh, I'm not --

7 CHAIRMAN FOX: I'm trying to come to
8 some sort of a way to be fair to both sides. And
9 certainly, we want that reporting.

10 MR. MOORE: Robbie, can you think --
11 in the past 15 years, can you think of an instance
12 where there has been an admission but according --
13 admission to a hospital, but according to this, it
14 would not have been considered a serious incident?

15 CHAIRMAN FOX: Not if they're
16 admitted, no.

17 MR. MOORE: So really, if it's
18 admitted, it doesn't matter. In other words, I'm
19 saying, does there need to be the 24-hour if there
20 is an admission?

21 CHAIRMAN FOX: Yes.

22 MR. MOORE: Okay.

23 CHAIRMAN FOX: I do. I think --
24 again, I think that's -- there has to be defining
25 criteria or objective criteria.

1 MS. O'CONNOR: Are you admitted for a
2 concussion?

3 CHAIRMAN FOX: I'm sorry?

4 MS. O'CONNOR: Are you admitted for a
5 concussion or a suspected concussion?

6 MR. BAILEY: Not usually.

7 MS. O'CONNOR: Okay.

8 MR. BAILEY: I've had four or five
9 over the years and I've never been admitted.

10 MS. O'CONNOR: Okay.

11 MR. BAILEY: You know, emergency
12 room, that's it.

13 MS. O'CONNOR: Okay.

14 CHAIRMAN FOX: Normally, it's a
15 pass-through.

16 MS. O'CONNOR: That's what I thought.

17 MR. BAILEY: They tell people around
18 you, you know, watch for this and watch for that and
19 all that kind of stuff. But --

20 CHAIRMAN FOX: Let me read this once
21 more. Serious physical injury means a patron's
22 personal injury immediately reported to the owner or
23 operator as a result of being on, or the operation
24 of, the amusement device, and that results in death,
25 dismemberment, significant disfigurement, or other

1 significant injury that requires immediate inpatient
2 admission and 24-hour hospitalization under the care
3 of a licensed physician for other than medical
4 observation.

5 So if it's simply medical
6 observation --

7 MS. O'CONNOR: That wouldn't meet the
8 criteria.

9 CHAIRMAN FOX: -- it's a
10 non-reportable -- but again --

11 MR. BAILEY: That's going to be rare.

12 CHAIRMAN FOX: If they're going to
13 admit you --

14 MR. BAILEY: Yeah.

15 CHAIRMAN FOX: -- you're probably not
16 going to be there for medical observation. You're
17 going to be there for some musculoskeletal issue,
18 whether you have a broken bone. You could be there
19 because of a stroke or a --

20 MR. BAILEY: Or internal injury.

21 CHAIRMAN FOX: -- internal injury, a
22 myriad of injuries. But I think that definition
23 right there, again, establishes the trigger points,
24 establishes the criteria, and allows the amusement
25 industry to go away from the serious incident thing

1 at the top about transporting.

2 MR. BAILEY: Yeah. I agree.

3 CHAIRMAN FOX: Okay. So with that
4 being said, I would ask for questions or -- you all,
5 what do you think?

6 MR. MOORE: I'm good.

7 CHAIRMAN FOX: Okay. All right. So
8 I would entertain a motion to send a recommendation
9 to the State of Tennessee to change the language in
10 21 to reflect what was read in that last paragraph.

11 MS. O'CONNOR: I'll make that motion.

12 CHAIRMAN FOX: Okay.

13 MR. MOORE: Second.

14 CHAIRMAN FOX: All right. We have a
15 motion and a second. Any discussion?

16 MR. BAILEY: Mr. Chairman, what about
17 deleting 20?

18 CHAIRMAN FOX: Oh.

19 MR. BAILEY: Do you want to make that
20 a separate motion or do you --

21 CHAIRMAN FOX: Yes. We will.

22 MR. BAILEY: Okay.

23 CHAIRMAN FOX: We have a motion and a
24 second. Any discussion? All in favor of the
25 motion, let it be known by saying "aye."

1 MS. O'CONNOR: Aye.

2 MR. MOORE: Aye.

3 MR. MOORER: Aye.

4 MR. FISHER: Aye.

5 CHAIRMAN FOX: All opposed, like
6 sign. Okay.

7 I would entertain a motion, make a
8 recommendation to delete T.C.A. -- get my bifocals
9 straightened here -- to delete T.C.A.
10 68-121-101(20).

11 MS. O'CONNOR: I'll make that motion.

12 CHAIRMAN FOX: All right. We have a
13 motion.

14 MR. MOORE: I'll second.

15 CHAIRMAN FOX: We have a second to
16 delete T.C.A. 68-121-101(20). Any discussion? All
17 in favor of the motion, let it be known by saying
18 "aye."

19 MS. O'CONNOR: Aye.

20 MR. MOORE: Aye.

21 MR. FISHER: Aye.

22 MR. MOORER: Aye.

23 CHAIRMAN FOX: All opposed, by like
24 sign. Okay. Sorry to belabor the point, but I
25 just -- that's a very important thing.

1 Okay. Recommendation regarding
2 legislative action to bring go-karts under the
3 regulatory oversight of the State. When the law
4 was first implemented, first brought into being,
5 we had -- there was a lot of discussion about
6 having inspectors. We didn't have inspectors.
7 We -- well, we had elevator inspectors, but we
8 didn't have anybody assigned to do those things.
9 So at that point, there was a decision made not to
10 bring the go-karts into the mix. And I guess at
11 this point, what's you all's feeling on that?

12 MS. O'CONNOR: I don't see any reason
13 why not.

14 CHAIRMAN FOX: Okay.

15 MR. MOORE: I agree.

16 CHAIRMAN FOX: Mr. Moorer, what do
17 you think? Do we need to do that?

18 MR. MOORER: No.

19 CHAIRMAN FOX: No?

20 MR. MOORER: No.

21 CHAIRMAN FOX: You don't want to
22 bring the go-karts in.

23 MR. MOORER: No.

24 CHAIRMAN FOX: Okay.

25 MR. MOORER: We still need some

1 discussion. You know?

2 CHAIRMAN FOX: Well, it does.

3 MS. O'CONNOR: Help me understand why
4 go-karts should be a protected class, as opposed to
5 everything else?

6 MR. MOORER: Well, you know, I don't
7 think there's that many go-kart tracks around that
8 I'm aware of in --

9 CHAIRMAN FOX: Go ahead.

10 MR. MOORER: Go ahead.

11 CHAIRMAN FOX: You need to come to
12 Sevier County.

13 MR. MOORER: Okay. Okay. I just
14 said in one -- you know, that's a whole different
15 area of -- for an inspector. You know. In
16 category, he's now got to look at gasoline engines,
17 you know, he's got to look at fires, he's got to
18 look at a whole different category. So how much --
19 will we have separate inspectors for this? You've
20 got -- I don't know of any amusement rides that have
21 the gas -- the fire is one of the big things for me
22 to the deal with a go-kart.

23 CHAIRMAN FOX: Right. But again,
24 remember that the State inspectors would be -- in
25 this area, will be functioning as either an audit

1 kind of inspection or investigatory --

2 MR. MOORER: Yes. Yes.

3 CHAIRMAN FOX: -- audit inspection.

4 So we would not send our investigators out -- our
5 inspectors out to perform an initial inspection on
6 those go-karts before we put them in operation.

7 That, again, would be a third party. Correct me if
8 I'm wrong, Ms. Jefferson.

9 MS. JEFFERSON: Right.

10 CHAIRMAN FOX: That would be up to --

11 MS. JEFFERSON: Third-party
12 inspectors versus compliance officers.

13 CHAIRMAN FOX: Right.

14 MS. JEFFERSON: Yes.

15 CHAIRMAN FOX: They would be -- just
16 like our amusement rides, we would have to have a
17 third party come in and inspect it, and they would
18 be separate and apart from anything that the State
19 would be doing.

