

1 STATE OF TENNESSEE
2 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

11 December 8, 2021

12 (via Zoom videoconference)

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

1 APPEARANCES (via Zoom videoconference):

2 Robbie Fox, Chairman
Fixed Amusement Device

3
4 Larry R. Moore, II, Board Member
Owner and Lessees Representative

5 Lewis Moorer, Board Member
Public-at-Large Representative

6
7 Kelly O'Connor, Board Member
Public-at-Large Representative

8 Mitch Rader, Board Member
Insurance Company Representative

9
10 James Roy Pope, Board Member
Traveling Amusement Device Representative

11 Victor LaPorte, Board Member
Manufacturer Representative

12
13 Mike McPherson, State of Tennessee
Elevator Inspector Chief

14 Mike H. Hardy, State of Tennessee
Amusement Device Manager

15
16 Thomas Herrod, State of Tennessee
Assistant Commissioner

17 Daniel Bailey, Esq.
Legal Counsel, State of Tennessee

18
19 Jennifer Murphy, State of Tennessee
Board Secretary, Elevator Unit

20 Jamie Presson, State of Tennessee
Executive Administrative Assistant, WRC

21
22 Candice Haman, State of Tennessee
Administrative Supervisor, Elevator Unit

23 Matthew Grove, State of Tennessee
Legislative Liaison

24

25

1 Appearances continued:

2 Jeffrey Parham
Macy's Department Store

3
4 Chris Farmer
Construction Superintendent, TK Elevator

5 Jason Gregory, IUEC Local 93
Elevator Constructor Business Manager

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7 Stone & George Court Reporting
Nan George, Zoom Moderator
8 Cassandra Beiling, Court Reporter

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

A G E N D A

- 1
2
3 I. Call Meeting to Order
4
5 II. Introductions and Announcements
6
7 III. Adoption of Agenda
8
9 IV. Approval of the September 8, 2021 Minutes
10
11 V. Elevator Unit's Report
12
13 VI. Amusement Device Unit's Report
14
15 VII. Old Business
16 * None
17
18 VIII. New Business
19 * None
20
21 IX. Open Discussion
22 * None
23
24 X. Calendar-Scheduled Board Meetings
25 * March 1, 2022 - 9:00 a.m. (CST)
* June 7, 2022 - 9:00 a.m. (CST)
* September 7, 2022 - 9:00 a.m. (CST)
* December 6, 2022 - 9:00 a.m. (CST)

XI. Adjournment

1 * * * * *

2 CHAIRMAN FOX: We'll call the
3 December 8, 2021 meeting of the Elevator and
4 Amusement Device Safety Board to order.

5 And I believe that we have everyone's
6 name present, except -- we have James Roy, James
7 Roy Pope. He is here with us.

8 And I would entertain a motion to
9 adopt the agenda.

10 MS. O'CONNOR: Mr. Chair, I'm
11 Kelly O'Connor, board member. I will move to
12 adopt the agenda.

13 MR. RADER: Mitch Rader, board
14 member. I will second it.

15 CHAIRMAN FOX: We have a
16 motion and a second. Any discussion?

17 (No verbal response.)

18 CHAIRMAN FOX: Hearing none.

19 All in favor, please announce your
20 name and vote yes or no.

21 MR. MOORER: Lewis Moorer,
22 yes.

23 MS. O'CONNOR: Kelly O'Connor,
24 yes.

25 MR. LaPORTE: Vic LaPorte,

1 yes.

2 MR. MOORE: Larry Moore, yes.

3 MR. RADER: Mitch Rader, yes.

4 CHAIRMAN FOX: James Roy, did

5 you hear us? Were you able to hear us?

6 (No verbal response.)

7 CHAIRMAN FOX: You're back on

8 mute now.

9 MR. POPE: All right. Can you
10 hear me now?

11 CHAIRMAN FOX: Perfect. Yes,
12 sir.

13 MR. POPE: Yes. James Roy
14 Pope, yes.

15 CHAIRMAN FOX: All right. I
16 believe that gets everyone.

17 Larry, good to see you here, brother.

18 All right. Moving right along, Item
19 Number 4, approval of minutes of the December 8,
20 2021 meeting. I would entertain a motion to
21 approve.

22 MS. O'CONNOR: Kelly
23 O'Connor --

24 MR. RADER: Mitch Rader,
25 board --

1 MS. O'CONNOR: Go ahead,
2 Mitch.

3 MR. RADER: I make a motion to
4 approve Item Number 4 as presented.

5 MS. O'CONNOR: Kelly O'Connor.
6 I'll second.

7 CHAIRMAN FOX: We have a
8 motion and a second. Any discussion?

9 (No verbal response.)

