

FOR THE CASE OF  
Elevator & Amusement Device Safety Board  
Meeting

TRANSCRIPT OF  
December Board Meeting

December 5, 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. December 5, 2017  
 13. BEFORE: Robbie Fox, Chairman  
 14.  
 15.  
 16.  
 17.  
 18.  
 19.  
 20.  
 21.  
 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 5th day of December, 2017,  
 3. before The Elevator & Amusement Device Safety  
 4. Board at 220 French Landing Drive, TOSHA Room, 1st  
 5. Floor, Nashville, Tennessee, when and where the  
 6. following proceedings were had, to wit:  
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1. APPEARANCES  
 2.  
 3. Robbie Fox, Chairman  
 4. Mitch H. Rader, Board Member, Insurance Company  
 Representative.  
 5.  
 6. Kelly O'Connor, Board Member, Public at Large  
 Representative  
 7. Lewis Moorer, Jr., Board Member, Public at Large  
 Representative  
 8.  
 9. David Hale, Board Member, Tennessee Fair Association  
 Representative.  
 10. Larry R. Moore, III, Board Member, Owner & Lessee  
 Representative  
 11.  
 12. James Roy Pope, Board Member, Traveling Amusement  
 Device Representative  
 13. Chris Farmer, Elevator Inspector Supervisor  
 14. Mike H. Hardy, Amusement Device Manager  
 15. Kim Jefferson, Esq., Administrator  
 16. Dan Bailey, Esq., Legal Counsel  
 17. Carlene T. Bennett, Board Secretary  
 18. Don Stock, Adventure Guild  
 19. Chance Deason, Esq., Department of Labor and  
 Workforce Development  
 20.  
 21. Rodney Todd, Boy Scouts of America  
 22.  
 23. Jennifer Murphy, Department of Labor and Workforce  
 Development  
 24. David Whyel, Department of Labor and Workforce  
 Development  
 25.  
 26. Kevin Klutts, Department of Labor and Workforce  
 Development

1. Anita Rhodes, Department of Labor and Workforce  
 Development  
 2.  
 3. Heather Brown, Department of Labor and Workforce  
 Development  
 4. Chris Cannon, Department of Labor and Workforce  
 Development  
 5.  
 6. Chris Brantley, Department of Labor and Workforce  
 Development  
 7. Lynn Kirby, WRC Administration  
 8. Adam Johnson, The Island  
 9.  
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1. AGENDA
2. I. Call Meeting to Order
3. II. Introductions
4. III. Pledge
5. IV. Adoption of Agenda
6. V. Announcements
7. VI. Approval of the September 12, 2017 Meeting Minutes
- 8.
9. VII. Elevator Unit's Report
10. VIII. Amusement Device Unit's Report
11. IX. Old Business
12. \* 17-04
13. X. New Business
14. \* 17-05
15. XI. Discussion Items
16. \* Tentative meeting dates for 2018
17. XII. 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, March 13, 2018, at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.
- 18.
- 19.
- 20.
21. XIII. Adjournment
- 22.
- 23.
- 24.
- 25.

1. MR. TODD: Rodney Todd, Boy Scout area representative.
- 2.
3. MS. MURPHY: Jennifer Murphy, Amusement Device Unit.
- 4.
5. MR. WHYEL: David Whyel, compliance officer.
- 6.
7. MR. KLUTTS: Kevin Klutts, compliance officer.
- 8.
9. MS. BROWN: Heather Brown, Commissioner's office.
- 10.
11. MS. RHODES: Anita Rhodes, Elevator Unit.
- 12.
13. MS. KIRBY: Lynn Kirby, WRC administration.
- 14.
15. MR. CANNON: Chris Cannon, Workforce Development in the Department.
- 16.
17. MR. BRANTLEY: Chris Brantley, communications.
- 18.
19. MR. JOHNSON: Adam Johnson --
20. THE REPORTER: I'm sorry, what was the end of that?
- 21.
22. MR. JOHNSON: Adam Johnson.
23. THE REPORTER: Okay. I didn't hear what you said after that.
- 24.
25. MR. JOHNSON: Oh, just the Island in

