

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 March 1, 2022

12 (via Zoom Videoconference)

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18 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 David Hale, Board Member
Tennessee Fair Association Representative
5
6 Larry R. Moore, II, Board Member
Owner and Lessees Representative
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8 Lewis Moorer, Board Member
Public-at-Large Representative
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10 Kelly O'Connor, Board Member
Public-at-Large Representative
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12 Mitch Rader, Board Member
Insurance Company Representative
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14 James Roy Pope, Board Member
Traveling Amusement Device Representative
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16 Victor LaPorte, Board Member
Manufacturer Representative
17
18 Mike McPherson, State of Tennessee
Elevator Inspector Chief
19
20 Mike H. Hardy, State of Tennessee
Amusement Device Manager
21
22 Thomas Herrod, State of Tennessee
Assistant Commissioner
23
24 Daniel Bailey, Esq.
Legal Counsel, State of Tennessee
25
26 Dewayne Scott, State of Tennessee
Deputy Commissioner
27
28 Jennifer Murphy, State of Tennessee
Board Secretary, Amusement Device Unit
29
30 Jamie Diefenbach, State of Tennessee
Executive Administrative Assistant, WRC
31
32

1 Appearances continued:

2 Chris Farmer
Construction Superintendent, TK Elevator

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4 Steven Vance
CBRE/JC Penney account

5 Stone & George Court Reporting
Nan George, Zoom Moderator
6 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 December 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 * June 7, 2022 - 9:00 a.m. (CDT)
* September 7, 2022 - 9:00 a.m. (CDT)
* December 6, 2022 - 9:00 a.m. (CDT)
XI. Adjournment

1 * * * * *

2 CHAIRMAN FOX: We will call
3 the March 1st, 2022 meeting of the Elevator and
4 Amusement Device Safety Board to order.

5 Introductions and announcements.
6 Mr. Herrod?

7 MR. HERROD: Tom Herrod,
8 Assistant Commissioner, WRC.

9 CHAIRMAN FOX: James Roy?
10 MR. POPE: James Roy Pope,
11 board member.

12 CHAIRMAN FOX: Ms. Murphy?
13 MS. MURPHY: Jennifer Murphy,
14 board secretary.

15 CHAIRMAN FOX: Mr. LaPorte?
16 MR. LaPORTE: Vic LaPorte,
17 board member.

18 CHAIRMAN FOX: Mr. Hale?
19 MR. HALE: David Hale, board
20 member.

21 CHAIRMAN FOX: Mr. McPherson?
22 MR. McPHERSON: Mike
23 McPherson, Chief Elevator Inspector.

24 CHAIRMAN FOX: Ms. Diefenbach?
25 MS. DIEFENBACH: Jamie

1 Diefenbach, executive admin assistant, WRC.

2 CHAIRMAN FOX: Mr. Rader?

3 MR. RADER: Mitch Rader, board
4 member.

5 CHAIRMAN FOX: Mr. Hardy?

6 MR. HARDY: Mike Hardy,
7 Amusement Device Unit manager.

8 CHAIRMAN FOX: Ms. O'Connor?

9 MS. O'CONNOR: Kelly O'Connor,
10 board member.

11 CHAIRMAN FOX: Mr. Moore?

12 MR. MOORE: Larry Moore, board
13 member.

14 CHAIRMAN FOX: Ms. George?

15 MS. GEORGE: Nan George, Zoom
16 moderator and with Stone & George Court Reporting.

17 CHAIRMAN FOX: Mr. Moorer?

18 MR. MOORER: Lewis Moorer,
19 board member.

20 CHAIRMAN FOX: Mr. Bailey?

21 MR. BAILEY: Dan Bailey, legal
22 counsel.

23 CHAIRMAN FOX: Ms. Beiling?

24 THE REPORTER: Cassandra
25 Beiling, Stone & George Court Reporting.

1 CHAIRMAN FOX: And Mr. Farmer?

2 MR. FARMER: Chris Farmer,

3 TK Elevator.

4 CHAIRMAN FOX: All right.

5 Moving right along. I would entertain a motion to

6 adopt the agenda.

