

FOR THE CASE OF
Elevator & Amusement Device Safety Board
Meeting

TRANSCRIPT OF
Board Meeting

September 12, 2017

Stone & George

COURT REPORTING

2020 Fieldstone Pkwy

Suite 900 - PMB 234

Franklin, TN 37069

(615) 268-1244

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1. STATE OF TENNESSEE
 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
 2. WORKPLACE REGULATIONS & COMPLIANCE DIVISION
 3.
 4.
 5.
 6.
 7.
 8.
 9. TRANSCRIPT OF PROCEEDINGS
 10. OF
 11. ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD MEETING
 12. September 12, 2017
 13. BEFORE: Robbie Fox, Chairman
 14.
 15.
 16.
 17.
 18.
 19.
 20.
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 22.

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

1. The above-styled cause came on for
 2. hearing on this the 12th day of September, 2017,
 3. before The Elevator & Amusement Device Safety
 4. Board at 220 French Landing Drive, Tennessee Room,
 5. 1st Floor, Nashville, Tennessee, when and where
 6. the following proceedings were had, to wit:
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1. APPEARANCES
 2.
 3. Robbie Fox, Chairman
 4. Paul D. Fisher, Board Member, Manufacturer
 Representative
 5.
 6. Mitch H. Rader, Board Member, Insurance Company
 Representative.
 7. Kelly O'Connor, Board Member, Public at Large
 Representative
 8.
 9. Lewis Moorer, Jr., Board Member, Public at Large
 Representative
 10. David Hale, Board Member, Tennessee Fair Association
 Representative
 11.
 12. Chris Farmer, Elevator Inspector Supervisor
 13.
 14. Mike H. Hardy, Amusement Device Manager
 15.
 16. Kim Jefferson, Esq., Administrator
 17.
 18. Dan Bailey, Esq., Legal Counsel
 19.
 20. Carlene T. Bennett, Board Secretary
 21.
 22. Stephanie Crossman, Department of Labor and
 Workforce Development
 23.
 24. Dave Whyel, Department of Labor and Workforce
 Development
 25.
 26. Andrew Rayborn, Department of Labor and Workforce
 Development
 27.
 28. Kevin Klutts, Department of Labor and Workforce
 Development
 29.
 30. John Tolar, United Elevator Services
 31.
 32. Anita Rhodes, Department of Labor and Workforce
 Development
 33.
 34. Heather Brown, Department of Labor and Workforce
 Development

1. Melinda Kelsey, Department of Labor and Workforce
 Development.
 2.
 3. Chris Cannon, Department of Labor and Workforce
 Development
 4. Via Telephone:
 5. Beth Hutton, Just Jump Trampoline Park, LLC
 6.
 7.
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1. AGENDA
2. I. Call Meeting to Order
3. II. Introductions
4. III. Pledge
5. IV. Announcements
6. V. Approval of the June 6, 2017 Meeting Minutes
7. VI. Elevator Unit's Report
8. VII. Amusement Device Unit's Report
9. VIII. Old Business
10. * None
11. IX. New Business
12. * 17-01
13. * 17-02
14. * 17-03
15. * 17-04
16. X. Discussion Items
17. * Suggested Law/Rule Changes for 2018:
18. - Fee Structure Change Update
19. XI. Announcement of Next Meeting - The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board meeting will be held 9:00 a.m. (CT) on Tuesday, December 5, 2017 at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.
20. XII. Adjournment
- 21.
- 22.
- 23.
- 24.
- 25.

1. MR. BAILEY: Dan Bailey, Legal Counsel.
2. MR. WHYEL: Dave Whyel, Compliance Officer.
3. MR. RAYBORN: Andrew Rayborn, Compliance Officer.
4. MR. KLUTTS: Kevin Klutts, Compliance Officer.
5. MS. RHODES: Anita Rhodes, Elevator Supervisor.
6. MS. CROSSMAN: Stephanie Crossman, WRC.
7. MR. TOLAR: John Tolar, United Elevator.
8. MR. CANNON: Chris Cannon, Director of Communications.
9. MS. KELSEY: Melinda Kelsey, Chief of Staff, Department of Labor.
10. MS. BROWN: Heather Brown, Commissioner's Office.
11. CHAIRMAN FOX: Okay. Again, thank you all for being here. Mr. Rader, would you do the pledge, please?
12. MR. RADER: My pleasure.
13. (Pledge of Allegiance recited by
- 14.
- 15.
- 16.
- 17.
- 18.
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- 25.

1. PROCEEDINGS
2. CHAIRMAN FOX: We do want to welcome everyone to the September 12th, 2017 meeting of the Elevator and Amusement Device Safety Board. We'll call the meeting to order and go through the introductions. And Carlene, we'll start with you.
3. MS. BENNETT: Carlene Bennett, Board Secretary.
4. MR. HARDY: Mike Hardy, Amusement Device Manager.
5. MR. FARMER: Chris Farmer with the Elevator Unit.
6. MR. FISHER: Paul Fisher, Board member.
7. MR. HALE: David Hale, Board member.
8. CHAIRMAN FOX: Robbie Fox, Board member.
9. MR. RADER: Mitch Rader, Board member.
10. MR. MOORER: Lewis Moorner, Board member.
11. MS. O'CONNOR: Kelly O'Connor, Board member.
12. MS. JEFFERSON: Kim Jefferson, Department Administrator.
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1. all.)
2. CHAIRMAN FOX: Thank you. I know we're not supposed to talk about prayer, but I certainly would ask for your prayers for the folks in Texas and in Florida and Georgia and those who are involved in Tennessee. Just keep those folks in your thoughts and prayers.
3. I would entertain a motion to adopt the agenda for today.
4. MR. RADER: So moved.
5. MR. HALE: Second.
6. MS. O'CONNOR: I'll second.
7. CHAIRMAN FOX: I have a motion and a second. Any discussion? There being none, all in favor of the motion, let it be known by saying, "aye."
8. MR. HALE: Aye.
9. MR. RADER: Aye.
10. MR. FISHER: Aye.
11. MS. O'CONNOR: Aye.
12. MR. MOORER: Aye.
13. CHAIRMAN FOX: All opposed, like sign.
14. Announcements. In the event of an emergency or natural disaster, security personnel
- 15.
- 16.
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1. will take attendees to a safe place in the
2. building or direct them to exit the building on
3. the Rosa Parks side. Which way would that be?
4. Okay. All right.
5. Item Number 6, approval of the
6. June 6, 2017 meeting minutes. Do I have a motion
7. to approve?
8. MS. O'CONNOR: I'll move.
9. MR. RADER: Second.
10. CHAIRMAN FOX: We have a motion and a
11. second. Any discussion? There being none, all in
12. favor of the motion, let it be known by saying,
13. "aye."
14. MR. RADER: Aye.
15. MR. HALE: Aye.
16. MR. FISHER: Aye.
17. MS. O'CONNOR: Aye.
18. MR. MOORER: Aye.
19. CHAIRMAN FOX: All opposed, like
20. sign.
21. Item Number 7. Mr. Farmer, I assume
22. that you're up, sir.
23. MR. FARMER: Yes. I ain't got a
24. whole lot today. I'll just give you some numbers
25. for the year and -- right now, we do have 25 field

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1. inspectors. We've got one supervisor, which is
2. myself. We've got one office supervisor, which is
3. Anita Rhodes, and two administrative staff. We have
4. two openings. We've got one in east Tennessee and
5. we've got one in Middle Tennessee that we hope to
6. get filled soon. We're just trying to find some
7. qualified candidates. It's not real easy these
8. days. We hope to get that settled in the next
9. couple months. My current inspectors are doing a
10. really good job filling in on keeping everything up
11. to date and keeping inspections current.
12. MR. RADER: Chris, what's the
13. criteria you're looking for for employment?
14. MR. FARMER: They need several years
15. of elevator experience, either inspecting,
16. installing, working on -- you know, they need to
17. have that before they can even start with us. We've
18. done away with the apprenticeship program, because
19. it was never utilized. It was a waste of a
20. position. So we've done away with it.
21. And so I do have some people out
22. looking. We have some elevator mechanics that are
23. thinking about retiring the elevator field. So we
24. hope to -- we'd like to get them, because they
25. have so much experience and we don't have to -- we

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1. just have to teach them how to inspect. We don't
2. have to teach them about elevators, which is a
3. huge, huge thing. So hopefully -- we've got our
4. feelers out and I've actually got a few people
5. interested. So if we could get that pay better,
6. it'd be awesome, but State pay is State pay.
7. So --
8. MR. RADER: Yeah.
9. MR. FARMER: As for things we're
10. working on, we're currently working with the fire
11. marshal's office here in Metro. There's been some
12. fire codes changed about elevators, high-rise
13. elevators. They weren't real familiar with
14. elevators. They kind of leave it up to us, but we
15. need them out in the field, along with my
16. inspectors, to implement these fire changes -- the
17. fire code changes.
18. So hopefully -- I had a meeting with
19. them a couple weeks ago that immediately spawned a
20. second meeting. And it's going to spawn a third
21. and it's going to continue on growing, which is a
22. good thing, because, you know, states see -- don't
23. always see eye to eye. We've got a good
24. relationship started with them.
25. And it's actually went into -- we're

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1. going to set up a training program for the
2. firefighters in the academy to learn about
3. elevators, because elevator safety with
4. firefighters is very important. And come to find
5. out, they really don't know a whole lot about
6. them. So it's scary. And actually, the -- two of
7. the people -- the fire marshals have kids that are
8. firefighters, and they were especially interested
9. in it because their kids are firefighters.
10. So hopefully, by the next board
11. meeting we'll have some type of training course
12. set up for them, and maybe the board will come
13. view it one time. So it'll be good. It's
14. interesting. So --
15. CHAIRMAN FOX: I think that's a very
16. positive move --
17. MR. FARMER: Yes.
18. CHAIRMAN FOX: -- to have someone
19. instructing in the fire academy about elevators.
20. And I know that they are of concern to a fireman.
21. I've seen that --
22. MR. FARMER: Yes.
23. CHAIRMAN FOX: -- personally.
24. MR. FARMER: Yeah. And actually,
25. Gatlinburg probably was one of the -- a couple years

1. ago, they were really interested, and I gave them
2. some training videos. They -- once I gave them
3. training videos, they kind of just wanted to take
4. over doing their own thing, which was fine. You
5. know. I helped them out in the start. They're kind
6. of doing their own thing.

7. Once we get the Nashville Metro's
8. trained and get -- learn how to do it, maybe we
9. can implement it to all counties. You know.
10. Maybe this -- you know, I have inspectors in every
11. county except -- you know, every county. So you
12. know, they can go to local fire academies and talk
13. to them about it. Maybe it's just no more than
14. handouts. If it educates them and it saves lives,
15. it's worth doing, in my opinion.

16. So it's a really good opportunity for
17. the -- especially for the city and the state to
18. become a little more cohesive. Because there is a
19. little bit of -- there has been head banging in
20. the past. You know. Who's got jurisdiction? But
21. this one, it seems to be, there's none of that.
22. So we're real positive about it.

23. CHAIRMAN FOX: Okay.

24. MR. FARMER: So we did turn over a
25. new sky lift to Anakeesta last month. It's up and

1. running. It's up in Gatlinburg. It's going to be a
2. really good adventure for a lot of people. So when
3. you're up Robbie's way, be sure to stop by there.
4. It's a nice lift. It's the first gondola we ever
5. had in the state. Not -- it's got the open seats.
6. It's also got enclosed cabins. So it's
7. handicap-accessible. People with wheelchairs
8. weren't able to ride them. Now, they are. So
9. that's really good.

10. CHAIRMAN FOX: That's a neat place.

11. MR. FARMER: Yeah. Yeah. By the
12. time they get done with it, it's going to be really
13. nice. So -- and speaking of Gatlinburg, we are
14. receiving permits for new elevators for the
15. rebuilding of all the stuff in -- and actually,
16. the -- United's got a lot of contracts. They're
17. putting these new elevators in some of the cabins
18. they lost or some of the condos they lost. So
19. that's good news for there.

20. As far as numbers, of course, we're
21. up on permits, new permits. We're up about 69
22. from where we were this time last year. We've had
23. 506 permits for construction authorizations.
24. We're a little down on number of buying on
25. inspections, and we're down about 665 for the

1. year. We've done over 15,000, but we're down
2. close to 700 for the simple fact that we've done
3. over 100 new ones this year compared to last year.
4. So we've done 397 new acceptances on new units.
5. And that's going to put our number at 15,126 as of
6. this morning that we inspect.

7. That's about all I've got. I'll
8. answer any questions you have.

9. CHAIRMAN FOX: Has the Nashville
10. growth slowed down?

11. MR. FARMER: You know, I don't --
12. right now, it's still going pretty strong, but --
13. and unfortunately I hear of layoffs in the elevator
14. industry, so I have a feeling that we're peaking in
15. inspections right now. Well, you know, we've got
16. the -- a couple years ago they were saying we were
17. lacking hotels, but when they said that, seven of
18. them popped up. So I think that -- I think it's
19. going to level off. I don't know if it's ever going
20. to die out, but it's going to level off a lot. But
21. we've been under fire the last couple years trying
22. to get all the new ones turned over and then
23. implementing new codes. It's just -- it's been
24. challenging, but we're doing well.

25. CHAIRMAN FOX: Okay. Anything else?

1. Any comment, questions from the Board? Okay.
2. Mr. Hardy, I assume you're up.

3. MR. HARDY: I, too -- due to the
4. number of items we have on the agenda this morning
5. and other activities, I'm going to brief, as well,
6. this morning. But I passed out handouts, kind of
7. give you an idea of where we are.

8. We're a little bit better than two
9. months into our fiscal year, and we have issued 94
10. permits thus far. Our goal for the year is to
11. issue 600 permits in the state, and we're pretty
12. much on track with that right now, with two months
13. under our belt.

14. The second page will show our -- the
15. new permits that we've issued. Fiscal year
16. '16/'17 was 83, and so far, again, with two
17. months, we're at 43, so we are continuing to find
18. the safety compliance officers doing a good job,
19. beating the bushes and finding these companies
20. that are doing business. And we're trying to help
21. them and assist them in obtaining their permits
22. and become compliant.

23. The only other thing of interest, as
24. far as activities in the Unit right now, we are
25. interviewing for an administrative assistant

1. personnel, and we hope to bring that person on
 2. board in mid-October. So that's pretty much what
 3. I have at this point as far as statistics and
 4. where we are with the Unit, and I'll be glad to
 5. entertain any questions that the Board might
 6. have --
 7. CHAIRMAN FOX: Okay.
 8. MR. HARDY: -- before we move
 9. forward.
 10. CHAIRMAN FOX: Any questions from the
 11. Board? Any comment? Okay.
 12. Moving on to Old Business, there is
 13. no old business. Moving into Item Number 9, New
 14. Business. 17-01, variance request for planned
 15. elevator at Allentown Recording Studios, 1308 16th
 16. Avenue South, Nashville, Tennessee. Mr. Farmer, I
 17. would assume you'll be addressing that?
 18. MR. FARMER: Yes. I think United's
 19. got somebody coming in. Dan, this is the company
 20. that Paul works for. So --
 21. MR. BAILEY: Okay.
 22. MR. FARMER: So we're going to do
 23. our --
 24. MR. BAILEY: You'll have to clear he
 25. has a conflict, and he would not be permitted to

1. vote. He could comment on -- well, what is the
 2. conflict exactly?
 3. MR. FISHER: Well, we will be -- the
 4. elevator we're proposing -- well, my company will be
 5. installing or the company I work for will be
 6. installing it. So we have a financial interest in
 7. it.
 8. MR. BAILEY: Okay. That's probably
 9. going to limit you to no comments, basically.
 10. MR. FISHER: Yeah.
 11. MR. BAILEY: I would think -- yeah.
 12. CHAIRMAN FOX: Yeah, it would.
 13. MR. BAILEY: Sorry.
 14. MR. FARMER: We like it that way.
 15. MR. BAILEY: The old gag rule.
 16. MR. FARMER: But Mr. Tolar's here to
 17. present it for United.
 18. MR. TOLAR: We weren't going to let
 19. Paul talk anyway. So that's why I'm here, although
 20. I'm pinch-hitting for somebody else, so I apologize
 21. ahead of time. I have had a crash course in one of
 22. these projects -- products. Okay. And they didn't
 23. tell me how many people. I've got five left.
 24. MR. BAILEY: I don't need one.
 25. MR. TOLAR: Do you want one?