1. PROCEEDINGS
2. CHAIRMAN FOX: We will call the Elevator and Amusement Device Safety Board meeting for December the 5th, 2017, to order. We will start by doing the introductions, and Carlene, I'd say you're up.
- 3.
- 4.
- 5.
- 6.
7. MS. BENNETT: Carlene Bennett. I'm with WRC, Amusement Device Unit.
- 8.
9. MR. HARDY: Mike Hardy, WRC. I'm the Amusement Device manager.
- 10.
11. MR. FARMER: Chris Farmer, representing the Elevator Unit.
- 12.
13. MR. MOORER: Lewis Moorer.
14. MR. HALE: David Hale.
15. CHAIRMAN FOX: Robbie Fox.
16. MR. RADER: Mitch Rader, Board member.
- 17.
18. MR. MOORE: Larry Moore.
19. MS. O'CONNOR: Kelly O'Connor.
20. MR. POPE: James Roy Pope, Board member.
- 21.
22. MS. JEFFERSON: Kim Jefferson, Assistant Commissioner.
- 23.
24. MR. BAILEY: Dan Bailey, legal counsel.
- 25.

1. Pigeon Forge, is just where I work at.
2. MS. BENNETT: The Island.
3. THE REPORTER: Okay. Thank you.
4. CHAIRMAN FOX: He works for the Island.
- 5.
6. THE REPORTER: Okay. Thank you.
7. CHAIRMAN FOX: Okay. If you all will, please stand. We'll do the pledge. Mitch, if you would do the honors, please?
- 8.
- 9.
10. (Pledge of Allegiance recited by
11. all.)
12. CHAIRMAN FOX: Thank you. Okay. As part of the process, we -- Item Number 4, we need to -- I would entertain a motion to adopt the agenda for today.
- 13.
- 14.
- 15.
16. MR. HALE: So moved.
17. CHAIRMAN FOX: We have a motion.
18. MR. RADER: Second.
19. CHAIRMAN FOX: And we have a second. Any discussion? All in favor of the motion, let it be known by saying "aye."
- 20.
- 21.
22. MR. HALE: Aye.
23. MR. RADER: Aye.
24. MR. MOORE: Aye.
25. MS. O'CONNOR: Aye.

Page 9

1. MR. POPE: Aye.  
2. MR. MOORER: Aye.  
3. CHAIRMAN FOX: All opposed, like  
4. sign.  
5. Announcements. In the event of an  
6. emergency or natural disaster, security personnel  
7. will take attendees to a safe place in the  
8. building or direct them to exit the building on  
9. the Rosa Parks side. And I always ask the  
10. question, which side is that? It's on the --  
11. okay.  
12. Item number 6. You have the minutes  
13. of the September 12th meeting before you. I would  
14. entertain a motion to approve those minutes.  
15. MR. RADER: So moved.  
16. CHAIRMAN FOX: We have a motion.  
17. MR. HALE: Second.  
18. CHAIRMAN FOX: I was eagerly awaiting  
19. a second on that. Any discussion? There being  
20. none, all in favor of the motion, let it be known by  
21. saying "aye."  
22. MR. RADER: Aye.  
23. MR. MOORE: Aye.  
24. MS. O'CONNOR: Aye.  
25. MR. POPE: Aye.

Page 10

1. MR. HALE: Aye.  
2. MR. MOORER: Aye.  
3. CHAIRMAN FOX: All opposed, like  
4. sign. All right. So we're moving along to the  
5. Elevator Unit's report. Mr. Farmer?  
6. MR. FARMER: All right. I'll go over  
7. some of the things that we're working on. And from  
8. our staff, we currently do have 25 field inspectors,  
9. and myself as their supervisor. We do have two  
10. openings for inspectors. One in East and one in  
11. Middle. We hope that the 1st of the year -- to help  
12. them to register and get them hired in by probably  
13. February, mid-February. We've got some good  
14. candidates calling in, so hopefully, we'll have a  
15. bunch of people to interview.  
16. We're working on -- in the Unit, we  
17. are getting a new computer system, which is good.  
18. Our current system has a large operating cost, so  
19. that will -- it's good for tax payers. It's going  
20. to cut down on some costs. We are going to be  
21. able to create some new inspection reports for the  
22. inspectors. We've been using the same reports for  
23. years, so we'll be able to implement the new  
24. inspection reports. We're going to make it better  
25. for the inspectors. They can do a job without a