20 MR. MOORER: So then, the -- when
21 they're initially put in, a third party inspects
22 them and says, they're okay --

23 CHAIRMAN FOX: Right.

24 MR. MOORER: -- then our inspectors
25 just follow up after that.

1 CHAIRMAN FOX: They're going to go by
2 as a second set of eyes and say --

3 MR. MOORER: Are they going to be
4 trained to do that? That's my question.

5 CHAIRMAN FOX: Yes. They will be.

6 MR. MOORER: We brought fire and, you
7 know, gasoline -- just the gasoline alone, you know,
8 damages your skin. You know.

9 CHAIRMAN FOX: There is --

10 MR. MOORER: There's a whole
11 dimension we're bringing in.

12 CHAIRMAN FOX: That's what we're
13 discussing about. Mr. Pandolfo. He is --

14 MR. MOORER: Yes.

15 CHAIRMAN FOX: The man teaches
16 go-kart inspections and that.

17 MR. MOORER: Okay. And as long we
18 train them, I think it'd be okay. But if we send
19 them out and they're not trained and there's an
20 accident and -- you know, I always think about, how
21 is this going to sound before the Judge and the
22 press? They sent people out to inspect and they
23 didn't even know what to inspect.

24 CHAIRMAN FOX: Right.

25 MS. JEFFERSON: But they won't be

1 inspecting until --

2 MR. MOORER: Okay.

3 MS. JEFFERSON: -- they're actually
4 trained.

5 MR. MOORER: Okay.

6 MS. JEFFERSON: They have to be
7 trained before we can send them out in the field.
8 They have to have someone to take them out in field
9 and show them what they're supposed to do. And
10 these --

11 MR. MOORER: Okay.

12 MS. JEFFERSON: -- persons aren't
13 there yet. It's going to take time to get to that
14 point.

15 MR. MOORER: But here you're
16 handling, Robbie, as you know, a flammable fluid.

17 CHAIRMAN FOX: Oh, absolutely.

18 MR. MOORER: That's also a
19 carcinogen. And so it just opened up a whole new
20 door to us is what we've been doing.

21 CHAIRMAN FOX: Absolutely. I mean,
22 we're going to the next step.

23 MR. MOORER: Yeah.

24 CHAIRMAN FOX: You know, we're adding
25 that.

1 MR. MOORER: Yes.

2 CHAIRMAN FOX: And again, part of
3 that is, you know, the fees will take care of
4 whatever inspection audit --

5 MR. MOORER: Yes.

6 CHAIRMAN FOX: -- that we would end
7 up having or investigatory inspection audit.

8 MR. MOORER: Right. Okay. Okay.

9 MR. BAILEY: Mr. Chairman.

10 MR. MOORER: As long as they are
11 trained and know what they're doing.

12 CHAIRMAN FOX: Yeah.

13 MR. BAILEY: I was just going to
14 point out that if these go-kart operations have
15 employees, which every one I've been to do, they're
16 going to have to comply with the TOSHA regulations,
17 anyway, regarding gasoline, CMSDSs --

18 MR. MOORER: Yes. Yes.

19 MR. BAILEY: -- to protect employees.

20 MR. MOORER: Yes.

21 MR. BAILEY: So there's already
22 regulations in place.

23 MR. MOORER: Yes.

24 CHAIRMAN FOX: It's already there.

25 MR. BAILEY: This would just be extra

1 to inspect the operation of the go-karts for public
2 purposes.

3 CHAIRMAN FOX: Right.

4 MS. O'CONNOR: I guess, for me, if
5 we're -- if we are responsible for oversight on
6 amusement devices, go-karts are an amusement device.

7 CHAIRMAN FOX: They are.

8 MR. MOORER: It's -- yeah.

9 MS. O'CONNOR: So it's our
10 responsibility to oversee that.

11 MR. MOORER: I think it's fine as
12 long as the people we expect to do the audit or
13 whatever are trained to do it and understand what to
14 do.

15 MS. O'CONNOR: Agreed.

16 MR. MOORER: You know, they know --
17 it's just -- as I say, in amusement, a different
18 dimension. They require carcinogens and lead that
19 we hadn't been in before.

20 CHAIRMAN FOX: You're correct.
21 You're absolutely correct.

22 MR. FISHER: What regulations will
23 they be required to follow?

24 CHAIRMAN FOX: There is a whole
25 subset of rules and regs in the ASTM standard --

1 MR. FISHER: All right.

2 CHAIRMAN FOX: -- regarding go-karts.

3 MR. FISHER: Go-karts. Okay.

4 CHAIRMAN FOX: Yeah. It has its
5 own -- they have their own set of criteria.

6 MR. FISHER: Okay.

7 CHAIRMAN FOX: Okay. Any further
8 discussion? I would entertain a motion to bring
9 go-karts or to incorporate go-karts into the current
10 law and do away with the exemption -- how do I -- do
11 I need to state that any differently to make that
12 happen in State law?

13 MR. BAILEY: That's fine with me.

14 CHAIRMAN FOX: Just remove the
15 exemption from go-karts and bring those into the
16 law, bring them into compliance.

17 MS. O'CONNOR: I'll make that motion.

18 CHAIRMAN FOX: We have a motion.

19 MR. MOORE: Second.

20 CHAIRMAN FOX: We have a second. Any
21 discussion? All in favor of the motion, let it be
22 known by saying, "aye."

23 MR. FISHER: Aye.

24 MS. O'CONNOR: Aye.

25 MR. MOORER: Aye.

1 MR. MOORE: Aye.

2 CHAIRMAN FOX: All opposed, by like
3 sign. Motion carries.

4 Okay. Recommend a \$200 response fee
5 for accident or complaint. If complaint is
6 unfounded, fee will be waived. We've discussed
7 this at the last meeting that if there is an
8 investigation to be conducted, then Ms. Jefferson
9 or Carlene or Ms. Rhodes send somebody out to
10 perform that investigation and then compile a
11 report. If there are no problems, then the fee is
12 waived. If they have to compile a report and
13 there is a problem, then it's \$200. I think that
14 was the recommendation. Was that your memory on
15 that, too? Okay.

16 MS. BENNETT: Yes.

17 CHAIRMAN FOX: All right. So I would
18 entertain a motion to -- or furthermore, let's
19 discuss. Any discussion on that?

20 MS. JEFFERSON: Would there be a rule
21 change? Is that what you're suggesting?

22 CHAIRMAN FOX: I -- there again,
23 that -- it's going to be our recommendation what --
24 if that requires a rule change or a change in the
25 law, I don't know.

1 MS. O'CONNOR: It's an additional fee
2 so doesn't that require a rule change?

3 MS. JEFFERSON: The fees are in the
4 rules.

5 CHAIRMAN FOX: Okay. All right. So
6 let's ask the question, then. We're going to talk
7 about fees in the next section. Do we incorporate
8 it all into one?

9 MS. JEFFERSON: That should be under
10 the rule, shouldn't it?

11 MR. BAILEY: I mean, you can handle
12 them separately.

13 MS. JEFFERSON: And there's
14 nothing --

15 MR. BAILEY: This -- as I take it,
16 this is a fee we currently don't have, right?

17 MS. JEFFERSON: That's my
18 understanding. If it's not currently in the law,
19 which I don't think it is.

20 MR. BAILEY: I don't think the law
21 addresses it.

22 CHAIRMAN FOX: The law did not
23 address it.

24 MR. BAILEY: Right.

25 MS. JEFFERSON: So if it's not, then

1 it would be held under the rules.