1. MS. O'CONNOR: Thank you.
 2. MS. BENNETT: I need one.
 3. MR. TOLAR: You want one?
 4. MS. BENNETT: Yes. Thank you.
 5. MR. TOLAR: A lot of stuff.
 6. CHAIRMAN FOX: Sir, for the record,
 7. because I'm very hard of hearing --
 8. MR. TOLAR: Yes, sir.
 9. CHAIRMAN FOX: -- she's not, but
 10. she'll need to hear who you are again.
 11. MR. TOLAR: Okay. My name is John
 12. Tolar. I'm the general manager of United Elevator
 13. Services.
 14. CHAIRMAN FOX: Thank you.
 15. MR. TOLAR: What we're asking for in
 16. this event is a new item. It's new to us. It's
 17. fairly new to the industry, although I'm not -- and
 18. I apologize for a couple of things. One, again, I
 19. had to put this together and learn all this late
 20. yesterday and I am missing a page, a third page of
 21. where they have installed these products, where they
 22. have them listed. The -- Allentown Studios, I
 23. understand, is a historic building. They're making
 24. additions to it. In keeping with the historic
 25. nature of the building, they're very limited in --

1. the roofline is a big deal. And the only place they
 2. could put the elevator was in a far corner of the
 3. building where the roofline is hipped, and it's
 4. very -- it's pitched and there's almost no overhead
 5. available. So the original response was, there's
 6. not a whole lot we can do for you. And they looked.
 7. They could not move the elevator to another
 8. position. And so they started building and they've
 9. got this spot for an elevator. It's got to be a
 10. rather large elevator for them to get their
 11. equipment with, along with being handicapped. Just
 12. to give you an idea, I've given you a whole bunch of
 13. pages. The main one to look at, though, is detail
 14. one right here on the third page just to give you an
 15. idea of what we're dealing with, with the pitch of
 16. the roof.
 17. And then it's also X'd out there,
 18. because again, it is a hipped roof. The goal
 19. always is to have four-foot, three inches of
 20. refuge space on top of the elevator car. We only
 21. have that in these front corners. So looking at
 22. it, we kept saying, we don't have anything. But
 23. the owner was -- or the architect was able to come
 24. up with -- and we have then verified it.
 25. Gillaspie Manufacturing -- you

1. probably haven't heard that name very often,
 2. maybe -- or at all. Gillaspie's been around for a
 3. long time. Their claim to fame is they make the
 4. only sidewalk elevator still. And for a lot of
 5. you -- you just don't know what a sidewalk
 6. elevator is, because I'm old. But it's --
 7. literally, what it was -- it's an elevator that
 8. came through the sidewalk. You still see them a
 9. lot in New York. There may be -- there's one in
 10. Memphis, I think.
 11. MR. FARMER: Vanderbilt's got one.
 12. Vanderbilt.
 13. MR. TOLAR: And Vanderbilt's still
 14. got one. There are not a whole lot of them around,
 15. but they still install them; they still do them.
 16. They literally -- you know, you've seen them in the
 17. old movies. They come up through the floor. They
 18. also do that in the tops of buildings. And
 19. Gillaspie is a very specialty group. They don't
 20. just make elevators like one of the major
 21. manufacturers. They make them for specific
 22. applications.
 23. And one of the applications they
 24. found that was been needed (verbatim) in different
 25. places were ones that either had no pit or very,

1. very -- you couldn't drill down to have a regular
 2. four-foot pit. And then of course, where you
 3. have, in this case, no overhead.
 4. How they solve this is they take a
 5. standard elevator -- again, this is a commercial
 6. elevator. This elevator's 5,000-pound -- I have
 7. to look. I forgot. 4,000-pound capacity. It's
 8. five-foot-ten wide, but it's nine-foot front to
 9. back. So it's a large hospital-type car. So it
 10. is meeting code for a wheelchair lift, because
 11. they need it for accessibility and they need it
 12. for moving equipment.
 13. But in order to overcome the overhead
 14. aspect, because we don't want anybody hurt,
 15. they've got -- you're familiar with the edges on
 16. doors. They have something similar on top of the
 17. cars made by Tapeswitch that puts beams across the
 18. top of the car.
 19. So if somebody opens the door,
 20. usually -- hopefully it'll be somebody who's
 21. supposed to be there, but in the case it's just
 22. some kid who knows what you can do with a coat
 23. hanger, gets on top of the car, once they step
 24. down and the car, you break the beams and the car
 25. electronically shuts down. Of course, that's not

1. good enough. You know. What if -- something
 2. could still happen.
 3. And what they came up with -- and
 4. they took the idea from -- LULAs have this -- some
 5. of the LULAs have this feature. They've got a
 6. plate that will then flip around on the guide
 7. rails, and that plate, then, will stop the
 8. crosshead and prevent the elevator from moving
 9. above four-foot, three inches or five-foot or
 10. whatever you set it at.
 11. But it will work at four-foot-three,
 12. which is what we're going for here. That way, if
 13. you're working on the elevator, you can raise it
 14. up. Let's say you want to work on the door
 15. operator or inspect it, you can bring the car up
 16. about four feet and still work on the equipment,
 17. but if you get on top of it, you cannot get past
 18. the refuge space.
 19. It works by putting the keyswitch and
 20. the hoistway access switch, the enable switch, on
 21. the outside of the car. Once you do that, those
 22. plates will then flip in and turn off the electric
 23. lights. Again, if somebody comes up there and
 24. then pries the door open, the electric lights are
 25. still working. The switch is then -- once you

1. break the beams -- will pop closed. There's a
 2. procedure, then, to unlock and move everything
 3. back out of the way so the car can return to
 4. service.
 5. It's one of those things you'd look
 6. at twice, and the more I thought of it, it just
 7. started becoming a better and brighter idea,
 8. because this building doesn't have any way of
 9. putting accessibility in. They can't get up
 10. there. There's nowhere else to put an elevator.
 11. You've got some space up in the front. You just
 12. don't have enough to get 53-square -- I forgot
 13. what it is in inches.
 14. MR. FARMER: Which it'd be a little
 15. less than that.
 16. MR. TOLAR: It'll be a little less
 17. than that, but you've got -- this gives you enough
 18. space to keep somebody safe up there and the fact
 19. it's working electrically and mechanically.
 20. So do I want to see a whole lot of
 21. these out there? No. But in these special
 22. occasions, this really looks like a product
 23. that'll work, and there are a lot of applications
 24. where people cannot get upstairs in buildings
 25. or -- and the pit works real similar -- where you

1. can't drill a pit because of sewer lines or gas
 2. lines or whatever. This will allow people to put
 3. elevators in buildings where they haven't been
 4. able to in the past.
 5. And for an owner to want to do this,
 6. they have to want to do it a lot, because this is
 7. a very expensive elevator. You could buy two
 8. elevators for what the material on this one costs.
 9. So they're going the extra mile material-wise to
 10. put this in there. So I'm trying to be brief.
 11. What can I tell you?
 12. CHAIRMAN FOX: And you're asking us
 13. for exactly what?
 14. MR. TOLAR: I'm asking for a variance
 15. on the overhead to allow this in lieu of the
 16. standard. Normally, you'd have an elevator that
 17. gets to the top landing. And so the elevator's
 18. nominally eight feet tall. If you're on top of the
 19. car, there's at least 43 inches all around the
 20. perimeter of the elevator. In this case, there's
 21. just the 43 inches in the front, which means it
 22. almost shouldn't even -- it's not going to help
 23. anything. We will create that 43 inches by creating
 24. that space, by not allowing the elevator, when it's
 25. in inspection or enabled, to go up that high.

1. So in other words, if you've got to
 2. work on top of the car, you'll call it up from
 3. the -- this is a three-stop elevator. You'll call
 4. it up from the second floor and then it will stop
 5. at the 43-inch mark above -- from the overhead
 6. down. Or if you're on top of the car, it'll
 7. automatically stop and keep you from going up
 8. there.
 9. MS. JEFFERSON: So --
 10. CHAIRMAN FOX: Okay. Yes, ma'am.
 11. MS. JEFFERSON: So currently, eight
 12. feet is the -- under the code the current code --
 13. MR. FARMER: No, it's --
 14. MR. TOLAR: No, no, no. Eight feet's
 15. with nominal car height (verbatim).
 16. MR. FARMER: I mean, your normal car
 17. height.
 18. MR. TOLAR: This car's actually
 19. shorter than that. We're trying to get as much
 20. space up under there as we possibly can.
 21. MS. JEFFERSON: So how much -- how
 22. many feet will it be, approximately?
 23. MR. TOLAR: It's -- at the end of
 24. the -- the cab height's going to be approximately
 25. seven-foot-four to seven-six. Until they draw it

1. out, I can't tell you for sure. Now, there's some
 2. if, ands, or buts to that, but no more than
 3. seven-six, probably seven-foot-four. So -- but that
 4. still doesn't give us enough space. As you can tell
 5. by this drawing, there's just -- near the back of
 6. the car, there's just no space available back there.
 7. That's a given.
 8. And as you -- and like anything else,
 9. as you're getting forward on the pitch, you're
 10. going to pick up some, but it doesn't give you
 11. quite enough refuge space in the front. By
 12. stopping the car -- so at this level, if somebody
 13. needs to get up there -- and you really don't have
 14. to get up there that often. That's going to be a
 15. pretty rare occasion. A lot of times, it's going
 16. to be for the fire alarm.
 17. There's not a lot up there for us to
 18. even want to be up there for. Usually, we want to
 19. work with it down here anyway, because the only
 20. thing we're trying to work with is the door
 21. operator. But -- you know, and for practical
 22. purposes, we need to be able to get up there, and
 23. we need to be able to get up there safely. This
 24. allows us to do that where it's -- mechanically,
 25. it can't go up there and crush somebody.

1. MR. HALE: Will this be in compliance
 2. with Metro's fire code?
 3. MR. FARMER: No. The car enclosure,
 4. I can't speak to it, but the hoistway will be. The
 5. hoistway will meet all fire codes. I would assume
 6. that they'd build this to fire codes, this cabin
 7. enclosure.
 8. MR. TOLAR: Yes.
 9. MR. HALE: Even with the change in
 10. the amount of --
 11. MR. FARMER: Refuge space?
 12. MR. HALE: -- refuge space.
 13. MR. FARMER: Yeah. And like
 14. Mr. Tolar was saying, the refuge space -- the top of
 15. the car is not really a firefighter's area. It's
 16. more for inspections and maintenance of the
 17. elevator. It's not really for firefighters.
 18. There's no reason for them -- I mean, I guess if
 19. there was a fire in the overhead, they would need to
 20. be -- access to it, but they would disassemble the
 21. elevator to get to it and it was running --
 22. MR. HALE: Or if there were a fire on
 23. the roof, then again --
 24. MR. FARMER: Yeah.
 25. MR. TOLAR: Well, they'd never use

1. the elevator in that case to get access or anything
 2. like that. This will still be -- if there is a fire
 3. in the building, the elevator's going to the bottom
 4. landing and shutting down. Like --
 5. MR. FARMER: It will have all the
 6. fire codes.
 7. MR. TOLAR: Yeah. This is a
 8. commercial elevator. This is a roped hydraulic
 9. elevator. Other than this feature on top, this is
 10. just another roped hydraulic elevator.
 11. MR. RADER: Specially made by
 12. Gillaspie? Is that --
 13. MR. TOLAR: Yes, sir.
 14. MR. RADER: And then you all install
 15. it?
 16. MR. TOLAR: Yes, sir.
 17. CHAIRMAN FOX: Mr. Farmer, your
 18. position?
 19. MR. FARMER: I think with
 20. stipulations, the stipulations being there are
 21. provisions for limited overhead space. This one
 22. would still need a variance, because it doesn't meet
 23. the criteria of the limitations. But maybe some
 24. danger, low clearance signs on top of the elevator
 25. and also on the back wall of the elevator shaft.

1. And it also has provisions for red and white
 2. markings on the floor -- or the top of the car in
 3. the areas that are underneath the refuge space, the
 4. required refuge space.
 5. It does have -- it comes with its own
 6. inspection manual and inspection procedure. I'd
 7. like to see that laminated and left on the job for
 8. inspectors and for -- nothing guarantees United's
 9. going to be the ones working on this forever. It
 10. could be another major manufacturer working on
 11. this five years in a row. They need to have the
 12. inspector's guide, too, so we protect the next guy
 13. coming in.
 14. CHAIRMAN FOX: So you would make a --
 15. you would -- your position is that you would
 16. recommend it if it had what, now? The three-page --
 17. MR. FARMER: Well, we want the
 18. danger, low clearance signs --
 19. MR. RADER: Clearance signs.
 20. MR. FARMER: -- properly posted.
 21. MR. RADER: Red and white markings.
 22. MR. FARMER: And red and white
 23. markings on the area on top of the car that fall
 24. beneath what the allowed clearance is.
 25. MR. BAILEY: Chris, would that refuge

1. area be considered a confined space under OSHA? Do
 2. you know?
 3. MR. FARMER: You know, that's still
 4. up for an argument that we're not making. We talked
 5. to our -- and it's more about the pit than it is the
 6. overhead. They're still trying to classify the
 7. elevator pit as a confined space, but the elevator
 8. people have got a lot of money and they're still
 9. fighting it. So anything to do with the elevator
 10. does not fall under confined space yet.
 11. MR. BAILEY: Even the refuge part of
 12. it? Okay. All right.
 13. MR. FARMER: But it's probably going
 14. to eventually come to --
 15. MR. BAILEY: It sounds --
 16. MR. FARMER: Something's going to be
 17. confined space on the elevator, most likely the pit.
 18. So --
 19. And I think this inspection procedure
 20. needs to be left on the job and probably be able
 21. to laminate it or something where it would be
 22. permanent, because elevator machine rooms get
 23. dirty and nasty and wet and sometimes corroded.
 24. So maybe a laminated inspection procedure book in
 25. there.