Page 11

1. bunch of extra checklists and stuff.  
2. The system will also have electronic  
3. payment, which is huge for us. People can call in  
4. and pay their bills, so it'll cut down on the  
5. delinquencies of payments, streamline. This will  
6. actually put us in this century, I guess. So  
7. we're excited about that.  
8. I did speak with you about the  
9. training for the firefighters. We have finished  
10. putting together the presentation and a  
11. PowerPoint. We're waiting. Our first one's going  
12. to be Metro. They're going to go through it, and  
13. Chattanooga's on board. So if any Board members  
14. have any fire marshals or firefighters that you  
15. guys want to set up for us to go and meet with and  
16. talk about elevator safety during emergency  
17. situations, we're more than happy to do it. So --  
18. Some of the numbers for the year.  
19. We're up about 117 on construction permits from  
20. last year, so as you can tell by the building.  
21. We're a little bit down on the inspections, but  
22. it's mainly because of the new ones coming in and  
23. they take longer to inspect, so it's just --  
24. there's a whole lot of new ones going. So we've  
25. done about 85 more new ones than we did this time

Page 12

1. last year. So --  
2. We're up to about 20,700 inspections,  
3. and we're up to about a little over 15,000 in the  
4. number of units that we're inspecting. So that's  
5. about all I have.  
6. CHAIRMAN FOX: Mr. Farmer, let me ask  
7. you a question. If I came and worked for you today  
8. and I knew nothing about elevators other than they  
9. went up or down, what training would you provide me  
10. and how long would it take?  
11. MR. FARMER: Well, we have a -- it's  
12. a -- what do they call it? The job plans. They  
13. have to meet a certain criteria before they can even  
14. be hired in. So they would need a couple years of  
15. elevator experience. Now, it could be installing  
16. them. It can be working on them. It can be just  
17. about anything in the elevator industry, even if you  
18. were, like, in the sales part of the elevator unit  
19. and you just know the ins and outs of elevators. We  
20. could bring you in and train you and you would ride  
21. with other inspectors.  
22. We do have a test that they take to  
23. license them as a state inspector, and once they  
24. get that, they can go out and perform inspections  
25. and do just about everything a QEI inspector can

Page 13

1. do. Anything like an accident investigation or a  
2. new one or anything special, we would wait until  
3. they got their QEI, which is their national  
4. certification. And it takes about a year before  
5. they're eligible for it.  
6. CHAIRMAN FOX: Okay. All right.  
7. MR. FARMER: Once they start. So --  
8. and on a note, Paul Fisher's no longer on the Board,  
9. but I do want to thank him for being a part of the  
10. Board and his time on it. And thank you all for  
11. doing it. So --  
12. MR. MOORER: Thank you.  
13. CHAIRMAN FOX: Anything else?  
14. MR. FARMER: I'm good.  
15. CHAIRMAN FOX: Item Number 8, the  
16. Amusement Device Unit Report. Mr. Hardy, I assume  
17. you're going to give that report.  
18. MR. HARDY: Yes, sir. Yeah. Talking  
19. about introductions just now and most of our staff  
20. are here. They're on the front row over there. And  
21. Carlene, of course, is our ASA, too. And  
22. David Whyel is our compliance officer for the  
23. central portion of the state. Kevin Klutts has the  
24. western portion. And stand up Jennifer.  
25. Jennifer Murphy, who was our last hire; she came