2 CHAIRMAN FOX: And then would that
3 rule happen after the first of the year or would
4 that start after the first of the year?

5 MS. JEFFERSON: With the same -- with
6 all the other rules that we're proposing.

7 CHAIRMAN FOX: Right. Well, if we
8 can handle it separately, then, I would entertain a
9 motion to recommend that a \$200 response fee for an
10 accident or a complaint be adopted, and if the
11 complaint is unfounded, the fee would be waived.

12 MS. O'CONNOR: I'll make that motion.

13 CHAIRMAN FOX: We have a motion.

14 MR. MOORE: I'll second.

15 CHAIRMAN FOX: We have a second. Any
16 discussion? All in favor of the motion, let it be
17 known by saying, "aye."

18 MR. MOORE: Aye.

19 MS. O'CONNOR: Aye.

20 MR. MOORER: Aye.

21 MR. FISHER: Aye.

22 CHAIRMAN FOX: All opposed, like
23 sign.

24 Okay. Recommend the use of the
25 Department's -- recommend an inflatable fee

1 structure. And I think this is where we settled
2 on the last one. Recommend an inflatables fee
3 structure of \$150 application fee and then \$40 per
4 device fee.

5 MS. O'CONNOR: That's right.

6 CHAIRMAN FOX: I think we asked you
7 all about that last time, didn't we? Yes, sir. Any
8 discussion on that? Any questions, observations,
9 suggestions?

10 Okay. I would entertain a motion to
11 recommend the inflatable fee structure of one --
12 which consists of a \$150 application fee and a \$40
13 per device fee.

14 MS. JEFFERSON: And I know we were
15 looking in the law, just to let you all know, and I
16 believe the law actually states "device fee." I
17 think there was talk as to whether or not, going
18 forth, we needed to have one fee and call it a
19 "permit application fee," because I think there's
20 been discussion that we shouldn't have two fees. We
21 created an extra fee in having the device fee. We
22 can put it all together and call it "application
23 fee," and Dan may want to verify whether or not the
24 statute allows for a device fee.

25 CHAIRMAN FOX: All right.

1 MR. BAILEY: Well, this part of the
2 statute I'm looking at now says, the Department is
3 authorized to charge a fee to be set by the
4 Department for the issuance of an annual permit.
5 And it goes on about the ones that show proof of
6 ownership and things like that.

7 MS. JEFFERSON: I don't believe it
8 addresses device fee.

9 MR. BAILEY: I don't think it does,
10 either. I think I said -- brought that up last
11 time. And there's a penalty of \$300 if they're out
12 of compliance for each day. Yeah. That's the only
13 area that addresses the ability to charge a fee.

14 MR. MOORE: Could you read that
15 paragraph again, please, Dan?

16 MR. BAILEY: Yeah. And I'm reading
17 from T.C.A. Section 68-121-117(b). The Department
18 is authorized to charge a fee to be set by the
19 Department for the issuance of an annual permit, but
20 the Department shall not issue the permit until the
21 owner furnishes to the Department proof of insurance
22 for and proof of -- I don't know if you want to read
23 the whole thing or not.

24 MR. MOORE: No. That's fine.

25 MR. BAILEY: But that's the only fee

1 addressed in the statute other than a penalty over
2 here for being out of compliance.

3 MS. O'CONNOR: Mr. Chairman, did we
4 speak about noncompliance fees last -- at the
5 workshop? I honestly can't remember.

6 CHAIRMAN FOX: We did.

7 MS. O'CONNOR: Okay.

8 CHAIRMAN FOX: I think it was \$300;
9 is that correct?

10 MS. O'CONNOR: Three hundred is what
11 the current one is. I didn't know if we had
12 spoke -- had discussed increasing that or changing
13 that.

14 CHAIRMAN FOX: In my memory of that
15 meeting, it was \$300.

16 MS. O'CONNOR: Okay.

17 CHAIRMAN FOX: I'd have to go back
18 and look at the record.

19 MS. O'CONNOR: Okay.

20 CHAIRMAN FOX: But I believe it was
21 300.

22 MR. BAILEY: Yeah.

23 MS. O'CONNOR: Okay.

24 MR. BAILEY: If an owner or operator
25 of an amusement device fails to comply with any

1 requirements listed in this section, that owner or
2 operator shall incur a penalty of \$300 each day
3 enforceable by the Department until full compliance
4 is achieved.

5 MR. FISHER: And that's actually
6 written in the law, the amount? So --

7 MR. BAILEY: Yes.

8 CHAIRMAN FOX: Yes.

9 MS. O'CONNOR: Each day. Okay.

10 CHAIRMAN FOX: And that's serious
11 enough to get your attention.

12 MR. BAILEY: Three hundred a day
13 would do it.

14 CHAIRMAN FOX: Yes. So what this
15 boils down to -- and you all keep me honest here.
16 It boils down to the fee structure that you and
17 Carlene and Ms. Rhodes all put together about the
18 charges for each of the devices. And then if we
19 included those and then we added in the inflatables
20 at \$40 per inflatable, is that where we were at the
21 last time when we finished our conversation?

22 MS. JEFFERSON: Well, we were looking
23 at the flat fee structure.

24 CHAIRMAN FOX: Right.

25 MS. JEFFERSON: And we were trying to

1 determine whether or not it was reasonable under the
2 circumstances, whether or not everybody, you know,
3 would be treated fairly. I think that's where we
4 were trying to get to.

5 The reason we went with the flat fee
6 structure is because we looked at the law and it
7 didn't say anything about devices. So that's why
8 we were leaning towards the flat fee structure
9 regardless of what the arguments are. I believe
10 we have to go towards a flat fee, because the law
11 doesn't allow us to charge for a device fee, too,
12 only the permit application fee.

13 So if we're proposing some additional
14 fees, we have to include them in the application
15 fee. So instead of 150 application fee for
16 inflatables and \$40 per device, we would have to
17 come up with an amount --

18 MR. FISHER: So basically, could we
19 not say that the application fee is \$150 plus \$40
20 per device, and that's the application fee amount?

21 MR. BAILEY: I think it's -- yeah --
22 a matter of --

23 MR. FISHER: If you're not calling it
24 a device fee --

25 MR. BAILEY: -- semantics how you --

1 yeah.

2 MR. FISHER: -- saying, this is how
3 much the application fee is.

4 MR. BAILEY: I don't think -- if
5 you -- as long as you don't call it a device fee, I
6 think you're okay as long as it's all part of the
7 permit fee.

8 MR. FISHER: Yeah.

9 MR. BAILEY: You know? Now, what
10 goes into calculating that permit fee, I think
11 you've got some latitude there. But it's got to be
12 called a permit fee. It can't be a permit and
13 device fee, because there's nothing in here about
14 device fee.

15 CHAIRMAN FOX: But these gentlemen
16 sitting back here, you all have the inflatables,
17 correct?

18 MR. KOGER: Yes, sir.

19 CHAIRMAN FOX: Okay. So when we go
20 out to or when they make an application, it's \$150
21 plus \$40 per unit that they have.

22 MS. JEFFERSON: Uh-huh. For the
23 application --

24 CHAIRMAN FOX: Is that what we're
25 saying?

1 MS. JEFFERSON: For the application
2 fee.

3 CHAIRMAN FOX: For the application
4 fee.

5 MS. JEFFERSON: And that would just
6 be the inflatables. That's the only one we'd be
7 required to calculate.

8 CHAIRMAN FOX: Correct.

9 MS. JEFFERSON: The others would be a
10 flat fee.

11 CHAIRMAN FOX: Can we do that,
12 Mr. Bailey?

13 MR. BAILEY: I'm sorry?

14 CHAIRMAN FOX: Is that proper -- are
15 we -- if we coach it in that way, \$150 application
16 fee plus a \$40 per unit fee.