1. CHAIRMAN FOX: Okay.
 2. MR. TOLAR: We would want to do that
 3. anyway and we'd also want to have signage in the
 4. machine room, again, explaining that like we do
 5. anywhere else we try to have low overheads or any
 6. unusual circumstances. We want this very
 7. well-marked for everybody involved.
 8. MR. FARMER: My position is, I feel
 9. like in an existing location, if this was a
 10. brand-new building and not a historical site and
 11. they could go in and do some major renovations to
 12. it, we wouldn't want to start this. This is, to me,
 13. is -- we wouldn't want this on every new job,
 14. because because it's -- there's a danger there, but
 15. in this position, it's probably as safe as it can be
 16. and it's allowing accessibility to these upper
 17. floors for -- if firemen come, they might use that
 18. elevator to carry somebody out on the stretcher and
 19. it meets stretcher requirements, and it also meets
 20. ADA requirements. So --
 21. CHAIRMAN FOX: All right. Any
 22. comments from the Board?
 23. MS. O'CONNOR: Can we talk a little
 24. bit more about potential danger?
 25. MR. TOLAR: The danger involved here

1. is to a man working on the elevator. Nobody else
 2. should ever be up there. Now, I'm not so naive as
 3. to -- there are people --
 4. MS. O'CONNOR: Shouldn't --
 5. MR. TOLAR: -- who get on top of
 6. elevators that shouldn't be up there, and you know,
 7. and they're usually tragic because you only find out
 8. about them under tragic circumstances. We can't --
 9. I can't deal with that part. Okay? You know. And
 10. we want to, but there's just no way of doing this.
 11. As far as the man being up there,
 12. this is one of those things, if you switch to a
 13. LULA or you go to a resident -- and I know the
 14. Board doesn't deal with residential elevators.
 15. But if you're in a residential situation, you've
 16. got maybe eight inches of clearance up there.
 17. And so somebody getting on top of the
 18. elevator, we have to do the same markings, let
 19. people -- do not get on top of the car. Getting
 20. on top of the elevator car is something that's for
 21. cleanliness. And you're generally -- again,
 22. you're going to work down here.
 23. Now, in fairness, there's switches on
 24. the -- up here. In this case, the roped hydro,
 25. there's lubrication points that are up here we

1. have to deal with. And occasionally, we're going
 2. to work with the fire people to get up there,
 3. because this is where their alarms are going to
 4. be, the sprinkler head's going to be up here. So
 5. we'll have to work with people up here. But
 6. again, we're not going to take the car up. I'm
 7. not going to say I've never done it. I don't like
 8. doing it. Nobody likes riding up that high and
 9. getting in that space. We want to work from down
 10. here or maybe halfway up, because you want the
 11. room.
 12. And a lot of times, even if you're up
 13. there, you want to be standing up. You don't want
 14. to be crouched up there trying to do this. You
 15. want to be standing up to do it. So a ladder's
 16. involved when you get on top of the car to go up
 17. there, a short ladder.
 18. So it's a valid point, but it's -- in
 19. practical application, we don't want to get up in
 20. that refuge space under any circumstances except
 21. to test -- sometimes you have noises and things
 22. you've got to get up there, trying to figure out
 23. why this is out of alignment or maybe to tighten a
 24. bolt or something. But you really don't want to
 25. be up there anyway, unlike the pit where you're

1. always down in the pit for some reason. You don't
 2. want to up in the overhead.
 3. MS. O'CONNOR: So help me understand
 4. this. So is this an elevator that's going -- so you
 5. can access it from inside the elevator so you could
 6. actually drop it below the floor to have a higher
 7. clearance if you were working up there?
 8. MR. TOLAR: Well, yes. If you were
 9. working on it -- let's say this is the floor level.
 10. Okay. And that's the second floor. Okay. The
 11. elevator comes in -- obviously, you're getting off
 12. here. That's your overhead. You're going to take
 13. the elevator up. About four feet is the most you
 14. can get it up. The door operator's here, so you can
 15. work on the door operator. Okay.
 16. But most of the time, when you want
 17. to get in the hoistway, you're going to walk out
 18. on top of the car because there's nowhere else to
 19. go. So the elevator has to be at floor level to
 20. get out here on top of the car to be able to reach
 21. it. Again, under certain circumstances, you may
 22. want to take the car up there. There is a -- the
 23. electromechanical cuts the electricity off of it
 24. so it can't run.
 25. Things can still happen. So they've

1. got this steel plate that will swing around and
 2. will hit -- you've got a crosshead that holds
 3. everything together where the rails are. So your
 4. crosshead -- this steel plate will stop on the
 5. crosshead.
 6. One of the things that took longer to
 7. come up with this is it will stop it at speed. So
 8. in this case, you could run this thing up and test
 9. it hitting that at 100 feet a minute, and it will
 10. work, and it doesn't tear everything up, and it's
 11. just like dropping an elevator down when you're
 12. doing a weight test. You can run this thing up
 13. and test it that way.
 14. Generally, you just -- we don't want
 15. to be up there. If you're going to work at it,
 16. you want to work at it from floor level. Or if
 17. there's something you've got to do, you may want
 18. to take it up there to work on rollers, but again,
 19. you're not going all the way up. Just because
 20. it'll go up there doesn't mean you want to go up
 21. there.
 22. MR. RADER: But it has to be
 23. activated by a service key in order to get it to the
 24. point to where you're talking about to work on it.
 25. MR. TOLAR: Yes. Nobody can just

1. walk up --

2. MR. RADER: Right.

3. MR. TOLAR: -- there and move that

4. elevator. Someone's got to have the right kind of

5. key, some knowledge in how to do it. If you're

6. going to be up there, you're still following

7. lockout/tagout procedures for everything to go up

8. there and do the work. It's just -- it's a neat

9. idea and it's unusual, and I'm surprised nobody's

10. come up with it and used it before, because it makes

11. a lot of sense. In some ways, it makes a lot of

12. sense for almost any elevator.

13. MR. FARMER: But --

14. MR. MOORER: One question there.

15. Just looking, is it four feet, three inches or is it

16. 43 inches? I was looking at the drawing here.

17. MR. TOLAR: It's 43 inches.

18. MR. MOORER: That looks like it's

19. four feet, three inches on the drawing.

20. MR. FARMER: Yeah. I think that's a

21. misprint. It should be 43.

22. MR. MOORER: That'd be 51, not 43.

23. That'd give you some more inches there. Because

24. four feet, three inches, you're clear --

25. MR. FARMER: I think, actually, that

1. is a little bit more. It's the back side that's

2. below --

3. MR. TOLAR: Yeah. The back side's

4. where the problem is.

5. MR. FARMER: Yeah. The front side's

6. got plenty of space. But the backside of the

7. elevator is where the problem is.

8. MR. MOORER: Okay.

9. CHAIRMAN FOX: What's the pleasure --

10. yes, ma'am.

11. MS. JEFFERSON: I'm sorry. I have

12. one more question. If -- in the event that there's

13. a recommendation for this, will another inspection

14. be required?

15. MR. FARMER: No. This is a brand new

16. install.

17. MS. JEFFERSON: So --

18. MR. FARMER: We'll check it when it

19. gets installed and we'll be rechecking it every six

20. months to make sure all the stuff is maintained and

21. working. So it will be part of the inspection

22. procedure on this elevator to check all these

23. components to make sure they're still in working

24. order.

25. CHAIRMAN FOX: Okay. What's the

1. pleasure of the Board?

2. MR. RADER: I'll make a motion that

3. we approve the variance request for the planned

4. elevator at Allentown Recording Studio, assuming

5. that they do the three criteria that Mr. Farmer has

6. recommended, which is the low clearance signs, the

7. red and white markings, and the safety inspector's

8. manual, make available on site, laminate it.

9. MR. HALE: Second.

10. CHAIRMAN FOX: We have a motion and a

11. second. Any discussion? And we -- do we need to

12. reflect in here that Mr. Fisher will not be voting?

13. MR. BAILEY: Yes. It does need to

14. be --

15. MS. JEFFERSON: Yes.

16. MR. BAILEY: That's on the record.

17. The fact there's a conflict is on the record, right?

18. THE REPORTER: Uh-huh.

19. MR. BAILEY: Okay.

20. CHAIRMAN FOX: Yes.

21. MR. BAILEY: So I don't know that --

22. anything else that's needed, to be honest with you.

23. CHAIRMAN FOX: Okay. We have a

24. motion and a second. All in favor of the motion,

25. let it be known by saying, "aye."

1. MR. HALE: Aye.

2. MR. RADER: Aye.

3. MR. MOORER: Aye.

4. MS. O'CONNOR: Aye.

5. CHAIRMAN FOX: All opposed, by like

6. sign. Motion passes.

7. MR. BAILEY: I mean, it should be

8. noted, that Board member Fisher did not vote due to

9. a conflict.

10. MR. TOLAR: Thank you very much.

11. CHAIRMAN FOX: And Mr. Fisher, I

12. didn't mean to throw you under the bus, it's just --

13. MR. FISHER: Yeah. No problem.

14. MR. TOLAR: He's used to it.

15. CHAIRMAN FOX: Okay. Item Number

16. 17-02. Variance request for inclined platform lift

17. at Swanson, Murfreesboro, Tennessee. Is that you,

18. sir?

19. MR. TOLAR: I'm back on top. All

20. right. Once again, we're dealing with a -- or

21. Chris, am I on or --

22. MR. FARMER: Let me talk a little

23. bit --

24. MR. TOLAR: Okay.

25. MR. FARMER: -- about what the

<p style="text-align: right;">Page 41</p> <p>1. incline lift is. An incline platform lift -- a lot 2. of you are familiar with the chairs that go up the 3. stairwells on an incline. This is similar to that, 4. except it has a platform that they can roll a 5. wheelchair up on. So it's not a typical vertical 6. lift -- where it just goes straight up and goes on 7. an incline and they roll up on it with their 8. wheelchair; they go up and then it opens up on the 9. outside and lets them off. So that's all I wanted 10. to say, just to kind of give an idea of what an 11. incline lift is.</p> <p>12. CHAIRMAN FOX: Commercial or 13. residential or both?</p> <p>14. MR. FARMER: I would say they 15. probably sell these residential, too, but we 16. don't --</p> <p>17. MR. TOLAR: This particular product 18. can come either way, but this is in a commercial 19. application. Again, this is an existing building. 20. The Swanson building is in Murfreesboro. It's a -- 21. for lack of a better term, it's a strip center 22. office building. So it's one of those, you know, 23. two stories, the thin, long buildings. And on one 24. end, where there's a staircase, someone's leased it 25. out, and they want accessibility access to it.</p>	<p style="text-align: right;">Page 43</p> <p>1. cutting it down a little bit. There's 56.5 inches 2. from the dead center of it where the person's 3. going to be seated and where they'll be.</p> <p>4. We base this -- and the only thing we 5. base this on is Canadian code. All these products 6. come out of Canada. They're made out of Canada. 7. They were invented in Canada, and they have tons 8. of them up there -- is in Canadian code -- which 9. matches ours, except for one inch, usually. They 10. want 59 inches from this point. And they don't 11. worry about what this corner is, because you can't 12. get to this corner while you're moving. You're 13. sitting in a wheelchair. You've got to be right 14. here working it. You're not moving around. 15. You're not standing up on it.</p> <p>16. If you're an able-bodied person, 17. there is a seat there and a seatbelt to use to go 18. up and down on. So you're still seated to use the 19. product. Or, say you're a quadriplegic or 20. paraplegic and you use it with a tether and 21. somebody walks with you.</p> <p>22. But in this case, right when this 23. edge hits, it's at 44 inches. Where it's 44 24. inches here, it's 56.5 inches there, and this is 25. the important number from what we're seeing. So</p>
<p style="text-align: right;">Page 42</p> <p>1. The only place, then, they can do 2. here -- if you're not -- incline platform lifts 3. are a great product when there's -- I'm just here 4. for specialty things. It's a great product when 5. you can't do anything else, because again, they're 6. pricy, they're slow, but they work. They're 7. excellent in a lot of applications where space is 8. limited. The -- and in this case, this is about 9. the only thing that'll fit in there and it works 10. for them. A lot of schools have them, a lot of 11. stages -- you'll see them on stages in places, 12. just going up two or three steps.</p> <p>13. In this case, we're going up a full 14. set -- a riser of stairs. The problem we have is, 15. there is a steel beam -- and again, if you'll go 16. to the third page where there's an elevation shot, 17. from the nose -- the one, two, three, four, five, 18. six, seven -- the seventh step up, about a third 19. of the way up, you've got 72 inches of overhead 20. above that step, and there's a steel beam there.</p> <p>21. Code requires that from the platform 22. up, there's always 60 inches -- if this was the 23. platform, they'd want 60 inches everywhere. What 24. we've run into here is if this is the leading edge 25. going down, there's only 44 inches here, which is</p>	<p style="text-align: right;">Page 44</p> <p>1. what we're looking for in a variance is to say 2. that we can use this, because it's the only thing 3. they can use in the building. And that the 4. person's going to be safe, because they are 5. constantly, gradually moving up or down. Because 6. your steps are dropping off seven, seven and a 7. half inches each time, and each time you move over 8. a step or move eight inches, you're dropping down 9. that much.</p> <p>10. So it is for a very brief portion of 11. time when the rider is not here that you're going 12. to be at 44, then you're going to immediately -- 13. from about here is going to be 51; then you're 14. going to be up to 56 or maybe a hair more when the 15. rider actually passes up under this obstruction.</p> <p>16. Again, this has to be clearly marked. 17. It'll have to be -- have signage at both ends of 18. it. Signage on the unit. Something real bright, 19. making sure everybody's aware of a low overhead 20. situation.</p> <p>21. All these products -- also, one thing 22. that's important about them is they are not 23. automatic. They are constant-pressure push 24. button. If you are not pushing the button, the 25. minute you -- or second you take your finger off</p>

1. of it, it stops. It will not start again until
 2. you put your finger on it again.
 3. CHAIRMAN FOX: Any --
 4. MR. MOORER: Does this --
 5. CHAIRMAN FOX: -- questions from the
 6. Board?
 7. MR. BAILEY: First of all, is there
 8. any conflict?
 9. MR. FISHER: I've --
 10. MR. TOLAR: Again, Mr. Fisher --
 11. MR. BAILEY: Okay.
 12. MR. TOLAR: He has to drop out.
 13. MR. BAILEY: You've got that noted,
 14. right? Board member Fisher -- okay.
 15. MR. MOORER: Is this where somebody
 16. will be, like, in a wheelchair?
 17. MR. TOLAR: Yes, sir.
 18. MR. MOORER: It'll be going up and
 19. when it gets down, they're going to have to duck
 20. down --
 21. MR. TOLAR: No.
 22. MR. MOORER: -- at the lower level?
 23. MR. TOLAR: They should be able to
 24. ride straight up under it. They're not going to
 25. be -- the person's not going to be there at the

1. 44-inch mark.
 2. MR. MOORER: Okay. Okay.
 3. MR. TOLAR: It's just the -- again,
 4. if this is the platform, which would be about like
 5. that and you've got two ends sticking out where they
 6. have ramps that go down on both ends, at that point,
 7. that's where it's 44 inches, because it's part of
 8. the platform. As you start moving up, it's just
 9. like anything else, your overhead increases,
 10. increases, increases till when you're at dead
 11. center, you're at 56.5.
 12. MR. HALE: And if I understood --
 13. MR. TOLAR: Which --
 14. MR. HALE: -- correctly, you have to
 15. be seated in order to operate.
 16. MR. TOLAR: No. That is the
 17. drawback. You do not have to be seated. That's why
 18. it has to be well-marked. You shouldn't be using it
 19. unless you're seated, and you shouldn't be using it
 20. unless you're handicapped. So this is a --
 21. MR. HALE: Okay. I misheard. I
 22. thought you said --
 23. MR. TOLAR: Right.
 24. MR. HALE: -- you would have to be
 25. seated --

1. MR. TOLAR: No. You --
 2. MR. HALE: -- in order to reach the
 3. button to make it run.
 4. MR. TOLAR: If you are a -- the
 5. proper use of it is to sit on it, to go up and down
 6. on it.
 7. MR. FISHER: Can I say something?
 8. CHAIRMAN FOX: Please.
 9. MR. FARMER: Just to --
 10. MR. RADER: Yeah, please.
 11. MR. FARMER: Just to clarify
 12. something. At the landing sites -- at both the
 13. terminal landings, you've got to have 79 inches of
 14. clear headroom around it. During travel, you have
 15. to have 60 inches at minimal. Okay?
 16. And it does have a stipulation in it.
 17. If it's below 79 in the travel, which is
 18. allowed -- but it has to be above 60. So you have
 19. 19 inches of play there. It kind of goes back to
 20. you have to put the low overhead signs in, and it
 21. also's got to be a seat with a seatbelt mounted in
 22. it, because not everybody that has to have this
 23. and ride it is in a wheelchair. You have to have
 24. a place to sit.
 25. Does the seatbelt have to be clicked