Page 14

1. aboard on October 16th, and she's hit the ground  
2. running with good training from Carlene and doing a  
3. good job for us, for the Unit so far. So thank you,  
4. Jennifer.  
5. So I'm proud to say that the  
6. Amusement Device Unit at this time is fully  
7. staffed. So that's a milestone, I know, where  
8. Ms. Jefferson wanted to see the Unit get to. And  
9. we're happy now that we're fully staffed. Again,  
10. the submission to the Unit to ensure that most of  
11. our children and youth remain safe when they  
12. choose to participate with the various amusement  
13. device companies that are operating within the  
14. state of Tennessee. And that's our primary  
15. mission.  
16. Year to date statistics, if -- I  
17. passed out everyone -- on the front table --  
18. there's some more handouts up here, if you guys  
19. would like to pick one up. This sheet I'm looking  
20. at has a multiple bar graph. And so far in fiscal  
21. year '17/'18, we've permitted 199 companies. And  
22. another milestone is that the Unit is on course to  
23. issue a record number of permits for the remainder  
24. of this fiscal year.  
25. I didn't mention in our last meeting,

Page 15

1. but we had -- the Unit issued a record 23 permits  
2. during a one-week period, the week of August 28th.  
3. So I failed to mention that, but I thought that I  
4. would throw that out there. So we hope that we  
5. can break these previous numbers that we've set.  
6. Our Unit goal this year is to issue  
7. 600 permits. And again, we're at 199 right now.  
8. I obviously feel like we're going to permit more  
9. companies than we did last year. I don't know how  
10. close we're going to get to that 600 number, but  
11. it's a number that we're shooting for.  
12. We've collected 29 -- right at  
13. \$30,000 of revenue from permits, permit  
14. application fees, and some other incidentals.  
15. We've collected \$6,800 in penalties, which gives  
16. us a total of revenue processed of right at  
17. \$37,000. And we've permitted 1,659 total devices  
18. within the state. Last year, the total figure on  
19. that number was 3,126. So there again, we've  
20. surpassed that halfway point. So I'm sure that we  
21. will permit more than 3,126 devices this year.  
22. We've had 12 referrals and two  
23. non-compliant companies that have subsequently  
24. achieved compliance. So that's also a good thing.  
25. For the safety compliance officers,

Page 16

1. one main statistic from them, they have contacted  
2. by either phone, e-mail, or visits 2,122 companies  
3. so far this fiscal year. So --  
4. CHAIRMAN FOX: Excuse me, how many?  
5. MR. HARDY: 2,122 contacts made. The  
6. compliance officers and the administrative staff are  
7. primarily responsible for issuing 90 new or  
8. first-time permits thus far, this fiscal year. Last  
9. fiscal year, for the total, we permitted 83 new or  
10. first-time permits. So we've already surpassed that  
11. number. So we are finding -- these guys are doing a  
12. good job finding companies that continue to do  
13. business in the state that are not in compliance.  
14. So we've surpassed that number and we hope to see it  
15. grow throughout the remainder of the fiscal year.  
16. And in this, we really don't feel  
17. like we have a slow time, but if there is a slow  
18. time for amusement devices, we're -- Chairman Fox,  
19. as you know, we're in it right now. James Roy.  
20. They've been challenged during off-season to get  
21. their boots on the ground, visit these counties in  
22. their respective areas, and meet with some  
23. government officials, maybe some chambers of  
24. commerce, tell them who we are, leave a business  
25. card, try to find out from the ground, you know,