17 MR. BAILEY: Yeah. Well --

18 CHAIRMAN FOX: Is the application
19 fee.

20 MR. BAILEY: Is -- yeah. Is the
21 permit -- is the annual permit fee.

22 CHAIRMAN FOX: Right.

23 MR. BAILEY: As long as that's all
24 called the annual permit fee --

25 CHAIRMAN FOX: It's no different than

1 at my home, there's a fee, an application fee plus
2 they charge so much for this and so much for that
3 and so much for that.

4 MR. BAILEY: Right.

5 MS. JEFFERSON: As long as it all
6 goes into the application.

7 CHAIRMAN FOX: It's the application
8 fee.

9 MR. BAILEY: Right. Yeah. Yeah. I
10 think that's fine.

11 CHAIRMAN FOX: Okay. So let me see
12 if I can -- I would ask for a recommendation on
13 inflatables to charge \$150 initial application fee,
14 and in addition to that, as part of the application
15 fee, \$40 per unit annually. Is that --

16 MR. BAILEY: That's --

17 CHAIRMAN FOX: Does that cover it?

18 MR. BAILEY: Uh-huh.

19 CHAIRMAN FOX: I would entertain that
20 motion.

21 MR. FARMER: The \$150, is that just a
22 one-time fee or is that yearly, too?

23 MS. BENNETT: That's annual.

24 MR. BAILEY: That'd be annual.

25 MR. FARMER: That's annually, too.

1 It sounded like you said an initial \$150.

2 CHAIRMAN FOX: Yes. But I was just
3 trying to couch it so --

4 MS. BENNETT: Annual.

5 MR. FARMER: I'm just saying.

6 CHAIRMAN FOX: No. You've made a
7 good point. I would entertain a motion that there
8 would be a \$150 annual application fee and, in
9 addition, \$40 per unit annually for inflatables.
10 Did that --

11 MR. FARMER: So good.

12 CHAIRMAN FOX: Did that cover it?
13 Okay. I would entertain that motion.

14 MS. O'CONNOR: I'll make --

15 MR. MOORE: I'll make that motion.

16 MS. O'CONNOR: And I'll second it.

17 CHAIRMAN FOX: We have a motion and a
18 second. Any further discussion? Hearing none. All
19 in favor of the motion, let it be known by saying,
20 "aye."

21 MR. MOORER: Aye.

22 MR. MOORE: Aye.

23 MS. O'CONNOR: Aye.

24 MR. FISHER: Aye.

25 CHAIRMAN FOX: All opposed, like

1 sign. The motion carries. That will be our
2 recommendation for a rule change.

3 There's another one on here,
4 recommend enforcement of 50 percent increase in
5 fee for untimely renewals.

6 If you all will refresh my memory. I
7 know the other folks got it but I don't. Refresh
8 my memory on what happens there.

9 MS. JEFFERSON: In the event that
10 they don't --

11 CHAIRMAN FOX: Yes.

12 MS. JEFFERSON: -- timely --

13 CHAIRMAN FOX: What do we do now?

14 MS. JEFFERSON: Well, currently,
15 we're not even enforcing that part. We haven't
16 assessed a penalty against anyone for untimely.

17 What we're currently doing, if they
18 fail to timely respond, and we have several in
19 that position, what we currently do after sending
20 them the correspondence, we send a seven-day
21 letter asking them to comply or cease and desist.
22 If they don't, we make a telephone call. If they
23 don't respond to the telephone call, then we
24 send -- we refer the case to the local
25 authorities, because the law actually gives us

1 permission to refer that to local authorities so
2 they can assess a Class C misdemeanor. But that's
3 the criminal aspect.

4 And so that's what we do. That's how
5 we handle it. We have not been assessing the \$300
6 against anyone at this point, because we've just
7 mainly organized our process and we're trying to
8 make sure that everybody is in compliance. So I
9 think we've been lenient on that part.

10 We hope in the future to go ahead and
11 start looking at that \$300 penalty, or if it's
12 increased, then we can take a look at that. But I
13 think we've been pretty lenient, because this is a
14 new process. We didn't want complaints as to, you
15 know, the fact that we were assessing that
16 penalty. So we were trying to give them some
17 leeway, because we're having to -- in essence,
18 we're actually creating a program that should have
19 been in effect back in 2009, but some people say
20 that they weren't aware of what they were supposed
21 to do.

22 So the first year, second year, we
23 did not. But we plan to -- after this fee
24 structure goes into place and we have a better fee
25 structure, then we plan to assess those penalties

1 for untimely permits.

2 MR. BAILEY: I just want to point out
3 one thing. Untimely -- if the late permit -- is
4 that what we're talking? Late -- that's a different
5 statute than the \$300.

6 MS. JEFFERSON: Right. 300 is for
7 accidents.

8 MR. BAILEY: Right. Well, no, 300 is
9 for if they've had an accident then they fail to get
10 in compliance with the inspector's report. On the
11 fee -- late fee, it shall be increased 50 percent if
12 such fee is not paid within 60 days from the date of
13 the invoice.

14 MS. JEFFERSON: So it's already
15 50 percent.

16 CHAIRMAN FOX: So it's there already.

17 MS. JEFFERSON: Yes.

18 MR. BAILEY: Yeah. It's in the
19 statute.

20 MS. JEFFERSON: That's fine.

21 CHAIRMAN FOX: Then we don't need to
22 do anything, unless you all want to change that.

23 MS. JEFFERSON: So we have a remedy
24 for that. But like I said, we've just been lenient
25 as far as -- you know, a lot of people said they

1 weren't aware of the amusement device law. So we've
2 really tried to be lenient with the employers.

3 MR. FARMER: Is that 50 percent -- is
4 that on inspections and the operating permit fees or
5 is that something else, Dan?

6 MR. BAILEY: It says -- well, the
7 title of it's, Penalties for Violations of Chapter
8 or Permit Fee Requirements.

9 MR. FARMER: Okay.

10 MR. BAILEY: And B says: The fee for
11 any inspection or operating permit under this
12 chapter shall be increased 50 percent if such fee is
13 not paid within 60 days from the date of the invoice
14 for such inspection or permit.

15 MR. FARMER: So that would fall under
16 what you guys charge, too, right? Amusements.

17 MS. JEFFERSON: I know you were
18 concerned that it only fell under the Elevator Unit.

19 MR. FARMER: Yeah. That's what I was
20 thinking. It may only be regarding elevators,
21 because that's what we charge for late fees --
22 payment of invoice of permit fees and inspection
23 fees.

24 MR. BAILEY: Yeah. Well, whenever --
25 in the law, when it refers to this chapter --

1 MR. FARMER: Uh-huh.

2 MR. BAILEY: Like 60 -- you know,
3 when there's -- you have a statute, 68-121-115. 68
4 is the title.

5 MR. FARMER: Okay.

6 MR. BAILEY: 121 is the chapter.

7 MR. FARMER: Yeah.

8 MR. BAILEY: So that covers anything
9 in the chapter --

10 MR. FARMER: Okay.

11 MR. BAILEY: -- 121, which included
12 amusement devices.

13 MR. FARMER: Just want to make sure.
14 More for my education than anybody else.

15 MS. JEFFERSON: That's a good point.

16 MR. BAILEY: That's why -- I mean,
17 sometimes they'll use the words "this part." Well,
18 this part is the last abbreviation. It's 115. You
19 know, so if it's outside of that, it won't cover.
20 But when it says "chapter," it covers anything under
21 121.