10 CHAIRMAN FOX: Hearing none,
11 all in favor, please state your name and vote yes
12 or no.

13 MR. MOORER: Lewis Moorer,
14 yes.

15 MR. LaPORTE: Vic LaPorte,
16 yes.

17 MS. O'CONNOR: Kelly O'Connor,
18 yes.

19 CHAIRMAN FOX: James Roy,
20 you're muted.

21 There you go.

22 MR. POPE: James Roy Pope,
23 yes.

24 MR. MOORE: Larry Moore, yes.

25 MR. RADER: Mitch Rader, yes.

1 CHAIRMAN FOX: Okay. Next
2 item on the agenda is the Elevator Unit Report.

3 Mr. McPherson?

4 MR. MCPHERSON: Hello,
5 everybody. I'm going to share that. Can
6 everybody see that?

7 CHAIRMAN FOX: Are you trying
8 to share on the screen?

9 MR. MCPHERSON: I am. Do you
10 see that?

11 CHAIRMAN FOX: No, sir, I
12 don't. Some of the rest of them may, but I don't.

13 MR. RADER: No, I don't.

14 CHAIRMAN FOX: Now we do.

15 MR. MCPHERSON: All right.

16 Here we go.

17 All right. I've got a few little
18 stats there for you with a little chart as well.
19 I'll start with -- the last meeting, I know I had
20 a bad connection, so there was a question that I
21 couldn't hear or answer that was pertaining to the
22 cabins or whatnot in Gatlinburg and other areas
23 that were residential areas operating
24 commercially, possibly, with elevators.

25 So we did have a couple reported and

1 we did investigate those and found those to be
2 operating in compliance. So we will continue to
3 keep our ears and eyes open, and also if we hear
4 anything, we definitely will go check those and
5 make sure they are compliant.

6 So other than that, Elevator
7 Unit-wise, we are working with 31 inspectors now,
8 and we have a possibility of having 34, so we're
9 still a few short. We're doing better. We're
10 interviewing to fill our inspector assistant
11 position. And this is a position that gives
12 someone -- it's kind of like an apprenticeship, so
13 giving someone an opportunity that may have a
14 mechanical background but not necessarily elevator
15 specific.

16 So we've tried this once and it's
17 worked out pretty well, so we're looking forward
18 to hopefully bringing someone aboard over here
19 shortly.

20 Tennessee has a total of 15,797
21 conveyances today across the state. And we're
22 still -- once again, we're growing. To date, we
23 have done 26,929 inspections. And actually, this
24 time last year to date, we had done 24,738, I
25 think, if I'm reading right. So we're still

1 growing and catching up our delinquent units as
2 well.

3 We have a better delinquency rate.
4 We're at 4 percent, and this time last year we
5 were at 7-1/2 percent. So we're still doing real
6 well there, too, as well.

7 We also -- we had no serious
8 incidents to report either.

9 So if anyone has any questions, I'll
10 be happy to answer what I can.

11 CHAIRMAN FOX: May I ask one
12 question?

13 MR. McPHERSON: Yes, sir.

14 CHAIRMAN FOX: What does a new
15 inspector start off at salary wise?

16 MR. McPHERSON: Inspector I, I
17 think we are at \$3,300 or \$3,500 a month. I think
18 Tom might be able to better keep up with that more
19 so than I do.

20 CHAIRMAN FOX: That's fine.

21 MR. McPHERSON: We're close to
22 that area, yes.

23 MR. HERROD: Chairman Fox,
24 we're working with the Commissioner. Dr. Jeff
25 McCord is working along with our HR department in

1 trying to get those salaries up considerably, so
2 that's in the works. But I can't give you an
3 estimate of when that might happen.

4 But we are losing opportunities with
5 some people who would like to come to work for us
6 but not at that salary. So we're trying to work
7 within the system, and it's a challenge, to say
8 the least.

9 But I think next year, 2022, we'll be
10 able to get salaries up and we'll be able to fill
11 those additional positions that are vacant at this
12 time.

13 CHAIRMAN FOX: Good. Thank
14 you very much. Thank you.

15 All right. Anything else,
16 Mr. McPherson?

17 MR. MCPHERSON: No, sir.
18 That's it.

19 CHAIRMAN FOX: All right. If
20 you will, I guess, unshare the screen, we will go
21 on to the Amusement Device Unit Report.