<p style="text-align: right;">Page 17</p> <ol style="list-style-type: none"> <li>1. who's doing business within that county with</li> <li>2. amusement devices. And maybe that'll give us</li> <li>3. another avenue other than Internet and social</li> <li>4. media of finding these companies.</li> <li>5.       And by the end of the year, I think</li> <li>6. we will have located, maybe with a few exceptions,</li> <li>7. we will have located most all the companies that</li> <li>8. are currently doing business within the state. I</li> <li>9. mean, we're going to get to a point, eventually,</li> <li>10. where that, you know, we're going to have a peak</li> <li>11. there. Of course, you're going to pick up</li> <li>12. individuals. We see already that businesses</li> <li>13. close, they become exempt with new regulations,</li> <li>14. and those type things. But again, our goal by the</li> <li>15. end of the year is that we will capture most of</li> <li>16. the companies that are doing business.</li> <li>17.       NAARSO convention is going to be held</li> <li>18. in Baton Rouge this year the week of January 29th.</li> <li>19. And Carlene, I, and Kevin Klutts -- well, we are</li> <li>20. eligible to sit for the Level 1 certification</li> <li>21. exam. So we're trying to get a couple of</li> <li>22. NAARSO-certified inspectors to come in and kind of</li> <li>23. give us some training on some materials that they</li> <li>24. have between now and then so we'll be ready for</li> <li>25. the exam. But again, Carlene, Kevin, and I will</li> </ol>	<p style="text-align: right;">Page 19</p> <ol style="list-style-type: none"> <li>1. on our inspection report and our accident</li> <li>2. reporting form to where it's interactive. You</li> <li>3. just go on there, you fill the information out,</li> <li>4. hit a submit button, and it will e-mail --</li> <li>5. generate to us. So we can -- so we won't have to</li> <li>6. completely be dependent on paper documents going</li> <li>7. back and forth that way. I think that's doable,</li> <li>8. as well. So that's another thing that's on the</li> <li>9. horizon for us.</li> <li>10.       Fair season this year. The Tennessee</li> <li>11. Association of Fairs annual convention will be</li> <li>12. held again this coming year, January 18th through</li> <li>13. the 20th. We hope -- Kevin and I appreciate the</li> <li>14. opportunity of being involved last year, of being</li> <li>15. invited. We hope to have the opportunity again to</li> <li>16. attend and represent the Unit at the convention</li> <li>17. again this year.</li> <li>18.       And speaking of fair season, we are</li> <li>19. very mindful of the urgency of issuing permit</li> <li>20. renewals prior to the associated fairs to avoid</li> <li>21. the backlogs, and I think the staff did a good</li> <li>22. job, stayed on top of the renewals this year.</li> <li>23. Also, the safety compliance officers from the</li> <li>24. heavier May through November months, they jumped</li> <li>25. in and we divided companies up, and they took</li> </ol>
<p style="text-align: right;">Page 18</p> <ol style="list-style-type: none"> <li>1. spend a week in Baton Rouge. It'll be our first</li> <li>2. NAARSO convention. So we're excited about that</li> <li>3. and we hope we do well. A lot of the stuff's new</li> <li>4. to us, but I don't think it's anything that we</li> <li>5. can't handle so far. We're going to do our best.</li> <li>6.       The website update. The website's</li> <li>7. constantly being monitored, again, for necessary</li> <li>8. changes and revisions. It's an ongoing,</li> <li>9. continuous improvement opportunity. And some</li> <li>10. recent revisions that we will include or will</li> <li>11. include on the website, as Chris mentioned, is</li> <li>12. concerting our -- well, having a payment option</li> <li>13. for use of debit, credit cards, other options of</li> <li>14. payment besides, you know, mailing in checks or</li> <li>15. money orders and that sort of thing. And I think</li> <li>16. with the new computer software, that'll give us</li> <li>17. that capability. We've had several people</li> <li>18. throughout the year ask us if we had the means to</li> <li>19. do that, and hopefully, we're going to get there</li> <li>20. within the next year or so.</li> <li>21.       We've got those two downloadable</li> <li>22. required documents that are on the website. The</li> <li>23. application for permit with itinerary and the</li> <li>24. amusement device list that we hope to have that</li> <li>25. made into more of a form stack document like we do</li> </ol>	<p style="text-align: right;">Page 20</p> <ol style="list-style-type: none"> <li>1. responsibility each month for a group of companies</li> <li>2. to seeing -- contacting them, seeing them through</li> <li>3. the permitting process. And that worked well for</li> <li>4. us. I think we're going to try that same approach</li> <li>5. next year.</li> <li>6.       And the device -- proof of inspection</li> <li>7. device decals, I also passed that out for</li> <li>8. everyone. Most of you are aware that to comply</li> <li>9. with the most recent legislative change, that we</li> <li>10. developed these proof of inspection decals.</li> <li>11. They -- we received our first order and began</li> <li>12. issuing those on September 13th of this year. And</li> <li>13. we've talked about in prior Board meetings,</li> <li>14. they'll be color-coded annually. So you can walk</li> <li>15. through a facility and -- or a carnival and you</li> <li>16. can tell right away if they have the most current</li> <li>17. device inspection decal. And they are issued by</li> <li>18. the Unit for every device that we permit.</li> <li>19.       And one thing I wanted to mention</li> <li>20. about this current one that you have; between</li> <li>21. orders, we had an inquiry that we thought we</li> <li>22. needed to address. It's kind of minor, but I</li> <li>23. think you can see the reason that we did that. On</li> <li>24. the top, you'll see the statement -- it says,</li> <li>25. valid one year from date inspected.</li> </ol>