22 CHAIRMAN FOX: Okay. So essentially,
23 that -- when we talked about this in the workshop,
24 that's already --

25 MR. BAILEY: That's there.

1 CHAIRMAN FOX: -- completed. We
2 don't need to change that unless we want to increase
3 it or decrease it, correct?

4 MR. BAILEY: Correct.

5 CHAIRMAN FOX: Does anybody have any
6 energy to do either one?

7 MS. O'CONNOR: Well, if we're not
8 getting the -- if we're not enforcing it, so to
9 speak, in terms of getting the penalty fees now, I
10 don't see the point in actually increasing it. So
11 otherwise, I would entertain.

12 CHAIRMAN FOX: That makes perfect
13 sense.

14 Okay. The other thing that we had
15 talked about was asking Mr. Stock to come up with
16 some recommendations on either course or line or
17 whatever. I sent you all -- and you did a very
18 good job. Thank you very much.

19 MS. O'CONNOR: It was wonderful.

20 MR. STOCK: Thank you. It was Mapsy
21 and I both worked on that.

22 CHAIRMAN FOX: Okay.

23 MR. STOCK: I drafted it, sent it in
24 to --

25 CHAIRMAN FOX: Thank both of you very

1 much.

2 MS. O'CONNOR: It was great.

3 CHAIRMAN FOX: I appreciate it.

4 MR. STOCK: -- circulate around. So
5 it has some good industry input. So --

6 CHAIRMAN FOX: Okay.

7 MR. STOCK: Thank you very much for
8 the opportunity to do it, as well. It's very
9 helpful.

10 CHAIRMAN FOX: So have you all read
11 that? Any recommendations? I feel I need to kind
12 of be quiet, because I've -- well, I mean, we have
13 zip lines and -- at our place.

14 MS. O'CONNOR: I actually did have a
15 question. I don't know if this is relevant or not
16 to our discussion. But just for my own education,
17 what is the difference between a low element and a
18 high element in terms of, you know, the --

19 MR. STOCK: In a -- yeah. You'll --
20 that really refers in that section under traditional
21 challenge course. Low elements are basically --
22 they're used for team building. They don't require
23 any kind of belay system. They're relatively close
24 to the ground. They are not even under the purview
25 of what you guys permit.

1 MS. O'CONNOR: Okay.

2 MR. STOCK: Because they're not --
3 they don't have life safety systems or anything like
4 that. They're, like, boards on the ground or a
5 little thing.

6 MS. O'CONNOR: That's what I was
7 getting at.

8 MR. STOCK: Yes.

9 MS. O'CONNOR: I mean, I knew --

10 MR. STOCK: Correct.

11 MS. O'CONNOR: I could read the
12 definition. It was just, you know, are we talking,
13 you know, the low element is a foot or two feet --

14 MR. STOCK: Yeah. No. There's
15 not --

16 MS. O'CONNOR: Okay.

17 MR. STOCK: It's not that quantified.
18 It's just --

19 MS. O'CONNOR: Okay.

20 MR. STOCK: It's generalization
21 that -- they're basically a team building apparatus
22 that don't require a life safety system.

23 MS. O'CONNOR: Okay. Thank you.

24 CHAIRMAN FOX: Any recommendation on
25 whether we charge by line, course, element?

1 MS. O'CONNOR: Personally, my
2 inclination was to do it by -- based on budget,
3 taking, you know, sales -- taking out sales and
4 other things. I just honestly think that might be
5 so comprehensive -- so involved. I don't know if
6 that actually is a simple solution if I'm just kind
7 of throwing that out there. I think that would be
8 the most equitable.

9 CHAIRMAN FOX: Or -- just asking
10 questions. Or do we charge by business? What are
11 you presently doing, ladies?

12 MS. JEFFERSON: Do you want to speak
13 to that?

14 CHAIRMAN FOX: How do you -- again,
15 refresh my memory. How do you -- let's -- I don't
16 want to bring out Mr. -- I don't want to single him
17 out, but the ACME ropes course, how do you charge on
18 that?

19 MS. BENNETT: Well, a lot of times,
20 it's how they charge. You know, if you pay one flat
21 fee and you do the course, that's one course and
22 that's one fee. That's one device. But if you have
23 multiple zip lines and you pay for one and you do
24 it -- you have to pay again to do it again, then
25 that's, you know, a separate device. If you've got

1 five separate zip lines and you've got to pay each
2 time to do it, that's five separate devices.

3 CHAIRMAN FOX: Like -- I hate to --

4 MR. STOCK: That's not how it
5 currently goes, but --

6 CHAIRMAN FOX: -- use us as an
7 example, but in our case, we have four lines.
8 That -- to me, that's a course. We have -- you make
9 a circuitous route and you come back to the point
10 you started.

11 MS. BENNETT: Uh-huh.

12 CHAIRMAN FOX: To me, that --

13 MS. BENNETT: One.

14 CHAIRMAN FOX: That's one.

15 MS. JEFFERSON: As long as it's one
16 platform, right? One platform?

17 CHAIRMAN FOX: Well, there's eight
18 platforms, one on either end. You jump on the first
19 one, you land, traverse through the woods to go to
20 the next one, then you travel back across the valley
21 and then you get up and you go on another one.

22 MS. BENNETT: But that's a course.

23 CHAIRMAN FOX: That's a course.

24 MS. BENNETT: Yeah. That's kind of
25 what we've been going under is whether it's a course

1 or not.

2 CHAIRMAN FOX: Okay.

3 MS. BENNETT: You know, if it's an
4 individual structure.

5 CHAIRMAN FOX: And what about your
6 climbing elements? Not a climbing wall, but I know
7 at -- and I hate to -- you know, at the Church of
8 God Home For Children in Sevierville, there was a
9 large structure where people would climb that and
10 then obviously, they would repel off a part of it or
11 come down the net. There were different ways to do
12 that.

13 MS. BENNETT: Those are different
14 elements in the same course.

15 CHAIRMAN FOX: Right.

16 MS. BENNETT: Yeah.

17 CHAIRMAN FOX: So would you have
18 charged them one fee?

19 MS. JEFFERSON: One course.

20 CHAIRMAN FOX: One course. Okay.

21 MS. BENNETT: Uh-huh. For one
22 course. Yeah.

23 CHAIRMAN FOX: All right. So do you
24 all want to change how they're doing that or make a
25 recommendation to change?

1 MR. FISHER: That seems like the best
2 way to do it, because like any ride, if you're
3 paying a ticket to do one thing, even if it's
4 multiple elements, you're still doing them in
5 sequence.

6 CHAIRMAN FOX: Right.

7 MR. STOCK: What we're talking about
8 now is different than what we've been doing, just to
9 clarify. Because, like, we -- because the
10 conversation we had was that a course -- basically,
11 if you go up, go through a thing, and come back to
12 the ground, that is considered -- was considered a
13 course, because we're equating that with a device on
14 that original form.

15 So for example, our location -- both
16 of our locations, Ruby Falls and Fall Creek Falls,
17 we have three different courses at one and five
18 different courses at another. So we paid
19 individual device fees on each of those courses as
20 defined in the document that I gave you. If we're
21 going to treat the park or location as a single
22 course, someone pays a single fee and they can do
23 all of it, then that would be -- then that is in
24 line with what you guys are discussing now.

25 But what you're describing now is

1 different than what we have been doing.