22 MR. MCPHERSON: I'm trying to
23 do that here.

24 MR. HARDY: Mike, could you
25 unshare your screen so I can throw mine up there?

1 MR. McPHERSON: I'm not trying
2 to be a screen hog here. I've got my screen
3 messed up here and I can't get it to go away.

4 CHAIRMAN FOX: Mr. Hardy, if
5 you will, just see if you can come in over the top
6 of it. I don't know enough about this system to
7 tell you one way or the other.

8 MR. HARDY: It says I can't
9 share the screen while other participant is
10 sharing, so...

11 CHAIRMAN FOX: Okay.

12 MR. HARDY: We'll just go
13 ahead.

14 MR. HERROD: Well, hold on.

15 CHAIRMAN FOX: Hold on.

16 MR. HERROD: Hold on just a
17 minute, Mr. Hardy.

18 MR. HARDY: All right.

19 MR. HERROD: Help is on the
20 way.

21 MR. HARDY: Okay. Great.

22 CHAIRMAN FOX: Now we're
23 getting it.

24 MR. HERROD: Okay. Thank you,
25 sir.

1 MR. HARDY: Am I up now?

2 MS. O'CONNOR: Yes.

3 CHAIRMAN FOX: You're up.

4 MR. HARDY: Okay. Operating
5 permits issued. Thus far, we've issued
6 148 permits.

7 And Tom wanted us to add a feature on
8 our graphs with projections.

9 MR. HERROD: Can you share
10 that, Mr. Hardy?

11 MR. HARDY: Can I...

12 MR. HERROD: Do you have that
13 where you can show it on the screen for everybody?

14 MR. HARDY: I thought we were
15 there. Hang on.

16 MR. HERROD: I don't see it.

17 CHAIRMAN FOX: I don't either.

18 MR. HERROD: You'll have to
19 start over.

20 Jamie, can you go assist Mr. Hardy?

21 MR. HARDY: I'm sorry about
22 the technical difficulties. But anyway, we've
23 issued 148 permits thus far in this fiscal year of
24 2022.

25 Tom, we looked over the graphs this

1 week, and he thought it would be a good idea for
2 us to introduce a projection. So based on the
3 numbers, where we are right now, well, we're
4 projected at 350. Which if that holds, that will
5 surpass our numbers from last year.

6 New permits issued, we have already
7 surpassed last year's number with 36 new
8 companies. And we're estimated at 85, which if
9 that holds, we will surpass our 2020, as far as
10 new companies permitted.

11 Of course, you can see the dips in
12 COVID, how it's affected the amusement industry,
13 but we feel like we're bouncing back here.

14 Total devices inspected so far, we've
15 had 1,343 inspections turned in for registering
16 devices. Our projection for 2022 is at 3,174.

17 Now, this next graph, we did not show
18 anything prior to 2020. This is our reportable
19 accidents from 2020 up to present day. And if you
20 will remember on the graph, the years prior to
21 2020 had the trampoline park incidents or
22 accidents in there, and we're handling those a
23 little bit different now. So these numbers, it's
24 more of an apple-to-apple comparison.

25 And here is the breakdown of the

1 accidents or incidents that we've had for the last
2 three years. Of course, we had four in 2020,
3 three in fiscal year 2021, and we've had three
4 reportables thus far this year.

5 One involving a fixed ride in the
6 Pigeon Forge area, it was involving an operator
7 and not a patron. And we had a mechanical
8 malfunction that could have been bad. We didn't
9 have a transport or a serious injury or illness
10 due to this, but due to the mechanical failure of
11 the zip line track in a trampoline park, we
12 recorded that as a reportable. We had the company
13 to secure a third-party inspection before we
14 allowed that attraction to reopen.

15 The last one you see is a speed
16 climb. It's a climbing pole, not a climbing wall.
17 And we had a patron deglove a finger. Had a ring
18 caught and it caught something on the pole on her
19 descent, and we had a finger amputation there.

20 So this company was also advised that
21 they needed to shut down the device and get a
22 third-party inspection in there. And there were
23 various modifications on the pole and a
24 reinspection by a certified third-party inspector.
25 And we cleared that one.

1 I have one more thing, if I can.
2 I'll just go over it real quick. But for the last
3 three years, this is basically our breakdown of
4 what we've had as far as reportable accidents.
5 This graph right here is not in your packets, but
6 if you'd like to see it, I think Jennifer can
7 email that to each of you individually.

8 And the only other thing that I have
9 to report for the Amusement Device Unit, we made a
10 little minor website modification to allow our
11 users to navigate across the site more easily.
12 Things like permitting and annual fees and report
13 an accident, when you hit our homepage now, it
14 kind of jumps right out at you. So there
15 shouldn't be any navigational issues for our
16 customers and patrons there.