Page 21

1. Well, we allow companies to -- we  
2. allow inspections to be submitted as long as  
3. they're within three months of the permit  
4. application date. So theoretically, from this  
5. first decal, your device could have expired  
6. according to the decal but you still had three  
7. months or less remaining on your permit. So  
8. somebody brought that to our attention and we were  
9. able to jump in there on the next order and have  
10. that statement changed to: Valid one year from  
11. permit issue date. Because we're not going to  
12. issue proof of inspection decals until we issue a  
13. permit. So that would -- I think that will  
14. clarify that.

15. And we haven't had any adverse  
16. feedback regarding the issuing of the decals so  
17. far. So that's pretty much what I have for an  
18. Amusement Device report and I'd be glad to  
19. entertain any questions on anything that I've been  
20. over.

21. MS. O'CONNOR: Did you mention  
22. turnaround time on permits -- on renewals? At the  
23. worst, busiest time, what would be the turnaround  
24. time if you guys are really behind?

25. MR. HARDY: Well, what -- the

Page 22

1. turnaround time is really not based on us, to be  
2. honest with you.

3. MS. O'CONNOR: And I realize that,  
4. but --

5. MR. HARDY: Yeah. It's some  
6. companies are very proactive of getting their stuff  
7. in and we recommend to them to -- you know, hey, a  
8. month in advance, start getting your stuff together  
9. so that your permit doesn't expire. But -- and  
10. we've had last-minute companies submit their  
11. information, and we've done everything we can to  
12. issue the day that we get all the documents in our  
13. hand. So it's -- so far it hasn't really been an  
14. issue of our generating the permit. It's more of an  
15. issue of getting everything in for individual  
16. companies.

17. MS. O'CONNOR: And I realize that,  
18. but you were talking backlogs. I'm just trying to  
19. get my brain wrapped around what you consider a  
20. backlog.

21. MR. HARDY: Well, I -- Kim, you  
22. might -- can help me.

23. MS. JEFFERSON: Well, we -- actually,  
24. we're very fortunate. We have turned around  
25. amusement device permits on the same day. We've had

Page 23

1. people who walk in our office, and we try to turn  
2. those around the same day, if we need to, because we  
3. want the companies to operate. We've had situations  
4. where we've had certain city officials to contact us  
5. and they were concerned because the event wasn't  
6. going to start on time. So what we do -- we just  
7. put everything else aside. We prioritize and we try  
8. to make it happen.

9. So to answer your question, we can --  
10. if necessary, we can get it done within the same  
11. day. We don't like to put our staff in a position  
12. to do that. We had to do that previously before  
13. we even had the -- had Mike as Amusement Device  
14. Manager and our compliance officers. Now we're in  
15. a better position and as Mike was indicating, we  
16. try to give everyone -- we try to stress the  
17. importance of getting that information to us at  
18. least a month or two months in advance, because if  
19. they do that, then we don't have any trouble with  
20. backlog.

21. As it stands now, we don't have  
22. backlog. We don't have any backlog. So we're  
23. caught up, and we won't have backlog as long as  
24. the companies submit their information timely.