7 MR. RADER: So moved. This is

8 Mitch Rader.

9 MS. O'CONNOR: Kelly O'Connor.

10 Second.

11 CHAIRMAN FOX: I have a motion

12 and a second. Any discussion?

13 (No verbal response.)

14 CHAIRMAN FOX: Hearing none,

15 all in favor of the motion let it be known by

16 saying aye.

17 (Affirmative response.)

18 CHAIRMAN FOX: All opposed,

19 like sign and identify.

20 (No verbal response.)

21 CHAIRMAN FOX: Okay. Approval

22 of the meeting minutes for the December 8, 2021

23 meeting, I would entertain a motion to approve.

24 MR. POPE: Motion. James Roy

25 Pope.

1 MS. O'CONNOR: Kelly O'Connor.
2 Second.

3 CHAIRMAN FOX: We have a
4 motion and a second. Any discussion?

5 (No verbal response.)

6 CHAIRMAN FOX: Hearing none,
7 all in favor of the motion let it be known by
8 saying aye.

9 (Affirmative response.)

10 CHAIRMAN FOX: All opposed,
11 like sign and identify, please.

12 (No verbal response.)

13 CHAIRMAN FOX: Moving right
14 along to the Elevator Unit's report.

15 Mr. McPherson?

16 MR. MCPHERSON: Yes, sir.
17 Mike McPherson, Chief Elevator Inspector.

18 I'll give you some stats and then a
19 little update.

20 MS. DIEFENBACH: Hold on just
21 a minute, Mike.

22 Nan, can you let me share the screen?

23 MS. GEORGE: Yes. Okay. You
24 should be able to now.

25 MR. MCPHERSON: Let me give

1 you the stats on the reports -- update, I should
2 say. We've got 15,875 total permitted conveyances
3 across the state. We are still working hard to
4 get our delinquents up; however, we are improving.
5 We've got a total of 625 across the state, which
6 is 3.9 percent. Actually, 13 percent of that is
7 still under kind of a protocol where we cannot
8 access those quite yet.

9 We have 468 new-construction
10 permits -- actually, new-construction pending
11 across the state; 45 that are actually operating
12 on temporary construction use.

13 We are operating with 29 inspectors,
14 including -- not including, but myself and also
15 our assistant chief, Mr. James Steele.

16 We do have a new inspector starting
17 next Monday, so I would add two. Like I said, the
18 state of Tennessee still is growing. Nashville
19 still is your busiest area.

20 The area, actually, downtown where
21 the Christmas bomb went off in 2020, they are
22 really working hard in cleaning that up. We'll be
23 happy to see Second Avenue back up and running.

24 On the accidents and incidents, we're
25 always proud to say we don't have many of those.

1 Like I said, we have a lot that happens at busy
2 places like Opryland Hotel or the airport or bus
3 station where luggage and other things may cause a
4 tripping hazard or -- that's mainly on an
5 escalator or an elevator not quite leveling
6 correctly. But those are the type of incidents
7 and accidents that we do have reported that
8 aren't, you know, life-threatening by no means.

9 Our goal is always helping educate
10 the riding public and to protect them and our
11 customers in the state of Tennessee.

12 That is our March elevator report.

13 CHAIRMAN FOX: Okay. Any
14 questions from the group?

15 (No verbal response.)

16 CHAIRMAN FOX: Okay. Thank
17 you, Mr. McPherson.

18 MR. MCPHERSON: Thank you.

19 CHAIRMAN FOX: And we'll move
20 to the Amusement Device Unit report.

21 MR. HARDY: Mike Hardy, State
22 of Tennessee Amusement Device Unit manager. And
23 thanks to Jamie for presenting our slides today.
24 It takes a little away from Mike and Mike for
25 doing that.

1 But anyway, the first slide that you
2 see is our total operating permits that we've
3 issued thus far this fiscal year. We're currently
4 at 207. Last year, we ended at 333, and if you
5 see our projection on the far right, it's at 317.
6 I personally believe that we're going to surpass
7 last year's number due to the activity that we're
8 hearing.