2 MS. JEFFERSON: Does that get into
3 the platform? I'm trying to remember how that goes
4 from the platform to --

5 MR. STOCK: It gets sticky to define.
6 I mean, that's -- there's no question about it. And
7 then the number of the -- in fact, the permitting
8 fee, as I've talked to people throughout the thing,
9 it's all over the board for -- there's courses that
10 are the same size as us that pay, you know, a far
11 smaller fee, because they define their whole thing
12 as -- even though there are five different -- you
13 know, different individual tracks that they can go
14 through, it's -- for them, it's an individual
15 course. So --

16 MS. O'CONNOR: Well, and I think
17 that's why we were looking at changing --

18 MR. STOCK: That's correct. It
19 was --

20 MS. O'CONNOR: -- the current
21 structure because it was so sticky.

22 MR. STOCK: Yeah.

23 MS. BENNETT: Because we are at the
24 mercy of what they report to us and the inspection
25 that they give us. Because if they say -- and the

1 inspector says it's all one course, even though, you
2 know, we don't know what they charge, then, you
3 know, we have to go by what it says.

4 And we also have other people who
5 have individual zip lines and they pay individual
6 fees on their zip lines, because if there's an
7 accident on that course, it shuts the whole course
8 down, okay? Because that's one device, we shut
9 the device down. But they have maybe five zip
10 lines, and if an accident happens on one, they can
11 still operate four because they're separate
12 devices. So it's kind of at their discretion how
13 they want to handle that, too, you know.

14 CHAIRMAN FOX: The beauty of having
15 our inspectors is that we'll have somebody to
16 physically go out there, look to see what's there,
17 and we'll know. You were going to say something,
18 ma'am. First of all, tell us your name and speak
19 loudly, because I can't hear you.

20 MS. POWERS: Mary Audrey Powers with
21 Navitat Canopy Adventures. So we actually do pay
22 the way that Ms. Bennett described, because we have
23 one ticket. And so I have a very similar course to
24 Mr. Stock where if -- I have six trails, we just use
25 different language. So I think that's where some of

1 this confusion is coming from. So where Don's
2 paying for six, I'm paying for one, but we have the
3 same amount of actual trails.

4 So not to call myself out for paying
5 less than him, but because our language is -- you
6 know, we have one course and six trails where he
7 has a park with six courses, that's why we pay for
8 one and he's paying for six.

9 MS. BENNETT: But when you had your
10 accident there, the whole course was shut down.

11 MS. POWERS: Yes.

12 MS. BENNETT: Correct?

13 MS. POWERS: Uh-huh.

14 CHAIRMAN FOX: Yes.

15 MS. O'CONNOR: Where if Don had had
16 an accident on his, just that one element -- that
17 one --

18 MR. STOCK: Conceivably, we could
19 have done that, yes.

20 MS. O'CONNOR: Okay. Okay.

21 CHAIRMAN FOX: If I am an owner of
22 that company, I would pay the extra fee to do what
23 she's talking about. I want to keep --

24 MS. O'CONNOR: As much --

25 CHAIRMAN FOX: If I have an accident

1 on one, I want to keep the rest of them going.

2 MR. STOCK: Correct.

3 MS. BENNETT: Well, we have that with
4 trampolines, too, because they have a trampoline
5 park. And there might be an accident on one
6 trampoline, you don't want to shut the whole thing
7 down.

8 CHAIRMAN FOX: No. Okay. So is
9 there a recommendation? Or do we simply let them
10 administer the process to make that determination?

11 MS. O'CONNOR: The better I
12 understand the current process, I would be inclined
13 to maintain status quo on that.

14 CHAIRMAN FOX: Anybody have a
15 different opinion?

16 MR. FISHER: That's probably the
17 easiest way to do it, because it's kind of a
18 self-pleasing thing. You know, if you want to pay a
19 lower fee but know that if something happens, your
20 entire park's shutting down, that's a business
21 decision versus, hey, I want to be able to isolate
22 the different elements out. Not elements, but the
23 courses out so that if something happens, then only
24 one gets shuts down. You have that option of
25 keeping part of the park open. And I think that's a

1 business decision, if we're good that, outside of a
2 revenue issue.

3 MR. MOORE: When the current
4 third-party inspectors come to your -- do they
5 charge you one fee for that or -- okay. And yours
6 is multiple fees.

7 MR. STOCK: Generally, no. It's the
8 same thing. They come in and they'll do -- for each
9 location. That's customary within our industry.
10 They treat the whole thing as one inspection even
11 though it's broken up. And even on our inspection
12 reports, it'll -- the individual courses are called
13 out.

14 MR. FISHER: But they're going to
15 figure a price based on the size.

16 MR. STOCK: Exactly. Yeah.

17 MR. FISHER: It's not going to be, if
18 I've got one zip line --

19 MR. STOCK: Right.

20 MR. FISHER: -- versus I've got 20.

21 MR. STOCK: Yes. The one thing to --
22 I would mention, too, is that I have worked hard
23 to -- we've worked hard to delineate between the
24 commercial operations, which is kind of what we're
25 talking about, and the traditional challenge course.

1 My recommendation, as someone who's
2 out and around and doing all these things, is if
3 it's a traditional challenge course, if it's not
4 predominantly created to be a pay-to-play, open to
5 the public, walk up, pay your money, go do your
6 thing -- if it's more of a camp-based thing, I
7 would really recommend a flat fee for those folks.

8 MR. FISHER: Well, I think the way
9 we're talking about it, it'll work itself out,
10 because they're not concerned about keeping part of
11 it open if something happens. So they can just say
12 it's -- our park is one device --

13 MR. STOCK: Okay.

14 MR. FISHER: -- and then just pay to
15 have one. So that'll add -- kind of automatically
16 let them charge -- or pay a lower fee.

17 MS. JEFFERSON: Are you referring to
18 the non-profit?

19 MR. STOCK: Well, they're not
20 necessarily non-profit but they're -- like camps.
21 There's camps who --

22 MS. POWERS: Educational.

23 MR. STOCK: Yeah. It's educational
24 with -- how I defined it is traditional use, which
25 is what the challenge course world came from, the

1 team-building activities and the -- you know, the
2 kids, you know, coming out there as a school group
3 or a corporation or a church youth group or
4 something like that. They're an intact group coming
5 to do this activity together, which is fundamentally
6 different than the pay-to-play, walk up to pay your
7 money to zip line.

8 CHAIRMAN FOX: Yes, but many years
9 ago, I went to a place called the Senior Executive
10 Institute, and I paid \$4,600 to go on one of those
11 things. And they did that for a week, and they
12 liked to kill me. So for-profit or not-for-profit
13 or what have you --

14 MR. STOCK: Yeah. That's why I don't
15 even use the term "for-profit," because it's just
16 a -- yeah. I mean, it -- but the operation and the
17 intended outcome are entirely different.

18 CHAIRMAN FOX: Right. But this was
19 team building stuff.

20 MR. STOCK: Correct. Yeah.

21 CHAIRMAN FOX: Again, semi-commercial
22 but not.

23 MR. STOCK: Yeah.

24 CHAIRMAN FOX: Okay.

25 MS. JEFFERSON: Okay. And I just

1 want to make a point. Under one of the exemptions,
2 we receive a lot of telephone calls about this,
3 especially lately, from Boy Scouts. And there's
4 usually a representative here. He's not here today.

5 But under the exemption it says, an
6 amusement device does not include the following.
7 And at the bottom it says, an amusement device
8 that is owned and operated by an non-profit,
9 religious, educational, or charitable institution
10 or association, if the device is located within a
11 building subject to inspection by the State Fire
12 Marshal and by political subdivision of the State
13 under its building, fire, electrical, or related
14 public safety ordinance.

15 We receive a lot of telephone calls
16 about that, because at first, a lot of companies,
17 they were under the impression that they fell
18 under this exemption, but we had to explain phrase
19 by phrase to let them know that, you know, number
20 one, the rope course was not inside of a building.
21 Okay. It's on the outside of the building, so
22 this exemption doesn't apply.