17 And the unit is preparing to attend
18 the NAARSO Safety Conference to obtain our
19 recertifications and any new certifications under
20 inspection and operations there.

21 So that's kind of where we are, and I
22 would be glad to entertain any questions that you
23 might have.

24 CHAIRMAN FOX: Any questions
25 for Mr. Hardy?

1 (No verbal response.)

2 CHAIRMAN FOX: I like what
3 you've done with the graphs, Mr. Hardy. That is
4 informative, and I appreciate that.

5 MR. HARDY: Thank you.

6 CHAIRMAN FOX: Okay. Anything
7 else for him?

8 (No verbal response.)

9 CHAIRMAN FOX: All right.
10 Moving on to old business. Mr. Herrod, is there
11 anything that we need to take care of?

12 MR. HERROD: Mr. Chairman, I
13 don't think there's anything that we have on that
14 we need to discuss any further.

15 I do have, looks like, three people
16 on the Zoom call, on the Zoom, that have not
17 either put their name in or announced their
18 position. If I think -- as I call their names, if
19 they can either tell us verbally or type it in the
20 chat box.

21 Chris Farmer?

22 MR. FARMER: Good morning,
23 guys. How are you-all doing?

24 MS. O'CONNOR: Hey, Chris.

25 MR. FARMER: It's good to see

1 everyone. Just jumping on, keeping up with the
2 latest.

3 MR. HERROD: Okay. Hey,
4 Chris, would you announce your position or your
5 title?

6 MR. FARMER: Yes. I'm
7 Construction Superintendent for TK Elevator.

8 MR. HERROD: Okay. That's
9 Chris Farmer.

10 Then Candice?

11 MS. HAMAN: I'm the admin
12 supervisor for the elevator unit.

13 MR. HERROD: Can you repeat
14 that?

15 MS. HAMAN: The administrative
16 supervisor for the elevator unit.

17 MR. HERROD: Okay. I'm sorry,
18 Candice.

19 THE REPORTER: What's her last
20 name?

21 MR. HERROD: Can you type that
22 in for me, please, in the chat box?

23 THE REPORTER: And her last
24 name?

25 MR. HERROD: Haman.

1 H-A-M-A-N. H-A-M-A-N. Elevator unit
2 administrative secretary.

3 And then Jeff?

4 MR. PARHAM: Yes. Jeff Parham
5 with Macy's Department Stores. I'm actually out
6 of Atlanta, but I thought I would attend the
7 meeting and see how everything was going.

8 MR. HERROD: Are you able to
9 type that in or -- are you on a computer or a
10 phone?

11 MR. PARHAM: A computer.

12 MR. HERROD: Can you go to the
13 chat box and type in your name and position,
14 please?

15 Okay. Chairman Fox, I think that
16 clears up some unfinished business there.

17 MS. MURPHY: We have Jason
18 Gregory also, Mr. Herrod.

19 MR. GREGORY: Jason Gregory,
20 Elevator Construction business manager.

21 MR. HERROD: Can you type that
22 in, please, in the chat box?

23 MR. GREGORY: Yes.

24 MR. HERROD: All right,
25 Chairman Fox. Thank you.

1 CHAIRMAN FOX: I believe --
2 okay. Thank you.

3 There's nothing under new business.
4 There's no items for open discussion. And the
5 next item would be Number 10, our calendar. Are
6 the dates amenable to everyone?

7 (No verbal response.)

8 CHAIRMAN FOX: So say you one,
9 so say you all.

10 (No verbal response.)

11 CHAIRMAN FOX: I'm going to
12 say that all hearts and minds are clear.

13 All right. Do I have a motion for
14 adjournment?

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

17 MR. RADER: Second. Mitch
18 Rader.

19 CHAIRMAN FOX: Okay. And with
20 that, I'll wish you-all a merry Christmas and a
21 very prosperous and happy New Year.

22 END OF PROCEEDINGS.

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C E R T I F I C A T E

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

I, Cassandra M. Beiling, a Notary Public
in the State of Tennessee, do hereby certify:

That the within is a true and accurate
transcript of the proceedings taken before the
Elevator and Amusement Device Safety Board and the
Chief Inspector or the Chief Inspector's Designee,
Tennessee Department of Labor and Workforce
Development, Division of Workplace Regulations and
Compliance, Elevator and Amusement Device Unit, on
the 8th day of December, 2021.

I further certify that I am not related to
any of the parties to this action, by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 21st day of December, 2021.



Cassandra M. Beiling

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

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