1. on this to run? Is there any kind of circuit in
 2. it, or do you know?
 3. MR. TOLAR: I do not believe so at
 4. all. I think there's a standard seatbelt.
 5. MR. FARMER: But it does have to have
 6. a seat. So the biggest -- our obstacles here is --
 7. they do have a stipulation for under 79 down to 60.
 8. They just don't have a stipulation for 44. So
 9. that's what -- I think -- are we going to determine
 10. if that 16 inches is a go or no-go. You know. If
 11. we could do it with the signs -- you know, I would
 12. think that anybody that's in a wheelchair is going
 13. to be below that 44 inches. I would hate to limit
 14. them to not having accessibility in this building.
 15. That's my only pull -- drawback, because there's no
 16. other application they can put in.
 17. MR. TOLAR: Right. And again, yes,
 18. 44 is a real number, but it's not a real number of
 19. whether a person is seated. That's just a --
 20. this -- you're right here and when this piece
 21. crosses there underneath that, that's 44 inches. It
 22. drops down to where they're -- when they cross under
 23. it, it's at 56.
 24. MR. RADER: John, let me ask you a
 25. question. My mother-in-law --

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1. MR. TOLAR: So it's really three and
2. a half inches.
3. MR. RADER: -- has one of those that
4. goes up steps, and it goes really, really slow. Is
5. that --
6. MR. TOLAR: Oh, this just --
7. MR. RADER: -- comparable to the --
8. MR. TOLAR: -- creeps.
9. MR. RADER: Yeah.
10. MR. TOLAR: I think it's -- he can't
11. say anything -- less than 20 feet a minute.
12. MR. FARMER: Thirteen feet a minute.
13. MR. TOLAR: Thirteen feet a minute.
14. They're slow as all get-out.
15. MR. FARMER: Travel time up is five
16. minutes. That don't sound right (verbatim).
17. MR. TOLAR: No. It takes forever.
18. MR. FARMER: Traveling up, it's 16.
19. I mean, I'm sorry. Traveling up is 13. Traveling
20. down is 16. So --
21. MR. MOORER: Would a person sitting
22. in a chair reach a point where they're going to have
23. to duck down --
24. MR. TOLAR: No, sir.
25. MR. MOORER: -- and bend over? So

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1. they'd never have to -- so that's always going to
2. give them clearance over their head?
3. MR. TOLAR: They should not be having
4. to bend over. They should pass right under that.
5. It's just going to be --
6. MR. MOORER: Okay. Their head won't
7. touch --
8. MR. TOLAR: No. I would --
9. MR. MOORER: Okay.
10. MR. TOLAR: -- not be sitting here if
11. I thought somebody was going to get their head
12. knocked off.
13. CHAIRMAN FOX: So where's the
14. deadman's switch positioned at? I'm sorry, the
15. constant-pressure switch.
16. MR. FARMER: They have them at the --
17. this one probably has an upper and lower --
18. MR. TOLAR: They're right here if
19. you --
20. MR. FARMER: -- terminal and there's
21. one on the lift itself.
22. MR. TOLAR: As far as pushing the
23. buttons, you're actually having to turn like this.
24. This doesn't fit everybody. There's still some
25. limitations on that if you -- you've got to be

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1. versatile enough to reach over here in some way,
2. because it's going to be right here on your left
3. shoulder. There'll be an up and a down button.
4. MR. HALE: Or somebody has to move --
5. MR. TOLAR: Or there's somebody --
6. MR. HALE: -- be at the other end and
7. move it.
8. MR. TOLAR: -- that's got a tether.
9. There's a tether that can be used for it. I haven't
10. seen that in a long time, because that defeats the
11. purpose of the ADA.
12. MR. RADER: Explain the grab rail
13. that says, emergency devices "stop switch on control
14. panel under platform sensing, ramp sensing, and grab
15. rail."
16. MR. TOLAR: Okay. IPLs are very
17. sensitive pieces of equipment. I'm just going to
18. start at the bottom and work my way up. You've got
19. two ramps on either end. Okay? Because these are
20. used in a lot of school applications. And not this
21. particular unit, because this unit is -- the motor
22. is actually on the unit. And so it's like a stair
23. chair would be. Something like -- the mother might
24. have. All the power's on there, so this unit's a
25. little bit different size. On one that goes around

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1. a staircase where you see a lot of these in schools,
2. the stairs aren't blocked off for other students.
3. Other students are walking by there. It's just like
4. traffic on the highway. They come in, they walk in
5. front of it, because they're so slow, and do that.
6. But let's say a student stops or
7. drops a book or whatever, both ends have got --
8. where the ramps drop down -- have got deadman
9. switches on them, so they'll stop immediately.
10. The bottom has got a pan that barely hangs down.
11. Same thing there. You can walk up underneath one,
12. slap it, and stop it. Or if an obstruction, a
13. book, or a hand, or whatever gets up -- a foot
14. gets under there, it immediately stops.
15. Anytime you get on here, these have
16. automatic rails. You get on there and the rails
17. drop down. And when you go to the top, one --
18. this rail -- if you're at the top, this rail will
19. lift up so you can ride off -- and this rail
20. behind you so you don't scoot backwards. And then
21. once you're off, you have to fold it back up to --
22. push a button to fold it back up to get in place,
23. and then both arms go up. Same thing going down.
24. If you go down, and -- then this one's going to
25. raise up and this one stays here to make sure you

1. don't roll back onto the stairs.
 2. And if you grab and move either one
 3. of those while it's in travel, it will stop then.
 4. And of course, again, you've got two buttons about
 5. that big that if you take your finger off, it
 6. immediately stops.
 7. MR. RADER: Okay.
 8. CHAIRMAN FOX: Mr. Farmer, your
 9. position?
 10. MR. FARMER: I think, with the
 11. stipulations that we've talked about with the lower
 12. overhead signs on the beam itself, maybe some
 13. signage at the call buttons at both sides, and of
 14. course, it's got to have the seat and the seatbelt
 15. provided where an individual that is handicapped but
 16. not in a wheelchair rides this, that they'll need to
 17. sit down.
 18. I would like to know, if the seatbelt
 19. could be provided, that if the seat is lowered,
 20. there's no toggle switch on the seat itself,
 21. right?
 22. MR. TOLAR: There's no toggle switch
 23. on the seat, and to be able to -- because I would
 24. say -- to be able to put any kind of current on the
 25. seatbelt --

1. MR. FARMER: Uh-huh.
 2. MR. TOLAR: -- the problem is,
 3. somebody gets off it and they leave it.
 4. MR. FARMER: It won't run.
 5. MR. TOLAR: The hardest part with all
 6. these products is that they -- you still have to
 7. fold it up, get it out of the way, keep it off the
 8. stairs afterwards, and like I said, they serve a
 9. great purpose. They have lots of calls, lots of
 10. people having to go up and work them, because any
 11. little thing stops them from running, and if you put
 12. some kind of current on there to -- for the seatbelt
 13. not to do it, it would all the time be shut down,
 14. because somebody's going to walk by and play with
 15. the seatbelt or get off of it and leave it undone.
 16. MR. FARMER: It's more of a nuisance.
 17. MR. TOLAR: If you've ever been
 18. around a freight elevator, there was a manual door.
 19. They've got buzzers and bells on them, because
 20. people constantly leave them with the doors open on
 21. them and then you're trying -- where's the elevator?
 22. MR. FARMER: Yeah.
 23. MR. TOLAR: And they can't get it to
 24. come down.
 25. MR. FARMER: Well, my recommendation

1. would be to approve with the caution signs and maybe
 2. some literature on the sign, along with low
 3. overhead, to have the -- if seated, seatbelt must be
 4. worn, you know, just to at least put the knowledge
 5. in their head before they get on there. If they're
 6. going to sit in the seat, they need to wear the
 7. seatbelt.
 8. CHAIRMAN FOX: Okay.
 9. MR. MOORER: Mr. Farmer, a question.
 10. And maybe I don't understand it. But is there some
 11. way that if this is down and somebody's going to run
 12. into it, that there would be a stop button, like a
 13. stop bar on the obstruction? If they hit it, it'd
 14. shut it off?
 15. MR. FARMER: Yes. So they have ramps
 16. all the way around it. The ramps have got sensors
 17. on it and the pan's got a sensor on it. And
 18. actually, the arms have got sensors on it --
 19. MR. MOORER: Okay. Okay.
 20. MR. FARMER: -- if you break one of
 21. them arms, it will shut it down. So it's --
 22. MR. MOORER: Okay. Great.
 23. MR. FARMER: We've got a bunch of
 24. these out there. They're not -- these are not new
 25. products. We probably have over 100 in the state

1. just like this. This one just happened to have this
 2. clearance issue. So it's -- these are not new
 3. products for us. We've got one in Ober Gatlinburg
 4. just like it. So --
 5. MS. O'CONNOR: Well, 16-inch
 6. variance, though, seems significant.
 7. MR. TOLAR: Yes, ma'am. But -- and I
 8. agree, it's -- because they had to sell me on this
 9. whole thing, too. It's -- the way our code is
 10. written -- and granted, it's our code. We're not
 11. Canadians, eh? Again, they're measuring from here,
 12. whereas, they're taking into account the perimeter
 13. of the platform where nobody is. You actually can't
 14. get to the 44 inches, because once the arms come
 15. down, they're keeping you from getting that 44
 16. inches. I understand why the code's written that
 17. way, but you've got to look at, well, we're looking
 18. at a three-and-a-half-inch clearance as opposed to
 19. 16. But that's up to y'all to determine.
 20. MR. RADER: Chris, what was your --
 21. other than the proper signage?
 22. MR. FARMER: Just proper signage --
 23. the beam -- at one time, I was thinking that maybe
 24. we could pad it, you know, just to lower the blow if
 25. somebody did happen to hit their head on it. But is

1. it the full length of the travel, this beam, or is
 2. it just the one area?
 3. MR. TOLAR: It's the full width of a
 4. staircase.
 5. MR. FARMER: So it wouldn't be a big
 6. deal to pad it, right?
 7. MR. TOLAR: I don't see why not.
 8. MR. FARMER: Okay.
 9. MR. TOLAR: I would only -- and the
 10. only reason you got a hesitation out of me on that
 11. is I would not want to pad it on the underside,
 12. because now I'm cutting out --
 13. MR. FARMER: Yeah.
 14. MR. TOLAR: -- space. But to put --
 15. MR. FARMER: But a little stripe
 16. size.
 17. MR. TOLAR: -- something across the
 18. front -- yeah, I don't see why not.
 19. MR. FARMER: Okay.
 20. MR. TOLAR: I don't see why they'd
 21. have a problem with that.
 22. MR. FARMER: I would think that that
 23. would be a recommendation. We've done that in
 24. elevator machine rooms where they have --
 25. MR. TOLAR: Oh, yeah.

1. MR. FARMER: -- existing piping and
 2. we've all hit our head on the piping or Unistrut.
 3. And they come in and they put padding on it to at
 4. least, you know, lower the blow a little bit if you
 5. do hit your head on it. So --
 6. MR. TOLAR: And unlike -- again,
 7. these are -- they're specialty products. Schools
 8. have them and they may not get used for three or
 9. four years at a time, because they don't have a
 10. handicapped student. These people want to have
 11. access up here. They do not have a person in
 12. particular to use this. It's not like an elevator
 13. in a building where it's just constantly going up
 14. and down.
 15. MR. FARMER: And once again, we'll be
 16. back every six months to check this thing and make
 17. sure they maintain the signage and the padding and
 18. make sure everything works right. So --
 19. CHAIRMAN FOX: What's the pleasure of
 20. the Board?
 21. MR. HALE: I'll move for approval of
 22. the variance.
 23. MR. RADER: I'll second it.
 24. CHAIRMAN FOX: We have a motion and a
 25. second.

1. MR. BAILEY: Mr. Chairman, is that a
 2. motion for approval with those stipulations?
 3. MR. HALE: Right. With the
 4. stipulations. I'm sorry, yes.
 5. MR. BAILEY: Okay. Okay.
 6. MR. HALE: Approval with the
 7. stipulations Mr. Farmer recommended, which is the
 8. signage, padding, and the stripe location and the
 9. seatbelt sign.
 10. MR. MOORER: I have to ask, would
 11. that include hard hats?
 12. MR. BAILEY: I was thinking the same
 13. thing.
 14. MR. MOORER: It's a tough call.
 15. MR. FARMER: Who would be out the
 16. costs of replacing it?
 17. CHAIRMAN FOX: And we would note one
 18. conflict; is this correct, at this point?
 19. MR. BAILEY: Correct. Correct.
 20. Yeah.
 21. CHAIRMAN FOX: Okay. Any further
 22. discussion? There being none, all in favor of the
 23. motion, let it be known by saying, "aye."
 24. MS. O'CONNOR: Aye.
 25. MR. RADER: Aye.

1. MR. HALE: Aye.
 2. MR. MOORER: Aye.
 3. CHAIRMAN FOX: All opposed, by like
 4. sign. Motion carries. You've got your variance,
 5. sir.
 6. MR. TOLAR: Thank you very much. We
 7. appreciate your time and your consideration.
 8. MR. FARMER: As far as to be
 9. presented, I think he's done, both of them.
 10. CHAIRMAN FOX: Ms. Hutton?
 11. MR. BAILEY: Mr. Chairman?
 12. MS. HUTTON: Yes, sir?
 13. MR. BAILEY: We've had a new audience
 14. member come in. If we could have that person
 15. recognized -- oh, he's leaving. Never mind.
 16. CHAIRMAN FOX: He's -- Ms. Hutton,
 17. just making sure you're still with us.
 18. MS. HUTTON: I am. Can you hear me?
 19. CHAIRMAN FOX: We can. Hold on one
 20. second.
 21. MS. HUTTON: Okay.
 22. CHAIRMAN FOX: Let me -- have we got
 23. Mr. Lynn teed up and ready.
 24. MS. BENNETT: We'll have to call him.
 25. MR. HARDY: We'll have to call him.

1. MR. FARMER: Do it without his number
2. and I'll go outside and call him while your over
3. here.

4. CHAIRMAN FOX: All right. Let's get
5. him teed up. And that way, when Ms. Hutton is
6. ready, we'll get Mr. Lynn.

7. CHAIRMAN FOX: Ms. Hutton, you made a
8. request to speak to us, and this is your time.

9. MS. HUTTON: Thank you so much. I
10. appreciate you all letting me dial in. I was hoping
11. to be there in person, but I was a little unsure of
12. the traveling last night with the wind and the rain.
13. So I appreciate you letting me just dial in.

14. I'm one of the owners of Just Jump
15. Trampoline Park, and we have two locations. One
16. is in Johnson City. That's the one we're going to
17. discuss today, and we opened in April of 2015.
18. And the other one is in Bristol. Both are in the
19. state of Tennessee. We opened Bristol this year
20. in March.

21. So when we opened the Bristol
22. location in March this year, like, the week of
23. opening, our vendor said, hey, I think now in the
24. State of Tennessee, you need to be inspected. So
25. before we opened in Bristol, we had an inspector

1. come from Middle Tennessee, one of your approved
2. inspectors, and he came up. And I said, well,
3. while you're here, go ahead and inspect our
4. Johnson City location, because we had never been
5. inspected. And I'm just telling you, I know it's
6. not an excuse, but I did not know that that was a
7. requirement, because it happened after we opened
8. in Johnson City.