23 So I just wanted clarification,
24 because we generally have a representative to come
25 to these meetings about this, and I know at some

1 point, they had talked about special treatment for
2 these type. So I just -- as we're talking about
3 it, I just wanted to just make sure we're all on
4 the same page as far as that's concerned.

5 CHAIRMAN FOX: Well, again, I think
6 our ultimate goal here is to keep everybody safe,
7 regardless of whether it's a charitable organization
8 or --

9 MS. JEFFERSON: Exactly.

10 CHAIRMAN FOX: -- the ACME Commercial
11 Organization.

12 MS. JEFFERSON: I agree. I just
13 wanted to make sure I put it out there.

14 CHAIRMAN FOX: Money is -- to me,
15 money is not the issue. It's safety, in that
16 regard.

17 MS. JEFFERSON: Okay. So as far as
18 those are concerned, we'll keep doing what we're
19 doing.

20 CHAIRMAN FOX: Anybody have a problem
21 or a different -- okay. All right. I think we have
22 covered all the items, or have I missed one?

23 MS. BENNETT: Maybe I was asleep, but
24 I didn't hear the one about the Department's
25 proposed fee structure.

1 MS. JEFFERSON: Exactly. That's the
2 one I didn't --

3 MS. BENNETT: I didn't hear a motion
4 on that.

5 MS. JEFFERSON: I didn't hear a
6 motion on that one, either.

7 MS. BENNETT: Recommend the use of
8 the Department's proposed fee structure with
9 inflatables being excluded being different than that
10 base fee structure.

11 CHAIRMAN FOX: Okay. And we
12 certainly need to bring that up. So the -- may I
13 borrow your fee structure, here?

14 MS. O'CONNOR: I think that's what
15 that is.

16 CHAIRMAN FOX: No, this one here.

17 MS. BENNETT: You want this one?

18 CHAIRMAN FOX: Yes. So when we last
19 met, we talked about taking the -- obviously, the
20 \$40 or unit fee on inflatables. We talked about
21 kiddie rides or devices at 50, large devices at 250,
22 and spectacular devices at 500. Was that where we
23 ended up?

24 MS. JEFFERSON: I thought we were
25 looking at the proposal that we provided to you all.

1 That was based on the number of companies, unless we
2 decided to do something different.

3 CHAIRMAN FOX: No. I may be totally
4 confused. I --

5 MS. O'CONNOR: That is what they're
6 talking about. Kim, is this the sheet?

7 MS. JEFFERSON: Yes. At the very
8 bottom of the first sheet. It's where it starts
9 based on 200 companies. One to five, six to ten --
10 I'm not sure if we're adopting this or if we changed
11 the amounts, but I thought that's what we were
12 looking at, because we have to go with a flat fee, a
13 permit application fee.

14 MS. BENNETT: And from the October
15 meeting, there was no changes, it was just to adopt
16 that --

17 MS. JEFFERSON: That's what I
18 thought.

19 MS. BENNETT: -- with the inflatables
20 having a different fee structure.

21 CHAIRMAN FOX: You are correct. I
22 had to run the hard drive back to come up with that.
23 You are correct. When all of it's settled out, the
24 only thing we were going to change, other than what
25 the proposal was, was the \$40 inflatables fee.

1 MS. BENNETT: Yes.

2 CHAIRMAN FOX: You're correct. And
3 the reason I did not have that on my list is the
4 reason I didn't bring it up. I missed it or left it
5 off.

6 So with that being said, what's the
7 feeling of the Board?

8 MS. O'CONNOR: Okay. Now that we're
9 including go-karts, would this work for go-karts?

10 CHAIRMAN FOX: We would have to
11 include the fee for go-karts in there.

12 MS. JEFFERSON: We would probably
13 have to come back after the fact and take a look.
14 It would probably be best to come back and take a
15 look after the fact to see. Because of course, a
16 recommendation -- you know, you have to make the
17 recommendation. Then legislation has to be proposed
18 and passed.

19 MS. O'CONNOR: Right. But if we --
20 if that's a consideration we take now and look at
21 fee structures with go-karts in our mind and try to
22 formulate a fee structure that works for --

23 MS. JEFFERSON: With them, too.

24 MS. O'CONNOR: -- all of the above
25 including them --

1 MS. JEFFERSON: Right. So --

2 MS. O'CONNOR: -- we can save
3 ourselves a step later down the road.

4 MS. JEFFERSON: So --

5 MS. O'CONNOR: If that is --

6 MS. JEFFERSON: Okay. So the
7 question is, would we -- would it be per track?
8 Would it be per car?

9 CHAIRMAN FOX: Per unit.

10 MS. JEFFERSON: Per "device" is the
11 term we'd use.

12 MS. O'CONNOR: It would be per car.

13 MS. JEFFERSON: So per car. So
14 that -- we would probably want to specify on the
15 record that it is per car, and that would be the
16 same as having, say, 51 plus -- say, if the company
17 has 60 cars or the company had 30 cars, that would
18 fall under the 21 through 30 flat fee schedule
19 that's already proposed.

20 CHAIRMAN FOX: Okay. In most places,
21 the go-karts -- in most states, they charge, like,
22 \$25 per unit.

23 MS. O'CONNOR: And --

24 CHAIRMAN FOX: Would you all agree
25 with that?

1 MS. O'CONNOR: -- what would be an
2 average go-kart place in Tennessee? How many units
3 would they have? 50? 40?

4 CHAIRMAN FOX: There's one that I'm
5 familiar with that has 300.

6 MS. O'CONNOR: Well, that'd be over
7 51, then. So --

8 MR. FARMER: I would say the average,
9 probably 40 would be -- give you my two-cent guess.
10 You know, just looking at them when I ride them, I
11 think 300's on the top side.

12 MS. O'CONNOR: So that would be --

13 MR. FISHER: Could we maybe -- and I
14 don't know without doing the math on 50 cars. What
15 if we did a fee structure like the inflatables; just
16 in-group that in and say it's \$150 plus \$40 per
17 unit?

18 CHAIRMAN FOX: That's what I'm
19 saying. You would have an application fee plus a
20 unit fee.

21 MR. FISHER: Well, yeah, per that
22 amount.

23 CHAIRMAN FOX: There's \$25 per car.
24 Per cart, as the case may be.

25 MS. O'CONNOR: Okay. That works.

1 CHAIRMAN FOX: So I would entertain a
2 motion to adopt -- let me restate that. I would
3 entertain a motion to make a recommendation that we
4 adopt the proposed flat fee schedule that was given
5 to us at the workshop. In addition to that, it
6 would include the \$40 fee for inflatables and a \$25
7 per unit fee for go-karts. Did we cover everything?

8 MS. O'CONNOR: I would make that
9 motion.

10 MS. JEFFERSON: And you said that \$25
11 is reasonable, based on your experience?

12 CHAIRMAN FOX: Yes. That's normal
13 throughout the industry.

14 MR. BAILEY: That's 150 plus 25,
15 right?

16 CHAIRMAN FOX: Yes.

17 MS. JEFFERSON: Yes.

18 CHAIRMAN FOX: We -- did you make the
19 motion?

20 MS. O'CONNOR: Yes.

21 CHAIRMAN FOX: We have a motion.

22 MR. MOORE: Can we discuss just a
23 little bit and --

24 CHAIRMAN FOX: If you'll second it,
25 we'll discuss it. Second it for discussion.

1 MR. MOORE: I'll second it.

2 CHAIRMAN FOX: All right. Now we'll
3 discuss it. Then you could withdraw your second.

4 MR. MOORE: Okay. And my thought
5 here is fair and equitable. The amount of
6 inspection that's required on the inflatable at \$40
7 seems to me like that's considerably less inspection
8 time and safety associated with that versus \$25 for
9 a go-kart that could propel your body at 50, 60
10 miles-an-hour. The opportunity for injury, you
11 know, just seems much higher, and the amount of
12 inspection going into that seems much more
13 difficult.