9 And some of the companies that we
10 believe are going to come in, traveling carnivals,
11 things of that nature, that are going to operate
12 more this year than they did during the last
13 fiscal year.

14 Next slide. New operating permits
15 issued, we're at 40, currently. Last year, we
16 issued 33 operating permits to new companies,
17 first-time permits. And that projection goes to
18 61 for the end of this fiscal year.

19 Devices inspected, which pretty much
20 parallels our total number of companies that have
21 obtained operating permits thus far, we have -- we
22 have registered or had 1,722 devices inspected so
23 far this year. That projection is 2,633 which
24 closely resembles the numbers that we had in '21.

25 But again, I'm confident. I think

1 we'll surpass those 2021 numbers. I think we'll
2 have a busy last quarter of the fiscal year.

3 Reportable accidents, we finished
4 fiscal year '21 with three, and right now we stand
5 at three as well.

6 The next slide gives a breakdown. I
7 think this is a new slide that we've added to give
8 basically a description. So in 2022, we had a
9 kiddie ride, which was mainly an operator -- it
10 was not a mechanical error; it was mainly an
11 operator error. But we deemed this as a
12 reportable, and allowed the company to give us
13 their procedures and to discuss what they could --
14 what kind of corrective actions they could put in
15 place to keep this kind of incident from happening
16 again.

17 We've had -- in a trampoline park,
18 there's a ninja course, we had a sky rider --
19 which is actually a zip line coaster within the
20 trampoline park -- we had a patron that was coming
21 into a landing area, and as she came into the
22 landing area and operators or attendants were
23 catching her there as they normally do, part of
24 the track fell from the ceiling.

25 No one was injured here, but

1 obviously we had to deem this as a reportable.
2 That flaw in the track was corrected and we issued
3 a business resumption notice.

4 The last accident that we had was
5 involving a speed climb or a climbing pole where a
6 patron's finger -- she had a ring on her finger
7 and that finger was degloved as she came in on the
8 pole there. So we issued a cease and desist for
9 that device.

10 The device was completely gone over,
11 pinch points and things of that nature were looked
12 at individually. They were corrected and along
13 with some criteria that the company added such as
14 a recommendation that no hand jewelry be worn
15 while using the device and signage of that nature.

16 So we're equal to the number of
17 reportables that we had in fiscal year 2021. I
18 hope we don't have any more but we're monitoring,
19 and it seems like the companies are -- most of the
20 companies are aware of the requirements for
21 accident reporting, and we handle those, again, on
22 a case-to-case basis.

23 A couple more things regarding the
24 Amusement Device Unit. We have B.E.A.D.S, our new
25 database software that's on the horizon. We're

1 working with Jamie and a group there. I think
2 we're next in line to convert our database
3 software.

4 I think it will be much better once
5 we get this in place, but it will take some time
6 as we go through that and get it where we need it
7 to be.

8 All members of the Unit attended the
9 NAARSO safety forum in January of '22.
10 Certifications that we had obtained previously
11 were retained.

12 And we are leaving after the meeting
13 today. Dollywood undergoes their annual
14 inspections this time of year, and we typically go
15 over there and observe those inspections and
16 finish up all the paperwork that is needed for
17 permit renewal for Dollywood.

18 And that's really all I have right
19 now, but I would be more than glad to try to
20 answer any questions that you may have.

21 MS. O'CONNOR: Mr. Hardy --
22 this is Kelly O'Connor -- I have a question for
23 you or perhaps Chairman Fox. And this has nothing
24 to do with what you just reported on. But out of
25 curiosity's sake, who -- is there any permitting

1 process by anybody for water rides, like water
2 parks like Nashville Shores?

3 MR. HARDY: That may be a
4 better question for Chairman Fox because we do not
5 regulate water parks. Wave pools are specifically
6 exempt within the law. And we consider most of
7 the water parks to fall under that umbrella.

8 MS. O'CONNOR: I knew that it
9 didn't fall under us. I was just curious if there
10 was somebody else it fell under.

11 CHAIRMAN FOX: Ms. O'Connor,
12 there are no organizations that have inspection
13 authority over those water rides. There's
14 movement afoot to do that, but it has not come to
15 pass yet as we sit.