9. CHAIRMAN FOX: Okay. Look --

10. MS. HUTTON: He came up that --

11. CHAIRMAN FOX: Ma'am?

12. MS. HUTTON: I'm sorry. Go ahead.

13. CHAIRMAN FOX: Excuse me. I didn't
14. mean to interrupt you, but --

15. MS. HUTTON: It's okay.

16. CHAIRMAN FOX: You opened when, now?

17. MS. HUTTON: We opened Johnson City
18. in April of 2015, and then we opened Bristol March
19. of this year, March of 2017.

20. CHAIRMAN FOX: Okay. And --

21. MS. HUTTON: So the week that we --
22. uh-huh?

23. CHAIRMAN FOX: -- you made a
24. statement there. I'm just -- I hear very slowly. I
25. don't hear very well, but I also hear very slowly.

1. So --

2. MS. HUTTON: I'm sorry. And I'm
3. nervous and talking fast. I apologize.

4. CHAIRMAN FOX: It's okay. I'm just
5. trying to get my facts straight.

6. MR. RADER: We won't bite you.

7. CHAIRMAN FOX: Did you speak to
8. someone here at the State of Tennessee Department of
9. Labor and Amusement Device section?

10. MS. HUTTON: I -- so the week that I
11. opened in Bristol, a gentleman came from Middle
12. Tennessee and inspected our park. Our vendor set
13. that all up for us. He came and he inspected both
14. parks, and we passed inspection. We did not have
15. one thing to change. I can't emphasize enough how
16. important safety is to us at our parks.

17. So we passed inspection at both
18. parks. I was going to open on a Friday -- I want
19. to say March 4th -- in Bristol. But I didn't open
20. until that afternoon, because we literally -- I
21. have a gentleman we do business with in
22. Nashville -- kind of west Nashville. He literally
23. had someone from his office take a check over to
24. your office for the inspection or inspector, you
25. know, so every -- and the lady -- and I apologize.

1. It's starts with a C. It just left me. I'm so
2. sorry. Anyway, a lady in the office was
3. wonderful. She received -- she told me what to
4. do; she received the check. And she immediately
5. sent me the certificate, and we opened that
6. afternoon in Bristol.

7. So both parks were in compliance.
8. There were some issues with the paperwork, and so
9. I think one said inspected March, and one says
10. May, but both were in compliance and inspected the
11. same day.

12. So looking -- we had an incident
13. prior to that in January that should -- now we
14. understand should have been reported. And in the
15. last couple of months, we've gone back and forth
16. with a lot of communication. My attorney at first
17. said, well, I feel like this law does not apply.
18. But I'm not at all here to argue that. I saw you
19. all's decision in June, and my intention is
20. absolutely to be in compliance moving forward.
21. And if I have any serious incidents -- you know,
22. incidents that should be reported, I absolutely
23. will report those immediately. I don't want
24. anyone to doubt that at all.

25. But after our inspection -- and I

1. apologize. It was June or July, you guys got an
 2. anonymous tip from someone, someone who has done
 3. many things to try to do harm to our business.
 4. And it was -- this anonymous tip was full of false
 5. information. But obviously, it put us on your
 6. radar, as it should have. I know that's the
 7. responsibility of the Board.

8. But -- so we went through -- and
 9. going through that process, realized that we had
 10. this incident in January that we should have
 11. reported to you all. Of course, January was
 12. before we had our inspection and became in
 13. compliance. And so when we came in compliance, it
 14. really never in any way dawned on me that I should
 15. go back and report, you know, previous incidents,
 16. because we had been inspected, everything was in
 17. good shape, and, you know, we were moving forward.

18. As a matter of fact, the incident
 19. that happened in January had nothing to do with
 20. faulty equipment on our part at all. It was a
 21. young man who had some issues. He was jumping and
 22. landed wrong and broke his leg. There was not
 23. another person involved. It was nothing that was
 24. due to faulty equipment.

25. So anyway, I know there are other

1. trampoline parks that haven't even been inspected,
 2. and I understand that, you know, I'm on the radar
 3. because someone made a tip. You know, I don't
 4. think you guys go back every time someone gets
 5. inspected and say, hey, I need you to go back and
 6. report every accident you've had up until this
 7. point since we changed the law, you know, those
 8. kind of things. I understand that.

9. But we're trying to be in compliance.
 10. You know. We have 30 employees at our Johnson
 11. City location. We've -- we'll have as many as 50
 12. probably soon. We've got 50 in our Bristol
 13. location. All these kids are college students,
 14. for the most part. We start training them on
 15. safety from the moment we do their first
 16. interview. If you ask any of them, they would
 17. tell you that our philosophy is safety, fun, and
 18. clean. Safety's always first. And I tell my
 19. employees we will close our doors before we'll
 20. have an unsafe place. We have more court monitors
 21. probably than any park you've been to. You know.
 22. And I promise there's nobody on this call right
 23. now that wants -- my customers remain safe more
 24. than I do. It is of absolute utmost importance to
 25. me.

1. My main concern today is, if I've got
 2. to pay \$300 a day for an incident that happened in
 3. January that I did not report, I'm just going to
 4. have to close my doors. I mean, that's all there
 5. is to it. And I want to be in compliance. I
 6. just -- I didn't know this. I would have reported
 7. it in January, and I know ignorance is not an
 8. excuse but I'll -- you'll never hear that from me
 9. again. But I'm just asking that you all -- take
 10. that into consideration. You know.

11. We try to be good members of the
 12. community. We're paying significant, significant,
 13. you know, sales tax dollars that we collect and
 14. remit to the state. We're a family-friendly
 15. environment. And you know, we just want to be
 16. able to continue doing business in Johnson City.

17. As you can imagine, I think -- and
 18. what Mr. Hardy told me yesterday, three -- it
 19. hasn't been 200 and some days since we reported,
 20. 200 and some days since the incident. So you can
 21. do the math and see how much money we're talking
 22. about here. I haven't been told exactly what the
 23. fine is yet, but I'm just trying to be proactive
 24. and come to you guys and just ask that you take
 25. this into consideration.

1. CHAIRMAN FOX: Okay. Let me ask you
 2. a couple of questions, ma'am.

3. MS. HUTTON: Certainly.

4. CHAIRMAN FOX: Did you use the name
 5. "Beth Ringley" at one time? Was that your maiden
 6. name, married name or --

7. MS. HUTTON: Yes. It's my -- it was
 8. my previous married name. I just got remarried two
 9. years ago.

10. CHAIRMAN FOX: Okay. The reason I
 11. ask that is because this -- that's what shows on an
 12. e-mail that was sent to you on March the 3rd of
 13. 2017. Do you acknowledge --

14. MS. HUTTON: Okay.

15. CHAIRMAN FOX: Do you acknowledge
 16. that you received that e-mail?

17. MS. HUTTON: March the 3rd of this
 18. year --

19. CHAIRMAN FOX: Yes, ma'am.

20. MS. HUTTON: -- was -- that's the
 21. week that we opened our park. I don't have that
 22. e-mail in front of me, but I wouldn't doubt if I got
 23. an e-mail on March 3rd.

24. CHAIRMAN FOX: Okay. Let me ask you
 25. a couple more questions.

1. MS. HUTTON: Because that's when we
 2. were going through all these discussions. Yes, sir.
 3. CHAIRMAN FOX: Yes, ma'am. I just
 4. wanted to make sure I was talking to the same lady.
 5. MS. HUTTON: Yes. I'm sorry. I
 6. should have -- I didn't realize it --
 7. CHAIRMAN FOX: Okay.
 8. MS. HUTTON: -- said that.
 9. CHAIRMAN FOX: Is your address 2304
 10. Silverdale Lane, Number 600?
 11. MS. HUTTON: Silverdale Road. Yes,
 12. sir. That's our location in Johnson City.
 13. CHAIRMAN FOX: Okay.
 14. MS. HUTTON: It might be Silverdale
 15. Drive.
 16. CHAIRMAN FOX: Yes. That's what it
 17. says.
 18. MS. HUTTON: I think. Yeah. Road or
 19. Drive. Yes.
 20. CHAIRMAN FOX: I may have misstated
 21. that. I'm very sorry.
 22. MS. HUTTON: That's okay. That --
 23. well, there's been some confusion about that even
 24. with the post office. So --
 25. CHAIRMAN FOX: Okay. Just a couple

1. of quick questions here. We have information
 2. that -- well, I actually asked the staff to check
 3. something for me --
 4. MS. HUTTON: Sure.
 5. CHAIRMAN FOX: -- about the number of
 6. ambulance calls to your facility.
 7. MS. HUTTON: Uh-huh.
 8. CHAIRMAN FOX: And there was -- an
 9. ambulance responded and transported on four -- on
 10. April the 15th of '17. Is that --
 11. MS. HUTTON: Okay.
 12. CHAIRMAN FOX: Do you know about that
 13. one or is that -- was that an accident, an incident,
 14. or may I ask --
 15. MS. HUTTON: If it happened inside my
 16. facility, I have records of it, but it -- I will
 17. tell you that if somebody wants us to call an
 18. ambulance, we'll call it, and it sometimes may be as
 19. minor as something in the parking lot or something
 20. inside. But I have, myself, gone through every -- I
 21. called, too, to see about any ambulance calls so I
 22. could match them up and make sure I hadn't missed
 23. anything. But I don't know exactly what that one
 24. was for, but I assure you it was not -- this is the
 25. only serious one that we have dealt with, the broken

1. limbs and those kind of things.
 2. CHAIRMAN FOX: So you have done the
 3. research on the ambulance calls yourself?
 4. MS. HUTTON: Yes, sir. I did.
 5. Because I would have -- I mean, I took seriously the
 6. fact that, you know, we've got to give you guys
 7. accurate information and those kind of things.
 8. Because also, I think there was a note and a tip
 9. that said we called -- I don't know if it said
 10. multiple times a month or every week or something
 11. along those lines. So I just -- I kind of wanted to
 12. see myself that that wasn't the case.
 13. CHAIRMAN FOX: Okay. At the Bristol
 14. venue --
 15. MS. HUTTON: Uh-huh.
 16. CHAIRMAN FOX: It states here that
 17. there are three ambulance calls there. So do you
 18. know if someone was transported out of your facility
 19. to that -- to the Bristol Regional Medical Center?
 20. MS. HUTTON: I don't. I don't follow
 21. up. But I did the same exercise in Bristol. I know
 22. that there was one incident -- it was a parking lot
 23. incident in Bristol that required an ambulance. But
 24. I don't follow up to see what it was, but I haven't
 25. had anyone call back with any issues whatsoever,

1. ever, ever.
 2. The only reason I know about the one
 3. in January being for sure a broken bone was
 4. because the gentleman who got hurt, his girlfriend
 5. posted on social media that he had had an accident
 6. and broke his leg, and my competitor actually
 7. posted that on social media. So that's how I knew
 8. about -- you know, followed through with that one.
 9. MR. RADER: Hey, ma'am, this is
 10. Mitch Rader. I'm a board member. Can I ask you a
 11. question?
 12. MS. HUTTON: Yes, sir.
 13. MR. RADER: When you have an incident
 14. like this, do you report this to your carrier? Do
 15. you make note -- an incident report and then file it
 16. with your general liability carrier?
 17. MS. HUTTON: I have never had a claim
 18. filed with my insurance carrier. If there was a
 19. serious one or someone -- whoops. Sorry.
 20. MR. RADER: So when you have a slip
 21. and fall in the parking lot or you have a medical
 22. injury related to a climbing wall or trampoline or
 23. whatever inside the trampoline park, you don't do an
 24. incident report and you don't file it with your
 25. carrier?

1. MS. HUTTON: No, sir. I do not. If
 2. I had a serious one, I would. You know. That --
 3. but, you know, you have to keep in mind, too, in our
 4. business that everybody that comes in the door to
 5. participate in our activities is signing a waiver
 6. also. So I've never had an insurance claim. I've
 7. never had somebody come back to me and, you know,
 8. try to make a claim or anything like that.
 9. MR. RADER: Okay. Well, I am sure --
 10. MS. HUTTON: And nor have I ever had
 11. anyone blame our equipment for any incident, either.
 12. MR. RADER: So you're telling me you
 13. don't make a report. That's why you --
 14. MS. HUTTON: No, sir. I do not.
 15. MR. RADER: Okay.
 16. MS. HUTTON: I do not and I never
 17. have. I've never made one.
 18. CHAIRMAN FOX: Questions from the
 19. Board?
 20. MS. O'CONNOR: Yes. I have a
 21. question. Ms. Hutton, this is Kelly O'Connor. I'm
 22. just trying to get this straight in my mind and make
 23. sure I understand your business and am getting a
 24. full picture.
 25. MS. HUTTON: Sure.

1. MS. O'CONNOR: Am I correct in
 2. understanding that you've been actually operating
 3. since April of 2015 but you just became aware of not
 4. being in compliance and getting inspected in March
 5. of 2017?
 6. MS. HUTTON: That's correct. And the
 7. week I found out about this, I immediately got
 8. inspections at both of my locations. And I guess it
 9. was -- I know there are still several trampoline
 10. parks in the state that haven't even done their
 11. inspections or passed their inspections, but I guess
 12. it just -- I don't know. It must be a common thing,
 13. but that's no excuse. But as soon as I found out
 14. about it in March, we had both locations inspected.
 15. MS. O'CONNOR: Okay. And you said
 16. you had -- am I correct in understanding that you
 17. have approximately 80 employees for both locations?
 18. MS. HUTTON: We do. At our peak.
 19. Right now, it might be down to 40 in Bristol. So it
 20. varies. This is a slow time of the year for us.
 21. And also, college students just went back to school
 22. a few weeks ago, so at every semester -- so it's
 23. somewhere in the -- between the two -- and they're
 24. separate entities -- but between the two, yes,
 25. ma'am.

1. MS. O'CONNOR: Of course. Okay. But
 2. in March of 2017, when you were getting ready to
 3. open --
 4. MS. HUTTON: Uh-huh.
 5. MS. O'CONNOR: -- about how many
 6. staff did you have with both locations?
 7. Approximately. Just a ballpark.
 8. MS. HUTTON: I would say 80 part-time
 9. employees.
 10. MS. O'CONNOR: I'm just -- I'm really
 11. having a hard time understanding how you have a
 12. business large enough to hire 80 people but didn't
 13. know that you needed to be inspected.
 14. MS. HUTTON: Well, my business is
 15. large in the standpoint -- we have a lot of people
 16. come through and we have a lot of young people that
 17. work for us. So -- and I assure you the inspection
 18. was not an issue. I never questioned the inspection
 19. nor did I -- you know. And we passed inspection
 20. immediately.
 21. MR. MOORER: Ms. Hutton, my name's
 22. Lewis Moorer with --
 23. MS. HUTTON: And I'm not -- and let
 24. me -- I would just -- I would like to be clear. I'm
 25. not trying to make excuses for that. I'm

1. assuming -- sadly, because -- you know, this is a
 2. fairly new industry. I'm assuming because there
 3. are, you know, many others that haven't passed
 4. inspection yet that I'm not the only one who is in
 5. that position. So --
 6. MR. MOORER: Question about insurance
 7. coverage. Do you have insurance?
 8. CHAIRMAN FOX: The question was did
 9. you have -- do you have --
 10. MS. HUTTON: Yeah. I have --
 11. CHAIRMAN FOX: -- general
 12. liability --
 13. MS. HUTTON: I do --
 14. CHAIRMAN FOX: -- insurance.
 15. MS. HUTTON: I do have general
 16. liability insurance. As you can imagine, in our
 17. industry, it's not inexpensive.
 18. MR. MOORER: Well, does your
 19. insurance carrier have requirements on you that --
 20. what you're to report and what you're not supposed
 21. to report as far as incidents or occurrences?
 22. MS. HUTTON: I'm sure they do. I
 23. talked to my carrier -- as a matter of fact, I
 24. talked to my carrier about, you know, this
 25. discussion with you. We just haven't -- we just

1. haven't had any claims. We haven't had anyone call
 2. and make claims. So --
 3. CHAIRMAN FOX: Ma'am, how many --
 4. MS. HUTTON: Yes.
 5. CHAIRMAN FOX: -- injuries do you
 6. think you have had at your properties within the
 7. last 12 months?
 8. MS. HUTTON: I have -- I document
 9. things. I mean, I get calls even if I give out a
 10. Band-Aid. So if you -- I would say that I've had --
 11. this is the serious one, the broken bone. I didn't
 12. count scrape -- I don't want to guess, but maybe,
 13. you know, one or two that would be something like,
 14. you know, a cut of some kind or a, you know, those
 15. kind of things. We're not -- we're -- obviously, we
 16. have some injuries related to things like, you know,
 17. a kid running and bumping into another child or, you
 18. know, those kind of things, as well.
 19. CHAIRMAN FOX: I totally understand
 20. that, ma'am, but how many --
 21. MS. HUTTON: And I don't want to give
 22. you --
 23. CHAIRMAN FOX: How many --
 24. MS. HUTTON: I don't want to give you
 25. inaccurate information.