14 And I'm not saying that's right or
15 wrong. I just -- I wanted to see what everyone
16 else's thoughts around that were. If \$25 is
17 right, then I'm fine with that. If it needs to be
18 the same as the inflatables, then I'm fine with
19 that also. I just -- I'm trying to wrap my head
20 around -- is this the same? You know, are we
21 doing right by charging \$40 per inflatable and
22 only \$25 per go-kart.

23 MR. MOORER: It would just seem to me
24 it's much more involved and intense inspecting a
25 go-kart than it is an inflatable, because I start

1 thinking about all the things you've got to check on
2 a go-kart. I agree with you.

3 MS. JEFFERSON: Could you --

4 MR. FISHER: Well, we all --

5 MS. JEFFERSON: -- talk about some of
6 those things?

7 MR. FISHER: -- are talking about a
8 permit fee, not an inspection fee.

9 MR. MOORE: Right. Right.

10 MR. FISHER: So they're paying a
11 third-party inspector to do the inspections. This
12 fee that we're talking about is just to handle the
13 paperwork for the State.

14 MR. MOORE: Right.

15 MR. FISHER: For the most part.

16 MR. MOORE: Right. And the things I
17 would -- like, brakes, throttle --

18 MR. MOORER: Steering.

19 MR. MOORE: If the throttle sticks,
20 if the steering sticks, if it doesn't track
21 correctly, you have an opportunity for a wheel to
22 come off of it. I mean, there's a lot that the
23 inspector's going to be looking at. And I'm --
24 again, I'm fine with the 25. I just wanted to be
25 sure that that's --

1 MR. MOORER: Yes. Yes.

2 MR. MOORE: -- what everyone felt
3 like was where it needed to be, considering where
4 we're at with inflatables.

5 CHAIRMAN FOX: Let me -- and great
6 conversation. Let me ask a question. What do we
7 charge presently for an inflatable inspection?

8 MS. JEFFERSON: \$25 per unit plus
9 \$150 for an application fee.

10 CHAIRMAN FOX: Okay. All right.
11 Just so you know what my reasoning is, we're going
12 to introduce this the first time. That is a low
13 figure, and it'll be much more palatable than the
14 40.

15 MR. MOORE: To go up?

16 CHAIRMAN FOX: And it's easier for us
17 to come back in a year or a year and a half or two
18 years and do what we've done with the inflatables.
19 That was my --

20 MR. MOORE: I'm good.

21 CHAIRMAN FOX: -- motive for the 25.

22 MR. MOORE: I've already seconded it.
23 I'm good.

24 CHAIRMAN FOX: Well, you can change
25 it.

1 MR. MOORE: No. No. I like it.

2 CHAIRMAN FOX: Okay.

3 MR. BAILEY: Mr. Chairman, I'd just
4 point out -- I mean, you can go ahead, but it seems
5 a little premature until we get the law changed to
6 really even worry about what the fee may or may not
7 be. So I'm just saying you don't necessarily have
8 to make this decision right now on the go-karts.

9 MR. FISHER: Well, it might be better
10 to put it on the table what it would be so if
11 there's any kickback from the operators, at least
12 they know where they're standing as far as what it's
13 going to be when we get the laws implemented.
14 Whether that's good or bad --

15 MR. BAILEY: Well, that's true. But
16 I mean, they can look at what the fee structure is
17 now for other things and probably get an idea.

18 MR. FISHER: Yeah.

19 MR. BAILEY: You know, but I'm just
20 pointing out that it's not a decision that has to be
21 made today, if there's some uncertainty about
22 whether that's correct or not.

23 MR. FARMER: If the law passes, you
24 can use a fee structure that you already have,
25 right? I mean, it's not that -- if the law passes,

1 they will have a fee structure already in place that
2 they can use until this one gets changed, correct?
3 Is that -- am I right or am I wrong about that?

4 MS. BENNETT: They could fall under
5 the flat fee until it's reworded, I guess, in the
6 rules.

7 MR. FARMER: Yeah.

8 MS. BENNETT: You know.

9 MR. FARMER: So it's not like the
10 legislative passes and they're not going to have a
11 fee to charge. You'll have a fee to charge, just
12 not this one yet.

13 MR. BAILEY: Plus there's additional
14 fees that aren't collected now.

15 MR. FARMER: Yeah.

16 MR. BAILEY: So even if it just
17 starts out as just a flat fee until the rule -- it
18 could be put into -- do it somewhat like
19 inflatables. It's money that isn't coming in now,
20 anyway, so it would be additional money.

21 CHAIRMAN FOX: Okay. So will you
22 accept an amendment to your second that we -- and
23 I'll get you in just a second. Accept an amendment
24 to the second to delete the discussion of the fee
25 for the go-kart and let that be adopted into their

1 fee structure?

2 MR. MOORE: Yes.

3 CHAIRMAN FOX: And will you accept
4 that?

5 MS. O'CONNOR: Yes.

6 CHAIRMAN FOX: Okay. With that
7 amendment, then, all in favor of the motion, let --
8 oh. Excuse me. Any other discussion? All in favor
9 of the motion, let it be known by saying, "aye."

10 MR. FISHER: Aye.

11 MS. O'CONNOR: Aye.

12 MR. MOORE: Aye.

13 MR. MOORER: Aye.

14 CHAIRMAN FOX: All opposed, like
15 sign. Motion carries.

16 Did I take care of it?

17 MR. BAILEY: Well, I believe so.

18 CHAIRMAN FOX: Okay. What else did
19 we miss?

20 MS. BENNETT: Nothing.

21 CHAIRMAN FOX: You're afraid to tell
22 us that we missed something. Okay. Item number
23 nine, new business. There's none. Discussion
24 items. Proposed meeting dates for '17. Tuesday,
25 March the 7th. You want to put these on your

1 calendar. Tuesday, March the 7th of '17, Tuesday,
2 June the 6th of '17, and Tuesday, September the 12th
3 of '17 and Tuesday December the 5th of '17. And I
4 agree with you. Coming back on the Tuesday after
5 Labor Day would be a rough time.

6 MS. BENNETT: Uh-huh. And if it's
7 agreeable, we'll put it on the website, as well. I
8 think that worked out well last year.

9 CHAIRMAN FOX: It did. I would
10 make -- I would entertain a motion to accept the
11 dates as presented.

12 MR. MOORE: I'll make that motion.

13 MR. MOORER: Second.

14 CHAIRMAN FOX: We have a motion and a
15 second. All in favor of the motion, let it be known
16 by saying, "aye."

17 MS. O'CONNOR: Aye.

18 MR. MOORE: Aye.

19 MR. MOORER: Aye.

20 MR. FISHER: Aye.

21 CHAIRMAN FOX: All opposed, like
22 sign.

23 Okay. The announcement of the next
24 meeting is -- the next regularly scheduled meeting
25 of the Elevator and Amusement Safety Board will be

1 held in the first floor TOSHA room at 9:00 a.m.
2 Central Time, Tuesday, March 7th, at the State of
3 Tennessee Department of Labor and Workforce
4 Development building, located at 220 French
5 Landing, Nashville, TN.

6 Do I have a motion for adjournment?

7 MR. MOORE: I'll make that motion.

8 CHAIRMAN FOX: Thank you.

9 MR. MOORER: Second.

10 CHAIRMAN FOX: This meeting is over.

11 END OF PROCEEDINGS.

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C E R T I F I C A T E

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 6th day of January, 2017.

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

A				
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