16 MS. O'CONNOR: So currently,
17 they're uninspected and unpermitted, and it's the
18 wild west.

19 CHAIRMAN FOX: Well, yes and
20 no. They are unpermitted. But in most cases,
21 your insurance company is going to have someone
22 who comes to inspect those rides. I'll leave it
23 at that.

24 MS. O'CONNOR: Okay. Thank
25 you very much.

1 MR. BAILEY: Mr. Chairman?

2 CHAIRMAN FOX: Yes, sir.

3 MR. BAILEY: I just wanted to
4 add to that that if it's any type of a public pool
5 type place, the Department of Health does -- they
6 do -- they don't inspect the rides, but they
7 certainly make sure the water quality is where
8 people can swim in it.

9 MS. O'CONNOR: Right.

10 CHAIRMAN FOX: Yes, they do.

11 MS. O'CONNOR: Thank you,
12 Mr. Bailey.

13 CHAIRMAN FOX: Any other
14 questions?

15 (No verbal response.)

16 CHAIRMAN FOX: Okay. Good
17 report, Mr. Hardy.

18 Good report, Mr. McPherson.

19 Like I did Mr. Hardy one time, he's
20 got charts and graphs, Mr. McPherson, just in case
21 you were wondering, with numbers on them.

22 MR. MCPHERSON: I hear you.

23 CHAIRMAN FOX: Okay. Going to
24 Old Business, there is no old business.

25 Under Item 8, no New Business.

1 We have Open Discussion. Mr. Herrod,
2 is there anything we need to talk about, sir?

3 MR. HERROD: Mr. Chairman, I
4 know of no items at this point for either
5 Amusement Device or Elevator, but I will throw it
6 open to the Unit managers for that.

7 Mr. McPherson, do you have anything?

8 MR. MCPHERSON: I don't have
9 anything at this time.

10 MR. HERROD: All right.
11 Mr. Hardy?

12 MR. HARDY: No, sir, other
13 than our pending Dollywood inspection observance
14 and our B.E.A.D.S database software, I mentioned
15 earlier, that we're going to tackle in the future.

16 CHAIRMAN FOX: Okay. Anything
17 from the Board that we need to talk about?

18 MR. HERROD: Mr. Chairman, it
19 looks like we've had one other gentleman join us
20 here.

21 CHAIRMAN FOX: Mr. Vance,
22 Steven Vance?

23 MR. HERROD: If you would
24 introduce yourself and put your position in the
25 chat box for us.

1 MR. VANCE: Yes. Good
2 morning. I'm Steven Vance. I'm with CBRE
3 JC Penney account just sitting in to kind of get
4 updates on the elevator codes.

5 CHAIRMAN FOX: We're glad to
6 have you, Mr. Vance. This is Robbie Fox. We're
7 glad to have you but we're just about ready to
8 conclude.

9 MR. VANCE: Okay. Well,
10 that's fine.

11 CHAIRMAN FOX: Just so you're
12 aware.

13 Okay. Next item would be our
14 scheduled board meetings for 2022. The next one
15 would be June the 7th, 2022, 9:00 a.m. Central
16 Daylight time. The following one, September 7th,
17 2022, 9:00 a.m. Central Daylight time, and
18 December the 6th, 2022, 9:00 a.m. Central Standard
19 time.

20 So with all of that being said, I
21 would move for a motion to adjourn.

22 MS. O'CONNOR: Kelly O'Connor.
23 I move to adjourn.

24 MR. HALE: Second.

25 CHAIRMAN FOX: And we have a

1 second. Without objection, we are adjourned.

2 END OF PROCEEDINGS.

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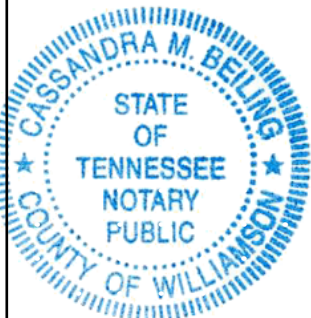
STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

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 1st day of March, 2022.

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 28th day of March, 2022.



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

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