1. CHAIRMAN FOX: How many injuries have
 2. you had strictly related to the trampolines?
 3. MS. HUTTON: Oh, strictly related to
 4. the trampolines? I mean, I don't know. I mean, I
 5. would say five. And that -- but those are not five
 6. broken bones --
 7. CHAIRMAN FOX: Yeah.
 8. MS. HUTTON: -- or anything like
 9. that.
 10. CHAIRMAN FOX: It doesn't have to be
 11. a broken bone. But were those folks transported to
 12. a hospital by ambulance or by a private carrier of
 13. some type?
 14. MS. HUTTON: The only ones -- any
 15. ambulance that comes is when we call 911. I don't
 16. know of any private ones at all that have come. And
 17. as far as trampoline injuries, the one that I gave
 18. you is the one that I know of that the ambulance
 19. came and it was a trampoline injury and he was
 20. definitely transported to the hospital.
 21. CHAIRMAN FOX: Okay.
 22. MR. RADER: And you did not report --
 23. MS. HUTTON: I'm glad --
 24. MR. RADER: And you did not maintain
 25. any incident report on that, nor did you send that

1. to the State, nor did you send that to your
 2. insurance company, the serious --
 3. MS. HUTTON: That's correct. I
 4. have -- I mean, I have data on it, obviously --
 5. MR. RADER: Why did you --
 6. MS. HUTTON: -- because -- I'm sorry.
 7. MR. RADER: Why did you not do that?
 8. MS. HUTTON: At the time -- because
 9. this is January, and I truly didn't know that I
 10. needed to do that to the State -- I didn't know.
 11. And then when we got inspected in March, I didn't go
 12. back, and I'm sorry for that. I really am.
 13. CHAIRMAN FOX: Okay.
 14. MS. HUTTON: I assure you -- and
 15. I'll -- I mean, we have one of the safest parks that
 16. exist, and there's nothing more important than
 17. safety. I don't want it to come across at all like
 18. we are being flippant about safety or not taking
 19. every single accident seriously.
 20. CHAIRMAN FOX: We understand, ma'am.
 21. MS. HUTTON: I just --
 22. MR. HALE: No, I can understand
 23. that -- and this is David Hale. I'm a Board member.
 24. I can understand that maybe she did not know,
 25. because that's what we are in the process of doing,

1. trying to bring all of those folks that don't know
 2. into compliance. That's part of what we task our
 3. safety folks with. I guess what I'm trying to fully
 4. understand is exactly when did the -- when did you
 5. gain the knowledge that you had to be inspected?
 6. That's what I'm trying to understand.
 7. MS. HUTTON: Okay. My trampoline
 8. vendor -- and I'm sorry I keep referring to them.
 9. But my trampoline vendor was here constructing my
 10. location in Bristol. We were close to opening.
 11. This was in March -- end of April, early March of
 12. this year when we were opening our Bristol location.
 13. And he said, there's a new law in the State of
 14. Tennessee that you guys need to be inspected. And
 15. so let's get this park inspected before we open.
 16. That was this year after the incident, you know,
 17. that we're talking about in Johnson City.
 18. And so literally -- I mean, I don't
 19. want to exaggerate, but within two to three days
 20. that very week, the inspector came from Middle
 21. Tennessee to inspect this new location, and he
 22. also inspected our Johnson City location.
 23. CHAIRMAN FOX: Ma'am, may I ask --
 24. this is Robbie Fox. May I ask --
 25. MS. HUTTON: Yes, sir.

1. CHAIRMAN FOX: -- who the third-party
 2. inspector was?
 3. MS. HUTTON: If you will bear with me
 4. one quick second, I will look at that. Yes, sir.
 5. MR. HARDY: Mr. Fox, we have that.
 6. MS. HUTTON: Because --
 7. CHAIRMAN FOX: Was it Wayne White?
 8. MR. HARDY: Yes, sir.
 9. CHAIRMAN FOX: Okay.
 10. MS. HUTTON: Is that -- do we know
 11. that for sure or do you want me --
 12. CHAIRMAN FOX: No, I --
 13. MR. HARDY: No. We have --
 14. CHAIRMAN FOX: We're satisfied that's
 15. who it was.
 16. MR. HARDY: Ms. Hutton, this is Mike
 17. Hardy. We have your permit files in here, so --
 18. MS. HUTTON: Okay.
 19. MR. HARDY: -- we don't need those.
 20. MS. HUTTON: Thank you. We paid for
 21. the inspections, but we paid through our vendor. So
 22. but -- you know, we paid for both inspections. And
 23. we --
 24. MR. HALE: (Inaudible) she became --
 25. she knew -- she found out she needed to be inspected

1. in March; is that right?
 2. CHAIRMAN FOX: That's what it says,
 3. but -- yes. That's her position.
 4. MR. HALE: That -- yeah. Okay.
 5. CHAIRMAN FOX: Your position is that
 6. the incident that you're referring to happened in
 7. January. You became aware that the law changed and
 8. you needed to be inspected and that there was a rule
 9. as of March the 3rd; is that correct?
 10. MS. HUTTON: It was that week. Yeah.
 11. It might have been a couple of days before that.
 12. But yes, sir, it was definitely that week.
 13. CHAIRMAN FOX: Do you remember
 14. getting the e-mail from Ms. Carlene Bennett
 15. referenced to the rules and regulations and talking
 16. about the reporting requirement?
 17. MS. HUTTON: She did send me
 18. correspondence. Yes, sir. And I did not -- I never
 19. even thought about going back to previous incidents.
 20. I'm sorry. It never -- it truly never entered my
 21. mind to go back.
 22. CHAIRMAN FOX: Okay. I go back to
 23. the other ambulance calls at the facility. I am
 24. still having trouble understanding why an ambulance
 25. would respond and transport unless it was an injury

1. associated with the actual amusement itself. I
 2. truly understand and I get that kids run into one
 3. another; and from time to time, they cause one
 4. another injuries. But you have seven total injuries
 5. at the Johnson City, and you have three at the
 6. Bristol facility. So I'm trying to get an accurate
 7. accounting of how many serious injuries occurred at
 8. those two specific venues. Can you help me?
 9. MS. HUTTON: I can -- I'm pulling out
 10. all my files here, because I've gone through them
 11. all, as I've mentioned. You specifically said one
 12. in April of this year?
 13. CHAIRMAN FOX: Yes, ma'am. There's
 14. one on April the 15th, May the 22nd, June the 10th,
 15. and July the 20th. They responded and transported
 16. from your facility.
 17. MS. HUTTON: I can get each of those
 18. dates and go back through our records, but I assure
 19. you that they were not things like this broken bone
 20. and, you know --
 21. CHAIRMAN FOX: Okay.
 22. MS. HUTTON: -- this serious, but
 23. I --
 24. CHAIRMAN FOX: Well, I --
 25. MS. HUTTON: And you know, one -- go

1. ahead. I'm sorry.
 2. CHAIRMAN FOX: Let me also share with
 3. you that on May the -- excuse me. March the 3rd you
 4. received the e-mail from Ms. Bennett. On March the
 5. 18th, you -- the -- someone from your Bristol office
 6. called 911, ambulance responded, ambulance
 7. transported. At least, that's our information.
 8. Now, that may or may not be true, but that's the
 9. information we have, and we always go with the best
 10. information that we have at hand.
 11. MS. HUTTON: Certainly.
 12. CHAIRMAN FOX: So can you tell me
 13. what happened on the 18th at the Bristol office?
 14. MS. HUTTON: I can't, but I can find
 15. out. I know I had one child that had a seizure in
 16. our building one time in Bristol.
 17. CHAIRMAN FOX: Uh-huh.
 18. MS. HUTTON: And I'll have to -- I
 19. apologize. I'm going to have to get you the exact
 20. dates of that one.
 21. CHAIRMAN FOX: Okay. We would like
 22. for you to provide us documentation with all of
 23. those. Let me give you the dates again. The first
 24. one would be July the 6th of '16.
 25. MR. HARDY: Location on there.

1. CHAIRMAN FOX: And that's at
 2. Silverdale, the --
 3. MS. HUTTON: Right. Because we
 4. weren't even open in Bristol then.
 5. CHAIRMAN FOX: And the next one would
 6. be January the 12th. January the 19th.
 7. MS. HUTTON: And the 19th is one that
 8. I've provided. Yes.
 9. CHAIRMAN FOX: Yes, ma'am.
 10. April 15th, May the 22nd, June the 10th, July the
 11. 20th. And those are all at Silverdale. And the
 12. ones we would like from the Bristol office would
 13. have occurred on March 18th.
 14. MS. HUTTON: Uh-huh.
 15. CHAIRMAN FOX: On May the 25th.
 16. There were actually two on May the 25th.
 17. MS. HUTTON: Two in one day?
 18. CHAIRMAN FOX: Yes, ma'am.
 19. MS. HUTTON: Huh.
 20. CHAIRMAN FOX: So if you could
 21. provide us that information, I think we could make a
 22. better-informed decision.
 23. MS. HUTTON: Okay. And what method
 24. would you like me to provide this?
 25. CHAIRMAN FOX: Ma'am, we would ask

1. you to send that to -- by e-mail. You can fax it or
 2. e-mail it to Mr. Mike Hardy.
 3. MS. HUTTON: Yeah. I've Mike's
 4. contact information. And then when will you guys
 5. make a decision?
 6. CHAIRMAN FOX: Well, I think we're in
 7. the investigative stage at this particular point.
 8. And probably, we would make a decision --
 9. MR. RADER: When we get enough
 10. information.
 11. CHAIRMAN FOX: -- when the
 12. investigation is finished and we have --
 13. MS. HUTTON: I just --
 14. CHAIRMAN FOX: -- enough information.
 15. MS. HUTTON: I think I didn't word my
 16. question right. Is this a committee? Will this
 17. come back to the Board? I don't know. I think you
 18. guys only meet quarterly. Does this --
 19. CHAIRMAN FOX: We meet --
 20. MS. HUTTON: -- come back to you
 21. guys?
 22. CHAIRMAN FOX: -- quarterly, ma'am.
 23. MS. HUTTON: Okay. Okay. Yeah.
 24. I'll be glad to do all of that. I've been through
 25. all of these, and I apologize I didn't -- you know,

1. there were many small things that happened in and
 2. around the building. But I will get you exact
 3. details of each of these.
 4. CHAIRMAN FOX: Okay. Mr. Hardy, is
 5. this facility, this venue, in compliance as of
 6. today, other than this --
 7. MR. HARDY: Other than the accident
 8. reporting?
 9. CHAIRMAN FOX: Yes.
 10. MR. HARDY: Yes, sir. They have
 11. valid permits.
 12. CHAIRMAN FOX: Okay.
 13. MR. HARDY: Both facilities have
 14. valid permits.
 15. MS. HUTTON: And we had zero
 16. recommended changes when we had our inspections.
 17. Every -- I mean, we're very -- we have trampolines
 18. with redundant beds, and -- I mean, we're very much
 19. in compliance that way and want to be.
 20. MR. HARDY: But, Chairman,
 21. Chairman Fox -- excuse me. For the record, the Unit
 22. has not received a single accident report from
 23. either Just Jump Trampoline locations.
 24. CHAIRMAN FOX: We have received
 25. zero --

1. MR. HARDY: No, sir. We --
 2. CHAIRMAN FOX: -- injury reports --
 3. MR. HARDY: We have --
 4. CHAIRMAN FOX: -- from that -- those
 5. facilities.
 6. MR. HARDY: We --
 7. MS. HUTTON: Well, we sent the
 8. details of the one on January 19th.
 9. MR. HARDY: Right. And we received
 10. that, and that's -- we continued our investigation
 11. based on this self-reported e-mail. But as far as
 12. our online accident reports that are required to be
 13. filled out, the 24-hour reports, we have seen -- we
 14. have received zero from either Just Jump Trampoline
 15. park.
 16. MS. HUTTON: Right. Do you want me
 17. to go back and -- I mean, I know we were
 18. communicating by e-mail. Do you want me to go into
 19. your system and fill something out for the
 20. January 19th one?
 21. CHAIRMAN FOX: Ma'am, I want you -- I
 22. asked you for copies or I asked you for information
 23. on all of those and we want to know what happened
 24. and --
 25. MS. HUTTON: Absolutely. Yes, sir.

1. I'm sorry. I just was asking if that one that we've
 2. been discussing, too, if you wanted me to go
 3. actually into the system (verbatim).
 4. CHAIRMAN FOX: I would like you to
 5. submit them all. I'm not saying that you need to
 6. put those in the system right now. You need --
 7. MS. HUTTON: Okay.
 8. CHAIRMAN FOX: -- to submit -- if you
 9. will, send Mr. Hardy copies of those accident or
 10. incident reports, because we don't know which ones
 11. would be subject to reporting or not. But we do
 12. know that the ambulance was there.
 13. MS. HUTTON: Certainly.
 14. CHAIRMAN FOX: We don't know. Yes,
 15. sir, Mr. Bailey?
 16. MR. BAILEY: Mr. Chairman, I just
 17. don't want to end this conversation and -- with
 18. there being some confusion here.
 19. MS. HUTTON: I'm having just a little
 20. trouble hearing. I'm sorry.
 21. CHAIRMAN FOX: He's trying to --
 22. we're -- he says we don't want to end the
 23. conversation with confusion. He's trying to --
 24. MS. HUTTON: Okay.
 25. CHAIRMAN FOX: -- straighten it out

1. for us.
 2. MS. HUTTON: Yes. Thank you.
 3. MR. BAILEY: This is Dan Bailey. I'm
 4. legal counsel to the Commission. As I understand
 5. it, the Amusement Device Unit right now considers
 6. her to still be out of compliance --
 7. CHAIRMAN FOX: Out of compliance.
 8. MR. BAILEY: -- every day. Okay?
 9. She needs to take whatever actions she needs to take
 10. to get in, what is considered, in compliance, so she
 11. doesn't get \$300 every day until you all meet again.
 12. All right? And what exactly is that going to
 13. require? Her going into the system and reporting
 14. that January 19th accident in the online system?
 15. Does her -- would her e-mail suffice as reporting,
 16. you know, what wasn't in the online -- because I
 17. mean, does -- I don't think the statute says how
 18. it's to be reported, just --
 19. MS. JEFFERSON: As long as it's in
 20. writing.
 21. MS. HUTTON: Yeah. That's kind of
 22. where I was going with that --
 23. MR. BAILEY: So is the e-mail --
 24. MS. HUTTON: -- in my previous
 25. question. I'm sorry. Thank you.

1. MR. BAILEY: Ma'am, please try not to
 2. talk over. We have a court reporter here and she
 3. can only record one person at a time. Okay?
 4. MS. HUTTON: Okay. I apologize.
 5. MR. BAILEY: All right. The e-mail
 6. she received, or you received, about the
 7. January 19th accident, that is a written report of
 8. an accident. Can we accept that as that being
 9. reported as of that date? Was it from her?
 10. MR. HARDY: Yes, sir.
 11. MR. BAILEY: Okay.
 12. MR. HARDY: Yes, sir. That's the
 13. only record we have of an accident. It's what they
 14. self -- she, Ms. Hutton, self-reported to us.
 15. MR. BAILEY: Okay. But we consider
 16. her currently out of compliance because she didn't
 17. report it through the online system; is that
 18. correct?
 19. MR. HARDY: Yes, sir. It wasn't
 20. reported to us until we started investigating the
 21. tip that we got on July the 5th.
 22. MR. BAILEY: Okay.
 23. MR. HARDY: And then we did receive
 24. an e-mail from Ms. Hutton where they acknowledged
 25. there being a broken bone ambulatory accident in

1. January.
 2. MR. BAILEY: Okay. And at the time,
 3. the way the law was written at the time, that would
 4. have been considered a serious incident at the time.
 5. MR. HARDY: Yes, sir.
 6. CHAIRMAN FOX: Yes.
 7. MR. BAILEY: Right? All right. So
 8. what I'm asking is when we -- when you received the
 9. e-mail from her where she tells you about that
 10. accident and the broken bone, then did her liability
 11. stop then or has it continued?
 12. MR. HARDY: Ms. Jefferson, it
 13. stopped?
 14. MS. JEFFERSON: If we receive
 15. something in writing from her --
 16. MR. HARDY: Uh-huh.
 17. MS. JEFFERSON: -- then it should
 18. stop. It was my understanding that we hadn't
 19. received anything from her. So if we haven't
 20. received anything from her -- if it's based on the
 21. tip, then that's something different. But if we
 22. received something in writing from her, then we need
 23. to stop the liability on the date that she reported
 24. it.
 25. MR. HARDY: Okay. And I have that

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1. date right here, if you'll bear with me.
2. Are you -- excuse me.
3. MS. JEFFERSON: Mr. Chairman?
4. MR. HARDY: Yeah. That was an e-mail
5. from Ms. Hutton to me only on July the 27th.
6. MR. BAILEY: Okay.
7. MS. JEFFERSON: Of this year?
8. MR. HARDY: Yes, ma'am.
9. CHAIRMAN FOX: So with that being
10. said, do we consider her out of compliance from
11. January the 19th through -- till July the 27th?
12. MS. JEFFERSON: For that particular
13. accident.
14. CHAIRMAN FOX: For that particular
15. accident.
16. MS. JEFFERSON: Yes, sir.
17. MR. BAILEY: Is that when the
18. accident occurred, January 19th?
19. MR. HARDY: Yes, sir.
20. CHAIRMAN FOX: I believe it was.
21. Yes, sir.
22. MR. BAILEY: Okay. All right. Yes.
23. MS. HUTTON: Yes.
24. CHAIRMAN FOX: Okay. So --
25. MR. BAILEY: Well, my point was I

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1. didn't want there to be continuing liability until
2. the next board meeting, and as I'm hearing it, there
3. is none.
4. CHAIRMAN FOX: You and I -- I'm
5. trying to figure out in my feeble, little mind how
6. we could do that, and we either hold it in abeyance
7. until this so-called investigation is over, until
8. she sends us the others. And we would hold it in
9. abeyance from July the 27th?
10. MR. HARDY: Yes, sir.
11. CHAIRMAN FOX: But she would be
12. responsible for anything from January the 19th to
13. July the 27th.
14. MR. MOORER: I have a question,
15. Mr. Chairman.
16. CHAIRMAN FOX: Sir.
17. MR. MOORER: Ms. Hutton said she
18. didn't have knowledge of this. How is this
19. communicated so that she should have had knowledge,
20. number one. And number two, was it -- whose
21. responsibility was it to make sure that they knew
22. what they were supposed to do?
23. CHAIRMAN FOX: Well, I think I can
24. categorically say that she was on notice as of
25. 3/3/2017.

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1. MR. MOORER: Okay.
2. CHAIRMAN FOX: There's a copy of the
3. annual permit.
4. MR. MOORER: Okay.
5. CHAIRMAN FOX: There's a copy of an
6. e-mail that Carlene sent to Ms. Beth Ringley, who
7. she says that's her former name or married name,
8. however that worked out. I'm not sure, Ms. Hutton.
9. MS. HUTTON: And I'm not arguing that
10. date at all. I did note that's what I knew. I
11. just -- I did not know that that was retroactive, so
12. I did not report the January 19th incident. That
13. was kind of my point of today, so I'm not arguing,
14. definitely, that I knew in March.
15. MR. MOORER: But from March the 3rd
16. forward, there was knowledge of what should have
17. been done?
18. CHAIRMAN FOX: Yes, sir.
19. MR. MOORER: Okay.
20. CHAIRMAN FOX: And that's why we're
21. trying to clarify all of the ambulance trips.
22. However, this law has been in effect since 2009.
23. MS. O'CONNOR: Prior to her -- began
24. to start the business.
25. MS. HUTTON: Nine?

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1. CHAIRMAN FOX: 2009 or --
2. MS. HUTTON: Sixteen.
3. CHAIRMAN FOX: No. The reporting has
4. been in effect for quite some time.
5. MS. BENNETT: But not the penalty.
6. MS. HUTTON: I thought it was
7. July 1st, 2016.
8. CHAIRMAN FOX: Well, there was a
9. change in it, but Section 20 and Section 21, and I
10. can't quote the actual chapter and verse, but
11. Section 20 and Section 21 has been in the law for at
12. least since 2009.
13. MR. HARDY: Chairman Fox?
14. CHAIRMAN FOX: Sir.
15. MR. HARDY: From January 19th, 2017
16. to the date of Ms. Hutton's e-mail, Thursday,
17. July 27th, 2017, we just calculated 189 days. And
18. that takes into consideration the 24-hour grace
19. period of submitting the online accident report. It
20. deducts the grace period. 189 days.
21. CHAIRMAN FOX: If Mr. Hale's
22. calculator is correct, that \$56,700. So from
23. Mr. Hardy, Ms. Jefferson, whomever, what would be
24. you all's recommendation on this particular subject?
25. MS. JEFFERSON: Well, the penalty's

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1. based on the law, and I'm not at liberty to deviate
2. from the law. I have to enforce the law as it's
3. written. We did take into consideration, as the
4. Board indicated, from March, we know that she had
5. notice, even though -- when the law changes, what we
6. do -- and this is to answer Mr. Moorer's question
7. from earlier. When a law changes, what we do is
8. place that on the website to inform all of our
9. customers.
10. We also have a compliant and
11. noncompliant list informing the public who is
12. compliant, who's noncompliant. We place it on the
13. law, as well as send out letters. I remember we
14. did send a mass mailing out. Whether or not she
15. was copied -- because if we don't know about the
16. company, of course we can't send a letter to them.
17. So I'm not sure if she received a letter or not.
18. But what we do is place that information on the
19. website to inform the public.
20. But taking into consideration this
21. was a new law and I certainly understand, if we
22. have a grace period, say, from the time that the
23. law became effective, which was July 2016 through
24. March the 3rd, 2017, the time in which she was
25. notified, if that's 189 days, then the penalty

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1. will be 189 times \$300 to equal that \$56,700?
2. CHAIRMAN FOX: Yes, ma'am.
3. MS. JEFFERSON: And there's nothing I
4. can do to deviate from that.
5. MR. HARDY: Now, excuse me, just for
6. clarification, we're calculating from January, at
7. the time of the incident, to when she reported
8. the --
9. MS. JEFFERSON: No. We're looking at
10. the --
11. MR. HARDY: March.
12. MS. JEFFERSON: We're looking at
13. March.
14. MR. HARDY: Okay. I'm sorry. Okay.
15. Wait a second.
16. MR. HALE: 189, is that the right
17. number?
18. UNIDENTIFIED SPEAKER: 147. Is that
19. March the 3rd?
20. MS. O'CONNOR: March the third, yes.
21. MR. HARDY: March the 3rd.
22. UNIDENTIFIED SPEAKER: 147.
23. MR. HARDY: I'm sorry.
24. MR. RADER: The date of the e-mail is
25. March 3rd.

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1. MR. HALE: Now we're down to --
2. CHAIRMAN FOX: So that --
3. MR. HARDY: March 3rd to July 27th,
4. 147 days?
5. UNIDENTIFIED SPEAKER: If you want to
6. take the one day --
7. MR. HARDY: Okay.
8. UNIDENTIFIED SPEAKER: -- grace
9. period out of it.
10. MR. HARDY: I'm sorry.
11. CHAIRMAN FOX: If we're moving the
12. date of notification --
13. MR. HARDY: Right.
14. CHAIRMAN FOX: -- to March the 3rd --
15. MR. RADER: Which it should be.
16. CHAIRMAN FOX: -- which it should
17. that comes to \$44,100.
18. MR. BAILEY: I'm a little confused
19. here.
20. MS. JEFFERSON: Okay. Dan wants to
21. make a comment as general counsel.
22. CHAIRMAN FOX: Please, Dan.
23. MR. BAILEY: No. I don't, actually.
24. I'm confused. That's what I was saying. Let me --
25. I thought what we were talking about was from the

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1. time in January when the accident occurred until it
2. was reported to us as being the basis of the fine.
3. MS. JEFFERSON: Right.
4. MR. BAILEY: Now, going back to July
5. of 2016, that, I'm fuzzy on. I'm not sure what
6. that's about.
7. MS. JEFFERSON: Oh. Well, that's
8. when the law changed.
9. MR. BAILEY: Okay.
10. MS. JEFFERSON: July 2016, the law
11. changed. The accident occurred January 2017.
12. However, she said she didn't receive notice. So
13. what we're trying to do is actually take that into
14. consideration. We know for a fact that Carlene sent
15. her an e-mail and a letter in March of 2017, so we
16. were actually starting at March the 3rd, 2017, to
17. recalculate.
18. MR. BAILEY: So you're going from
19. March to July.
20. MS. JEFFERSON: Right. Because we're
21. considering the time before that a grace period. A
22. grace period for considering when the law became
23. effective -- the new law became effective. But as
24. general counsel, if you don't think that that's the
25. way it should be done, then --

1. MR. BAILEY: Well, I mean -- you
 2. know, the business owner is responsible for knowing
 3. what laws affect their business. You know. And
 4. when the law changes -- you know, once it's been put
 5. out, here's the new changes in the laws, I mean,
 6. it's on --
 7. MS. JEFFERSON: It's their
 8. responsibility.
 9. MR. BAILEY: It is their
 10. responsibility to know what their law is. So I'm
 11. aware of no grace period unless it was written into
 12. the statute --
 13. MS. JEFFERSON: And there's --
 14. MR. BAILEY: -- and I don't think it
 15. was.
 16. MS. JEFFERSON: No, just agency-wise.
 17. But if we need to go back to January, that's what
 18. we'll have to do, because we have to comply with the
 19. law, and that's where we stand. And actually, the
 20. accident occurred in January 2017, so if we need to
 21. go back and just calculate from January 2017 through
 22. July 27, 2017, that's what we'll have to do.
 23. MS. O'CONNOR: That's that 56,000.
 24. CHAIRMAN FOX: Then that goes back to
 25. the 56,700 number.

1. MS. O'CONNOR: Yes.
 2. MR. BAILEY: Right.
 3. MR. HALE: Is it within the authority
 4. of this board to provide her any relief from that
 5. fine?
 6. MR. BAILEY: Well, any action or act
 7. of the Department can be appealed to the Board, and,
 8. you know, the Board can do -- it really puts no
 9. restrictions on you as far as what you can do about
 10. an act that we do.
 11. Now, if -- you know, if the Board
 12. were to reduce the fine or completely eliminate
 13. it, the Department would have the option of
 14. appealing that to chancery court to say, you know,
 15. hey, this shouldn't have been done. You know.
 16. But I mean, the statute currently
 17. gives anybody that's harmed by -- under the
 18. elevator amusement device law, that's harmed or
 19. feels they've been harmed by any act -- I forget
 20. the exact words -- but any act or anything that
 21. the Department has done in enforcing this law,
 22. they can appeal that to you, just like the
 23. trampoline people were here, because they -- you
 24. know, at the last board meeting, because their
 25. position was the law didn't apply to them.

1. And, you know, so that was -- we --
 2. the Department was applying the law to them and
 3. they felt like it shouldn't have been applied to
 4. them, so they appealed it to you all and you all
 5. ruled on it. And that would be the same thing
 6. here. If she felt like for some reason that that
 7. fine was not statutory compliant or anything like
 8. that, she could appeal it to you all. You know.
 9. MR. HALE: I think part of the my
 10. question revolves around because they did come last
 11. meeting to get a clarification of whether
 12. trampolines were covered or not and that there was
 13. an opinion in that industry, in the trampoline
 14. industry, that they didn't have to comply. We
 15. resolved that in the last board meeting.
 16. MR. BAILEY: Yeah.
 17. MR. HALE: So --
 18. MR. BAILEY: I mean, that decision,
 19. which has not been appealed as of yet and I think
 20. the time has ran on it, is now the law.
 21. MR. HALE: That's right.
 22. MR. BAILEY: The law does apply to
 23. trampoline parks.
 24. MR. HALE: So I guess, sort of my
 25. point was, before that June meeting, the trampoline

1. industry was not clear whether -- that they were
 2. under the law or not, and that was clarified by this
 3. board in June. So sort of my feeling is is that
 4. she's out of compliance from that June meeting until
 5. when she sent the letter. You follow my logic?
 6. MR. RADER: I have.
 7. CHAIRMAN FOX: I'm with you. I'm
 8. just --
 9. MR. BAILEY: The only thing I say
 10. about that was that was not appealed by the
 11. industry. It was appealed by one --
 12. MR. RADER: One party.
 13. MR. BAILEY: -- individual party.
 14. MR. HALE: Right. Right. But I
 15. think that that one party was representative of what
 16. that industry as a whole believed.
 17. MR. BAILEY: I don't know. Do we
 18. have trampoline parks that were permitted at the
 19. time?
 20. MS. JEFFERSON: Yes. Yes.
 21. MR. BAILEY: So I mean, some of
 22. them --
 23. MS. JEFFERSON: That was just one
 24. person who didn't agree --
 25. MR. BAILEY: Some were permitted and

1. some weren't.
 2. MS. O'CONNOR: Well, and the fact
 3. that she did get permitted back in March indicates
 4. that she thought she was part of -- fell under this
 5. law.
 6. MR. HALE: That's a good point.
 7. MS. HUTTON: I immediately got
 8. permitted without questioning the law in March. I
 9. know our attorney questioned, after this came up,
 10. whether we fell under this law. Then we saw your
 11. minutes from your June meeting, and certainly, we're
 12. not here to question that anymore. Our main concern
 13. is, you know, just the things you guys are
 14. discussing, and I appreciate the discussion. This
 15. is -- you know, this is a huge amount of money for
 16. us. It's significant.
 17. CHAIRMAN FOX: It is. Ma'am, while
 18. we're --
 19. MS. HUTTON: And we truly want to
 20. comply moving forward. I don't want there to be any
 21. doubt about that.
 22. CHAIRMAN FOX: I think this board is
 23. struggling on what to do. The thing is we want to
 24. do the right thing, and the first thing is to
 25. keep --

1. MS. HUTTON: I understand.
 2. CHAIRMAN FOX: We need to keep as
 3. many of our citizens safe as we possibly can. And
 4. again, to do --
 5. MS. HUTTON: Yes, sir.
 6. CHAIRMAN FOX: -- the right thing is
 7. making sure that we meet the means of both the State
 8. and you, the business owner out there.
 9. MS. HUTTON: I understand.
 10. CHAIRMAN FOX: We're not trying to
 11. shut you down. That's not --
 12. MS. HUTTON: I know. I know.
 13. CHAIRMAN FOX: -- the purpose or the
 14. intent.
 15. MS. HUTTON: I'm just trying to be
 16. honest about the outcome. And I'm with you, too. I
 17. want -- you know, we're a family-friendly
 18. environment, and I want to keep my customers safe,
 19. as well. I truly do.
 20. MS. O'CONNOR: Mr. Chair?
 21. CHAIRMAN FOX: Yes, ma'am.
 22. MS. O'CONNOR: Could I make a motion
 23. that the Board recognizes from March 3rd to -- for
 24. purposes of her fine and not go back to January?
 25. Would that be in our authority?

1. MR. BAILEY: Not really.
 2. MS. O'CONNOR: Okay.
 3. MR. BAILEY: I think the Department
 4. has to enforce it --
 5. MS. O'CONNOR: Okay.
 6. MR. BAILEY: -- as they see fit. And
 7. then if the business owner feels like the Department
 8. overstepped its authority in some way --
 9. MS. O'CONNOR: Okay.
 10. MR. BAILEY: -- they would have to
 11. appeal that to the Board.
 12. MS. O'CONNOR: Okay.
 13. MS. HUTTON: Well, I -- you know,
 14. I've been dealing with Mike Hardy, who's been
 15. wonderful. I talked to Ms. Jefferson this morning.
 16. And I -- they've never -- like Ms. Jefferson said --
 17. I think it was Ms. Jefferson. I apologize if I'm
 18. speaking wrong, but, you know, I don't think they
 19. feel like they've got any leeway in making any
 20. different decision than, you know, it was January
 21. and that's that.
 22. Yesterday, I think I was even
 23. given -- told it was 200 and some days. But they
 24. have communicated, you know, effectively with me.
 25. MR. HALE: So when --

1. MR. HARDY: Yeah. That -- excuse me.
 2. That's before we had this discussion in this
 3. meeting --
 4. MS. HUTTON: Okay.
 5. MR. HARDY: -- and recognized your
 6. self-reporting through your e-mail in July.
 7. MS. HUTTON: Okay. Thank you.
 8. MR. FARMER: It's been 98 days since
 9. the last board meeting.
 10. CHAIRMAN FOX: So Mr. Bailey, keep me
 11. honest here. So what, essentially, we need to do is
 12. just say, she must be in compliance in order for
 13. this to work its way through the process. Help me
 14. out here. We just need to make a ruling one way or
 15. the other that she's culpable and she didn't report
 16. and she owes X number of whatever this is, X number
 17. of dollars. And then if we make that -- if we make
 18. that ruling, then she has to come back to us to
 19. appeal that. Is that the process?
 20. MR. BAILEY: No. Really, the
 21. Department has -- they're the enforcers. Whatever.
 22. They're the regulators.
 23. CHAIRMAN FOX: Okay.
 24. MR. BAILEY: So the Department's
 25. going to have to assess her a fine for what they

1. feel were violations of the statute. And if she at
 2. point in time decides -- or feels like the
 3. Department overstepped their boundaries or didn't
 4. follow the law correctly, she can appeal that to the
 5. Board to see if there's some relief or if her -- you
 6. know, if she has some argument that we -- that the
 7. Department didn't follow the law correctly or
 8. overstepped their authority in some way. Or, you
 9. know, that the fine was miscalculated or something
 10. like that. That's the way it's supposed to work.
 11. CHAIRMAN FOX: Okay.
 12. MR. BAILEY: The Board cannot really
 13. get into the actual enforcing -- the regulating-type
 14. part of it, the actual enforcement part of it,
 15. because it -- the statute sets you up also as an
 16. adjudicator. And so I think we need to keep those
 17. functions, you know, separate.
 18. CHAIRMAN FOX: Okay.
 19. MR. BAILEY: So you know, I don't --
 20. CHAIRMAN FOX: So really there's no
 21. action for us to take.
 22. MR. BAILEY: Not really. I mean,
 23. she -- you know, she needs to provide the
 24. information that you requested and she needs to
 25. provide it to the Department, to Mr. Hardy. And

1. then when they investigate those to determine
 2. whether any of those, you know should have been
 3. reported under the way the law was at the time,
 4. then, you know, they'll make a determination as to
 5. whether they were in or out. And if they were in
 6. and should have been reported, then, you know, I
 7. would suggest that if you find something on there
 8. that you felt like should have been reported and has
 9. not been reported, I would contact Ms. Hutton
 10. immediately so that she can report it to stop the
 11. clock running on her immediately.
 12. But at some point in time, all that's
 13. got to be going through -- determine what was --
 14. what were violations, if there were any, and then
 15. if there were, how much does it cost? And if you
 16. think there is a violation, contact her
 17. immediately so that she gets -- you know, get in
 18. compliance right away.
 19. And then in the end, when it's all
 20. been investigated and a final penalty assessed to
 21. her, then that would be when she would be able to
 22. come back to the Board to appeal that penalty
 23. assessment, you know, if she so desires. And then
 24. you all would rule, and then she would have the
 25. right or the Department would have the right,

1. either way, if -- either party, to appeal that
 2. decision to Chancery Court.
 3. CHAIRMAN FOX: Okay. Ms. Hutton, did
 4. you hear his -- hear that conversation?
 5. MS. HUTTON: I did. I did. I'm
 6. going to take what you've given me on these dates,
 7. get my data together, and then I will deal with
 8. Mr. Hardy and Ms. Jefferson, and they will decide
 9. what the fine is. And if I'm not, you know,
 10. satisfied with the outcome, I will tell that to you
 11. guys at your meeting in December.
 12. CHAIRMAN FOX: Okay.
 13. MS. HUTTON: Does that sound
 14. accurate?
 15. CHAIRMAN FOX: Yes, ma'am.
 16. MS. HUTTON: So I just -- can I ask
 17. one more question, and maybe this will go to the
 18. staff, as well. But I know that, you know, I've
 19. been complying and there are many parks in the state
 20. that are still not in compliance. Is this situation
 21. where I'm just kind of being, you know -- not
 22. pardoned, that's a terrible word. But you know,
 23. this is only happening to me because I had, you
 24. know, one person make some false claims or is this
 25. kind of across the board how -- you know, are you

1. all approaching all the trampoline parks with -- you
 2. know, asking for these things?
 3. MR. HARDY: Ms. Hutton, Ms. Hutton.
 4. CHAIRMAN FOX: Ma'am, I'm going to
 5. ask Mr. Hardy to respond.
 6. MS. HUTTON: Okay. Thank you.
 7. MR. HARDY: Ms. Hutton, we're
 8. required to follow up on these tips that we receive
 9. on our tip line. And that's how this whole
 10. communication process was started between you and I.
 11. And then --
 12. MS. HUTTON: Right.
 13. MR. HARDY: -- mainly -- the main
 14. thing that I asked you for was to go back and pull
 15. your records of your accidents for the last fiscal
 16. year and to provide that information to us, and we
 17. haven't yet received any of those reports. Now, the
 18. safety compliance --
 19. MS. HUTTON: Other than the one --
 20. the January one, is --
 21. MR. HARDY: That e-mail. That's
 22. correct.
 23. MS. HUTTON: -- the serious. Yes,
 24. sir.
 25. MR. HARDY: The compliance officers

1. for this unit are sitting in this room, and they are
 2. diligently trying to locate companies that are
 3. continuing to do business in the state that do
 4. not -- that aren't compliant with the law. And we
 5. encourage everyone we talk to and every company to
 6. please send us tips. If you -- you have mentioned
 7. companies that aren't in compliance. Please send us
 8. a tip, an e-mail, and I will guarantee you that this
 9. Unit and these compliance officers will follow up on
 10. those tips.

11. MS. HUTTON: Okay. And just one more
 12. thing. My compliance, obviously -- I never said
 13. this. But it was prior to the -- this, you know,
 14. tip that came. I -- as soon as I knew, I did, you
 15. know, do my best to get into compliance and -- thank
 16. you.

17. MS. O'CONNOR: Ms. Hutton? This is
 18. not --

19. MS. HUTTON: Yes, ma'am.

20. MS. O'CONNOR: This is not, we're out
 21. to get you. This is simply a question of wanting to
 22. keep the public safe. That's all --

23. MS. HUTTON: Certainly.

24. MS. O'CONNOR: -- this is about.

25. CHAIRMAN FOX: Okay. Any other --

1. MS. HUTTON: And I am with you on
 2. that. Absolutely.

3. CHAIRMAN FOX: All right. Any other
 4. comments, questions?

5. MR. MOORER: I just want to get it
 6. clear in my mind what -- the scope or responsibility
 7. of us as a board. I mean, I know we look at the
 8. law. We want to make sure everything's safe. We do
 9. that. But do we also get involved with enforcement
 10. of the law and adjudication of that?

11. CHAIRMAN FOX: I think that's coming
 12. up in the next hour. That -- and I think that's our
 13. next class.

14. MR. MOORER: Okay.

15. CHAIRMAN FOX: Okay. Anything else
 16. for Ms. Hutton?

17. Ms. Hutton, thank you for calling in
 18. today. We look forward to getting the information
 19. that we requested, and hopefully, we can bring
 20. this to a resolution.

21. MS. HUTTON: Thank you. I appreciate
 22. your time.

23. CHAIRMAN FOX: Yes, ma'am. Thank
 24. you.

25. CHAIRMAN FOX: All right.

1. Mr. Thomas --

2. MR. BAILEY: Mr. Chairman, can we
 3. take a break, a short break?

4. CHAIRMAN FOX: Yes, sir.

5. MR. FARMER: I'll be trying to get
 6. ahold of Mr. --

7. CHAIRMAN FOX: Let's take 10, and
 8. we'll try to get ahold of Mr. Lynn. Let's be back
 9. at 20 after.

10. (Recess observed.)

11. CHAIRMAN FOX: All right. We'll call
 12. the meeting back to order. And we will note that on
 13. Item 17-04, Mr. Thomas Mike Lynn, Bounce-A-Bout
 14. Inflatables, we have tried on at least five
 15. occasions to contact him by phone. We obviously had
 16. a little technical difficulty at first, but we've
 17. got that straightened out, and we have tried to
 18. contact him by phone, to no avail. Let's try once
 19. more just because we can.

20. (Whereupon, a conference call was
 21. made and Chairman Fox made a voice message after
 22. there was no answer.)

23. CHAIRMAN FOX: Mr. Lynn, this is
 24. Robbie Fox with the Elevator and Amusement Device
 25. Safety Board. We have tried on numerous times to

1. contact you back, but to no avail. If you would,
 2. please contact the Department and speak to Mr. Hardy
 3. or Ms. Jefferson in reference to the issues at your
 4. convenience. Thank you and bye-bye.

5. Okay. All right. Item Number 11.
 6. Suggested law/rule changes for 2018.

7. Ms. Jefferson, are you going to address that?

8. MS. JEFFERSON: Yes, sir. We've
 9. prepared a number of legislative proposals, and all
 10. the legislative proposals that we prepared were
 11. based on the Board's recommendations from the last
 12. meeting. We submitted all of those proposals to our
 13. legislative liaison. We're just waiting to hear
 14. back from the legislative liaison and the
 15. Department. As you all know, the Department will
 16. decide which proposals that they will submit to the
 17. Governor's Office.

18. And I'll continue to monitor that.
 19. As soon as I hear more, then I will let you all
 20. know. We'll continue to keep you all posted.

21. CHAIRMAN FOX: Is there a drop dead
 22. date on those decisions?

23. MS. JEFFERSON: On those, I know that
 24. a meeting with the Governor's Office is coming up.
 25. I believe it's in September of this month. I can

1. provide you with that date. I don't have that at
2. this time.
3. MR. BAILEY: I think it's September
4. 20th, but I'm not 100 percent sure.
5. MS. JEFFERSON: Okay. And I'll
6. verify that it's September 20th, and I'll let you
7. know for sure.
8. CHAIRMAN FOX: Thank you. All right.
9. And does -- those changes, does that include the fee
10. structure change, as well?
11. MS. JEFFERSON: No. Dan's going to
12. talk about the fee structure.
13. CHAIRMAN FOX: All right.
14. MR. BAILEY: The fee structure is --
15. doesn't require a legislative change. It's -- we
16. can do that by rule, and we have proposed a -- by
17. rule, a fee structure change. And the rulemaking
18. process -- the way it is now, or at least under this
19. administration is, that you first have to get it
20. approved by the Governor's Office. You've got to
21. submit a red-lined version of the proposed rule
22. change and answer six questions that the Governor's
23. Office requires be answered of any proposed rule.
24. I submitted that to the Governor's
25. Office via e-mail July 5th and -- with the

1. responses to the six questions. And so far,
2. there's not been -- they have not been rejected
3. nor approved. They're sitting at the Governor's
4. Office.
5. There was some discussion. The
6. Governor's legal staff wanted to talk. They
7. talked to myself, General Counsel Chance Deason --
8. were you involved -- and Ms. Jefferson about, you
9. know, why we were proposing the fee structure the
10. way we were proposing it and things like that.
11. They had a few questions like that. We answered
12. all their questions. And I think we've answered
13. them satisfactory.
14. They seemed to -- at the end of it,
15. didn't have any more questions, and -- but we
16. haven't -- I don't recall exactly what day that
17. was. I think it was sometime in August, but we
18. have not heard anything since.
19. CHAIRMAN FOX: Is there a definitive
20. date that they have to make a decision?
21. MR. BAILEY: No, sir.
22. CHAIRMAN FOX: Up or down.
23. MR. BAILEY: No, sir.
24. CHAIRMAN FOX: Okay. All right.
25. Anything else under that?

1. All right. Item Number 12,
2. Announcement of Next Meeting. The next regularly
3. scheduled meeting will be held on Tuesday,
4. December 5th at this particular location,
5. 220 French Landing Drive, Nashville, Tennessee.
6. Do I have a motion for adjournment?
7. MR. RADER: So moved.
8. CHAIRMAN FOX: Certainly.
9. END OF PROCEEDINGS.
- 10.
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- 25.

1. CERTIFICATE
- 2.
3. STATE OF TENNESSEE)
4. COUNTY OF WILLIAMSON)
- 5.
6. I, Dominique A. Dubois LCR# 686, Notary
7. Public and Court Reporter, do hereby certify that I
8. have recorded to the best of my skill and ability
9. by machine shorthand all the proceedings in the
10. foregoing transcript, and that said transcript is a
11. true, accurate, and complete transcript to the best
12. of my ability.
13. I further certify that I am not an attorney
14. or counsel of any of the parties, nor a relative or
15. employee of any attorney or counsel connected with
16. the action, nor financially interested in the
17. action.
18. SIGNED this 23rd day of October, 2017.
- 19.
- 20.
21. _____
22. Dominique A. Dubois, LCR# 686
23. Notary Public State at Large
24. My commission expires: 4/9/2018
- 25.

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