25. MS. O'CONNOR: And I realize that,

Page 24

1. but let's -- but I'm just trying to get my brain  
2. wrapped around processing time under normal  
3. circumstances --

4. MS. JEFFERSON: Under normal --  
5. MS. O'CONNOR: -- when there isn't a  
6. rush.

7. MS. JEFFERSON: Right. When there  
8. isn't a rush, then if they get the information to  
9. us, then we process -- and we can explain the  
10. process. Carlene may be helpful in explaining the  
11. process from beginning -- the time that we actually  
12. receive the information, how long it takes you to do  
13. the research and go through the entire process until  
14. we process the check. So --

15. MS. BENNET: Yeah. It's 24 to 48  
16. hours, typically is what we do. Because we do have  
17. to verify the credentials of the inspector, either  
18. with ACCT or NAARSO. And of course, there is the  
19. revenue that has to be taken care of. And we have a  
20. couple of closing reports and actually issuing the  
21. permit and now getting the decals punched out.  
22. Because it's not only their permit date, but it's  
23. the date that the device was inspected. And some of  
24. these that travel, they have different dates, so you  
25. have to make sure you punch the right date on those



1. and get those mailed out or e-mailed out.  
 2. So, you know, and it's a little bit  
 3. of a process, but typically, as Kim said, it's the  
 4. same day. And especially if one is about to  
 5. expire. It does take precedence over one that  
 6. maybe doesn't expire for a couple more days. You  
 7. know. So --  
 8. MS. O'CONNOR: Thank you.  
 9. MR. POPE: Could I add something to  
 10. that?  
 11. MR. HARDY: Uh-huh.  
 12. MS. BENNETT: Uh-huh.  
 13. MR. POPE: Coming from the other side  
 14. of it, as far as somebody that's applying for them,  
 15. it's become quite a bit more efficient and it's  
 16. going to get even better only because we as  
 17. operators understand what they're looking for and  
 18. they see what we're dealing with. And it's been --  
 19. I've had a lot of colleagues and associates really  
 20. brag on how great it was this year. I think it's  
 21. going to do nothing but get better as we go --  
 22. MS. BENNETT: Yes. That --  
 23. MR. POPE: -- honestly. And they've  
 24. been very good to work with as far as -- you know, I  
 25. know -- not so much in mine. I'm a smaller operator

1. as far as number of rides, but you get a company  
 2. that has 150 rides. You know. One can slip through  
 3. the cracks or, by chance, it wasn't coming to  
 4. Tennessee and now all of a sudden it did because of  
 5. a breakdown or something like that. They've been  
 6. able to turn those around and get those permitted so  
 7. that there's not a hole in the midway or no ride  
 8. there because of that.  
 9. MS. BENNETT: Yeah. One of the  
 10. things I think that's helped a lot, too, is the fact  
 11. that currently, we don't have a device fee. It's a  
 12. \$150 flat fee and they know what their fee is. And  
 13. before, it wasn't like they would send one amount in  
 14. and then it's like, oh, well, we miscalculated on  
 15. the type or size of device. You know. And so  
 16. they -- that's the one thing we need up front,  
 17. because that has to come -- either somebody  
 18. deliver -- hand deliver it or come through the mail.  
 19. So that's the part that really takes  
 20. the huge amount of time to get to us is the fee.  
 21. And that's where, like Mike said, the online  
 22. payment option will be great for us, because we've  
 23. already automated the inspection report. Getting  
 24. that payment automatically done will save a lot of  
 25. time. Uh-huh.

1. MR. HARDY: But there are obstacles  
 2. out there. You know. What I feel like one of the  
 3. main obstacles that -- James Roy and Chairman, you  
 4. may interject -- but is getting those inspections  
 5. done prior to -- that's the biggest hurdle of the  
 6. whole process.  
 7. MR. POPE: That's on the operator.  
 8. Absolutely.  
 9. MR. HARDY: Because we deal with  
 10. companies that -- I believe we had a company that  
 11. had 162 inflatables, something close to that number.  
 12. And you're talking about setting up that many  
 13. inflatables, you know, when you have an inspector  
 14. come in and do that over the course of two or three  
 15. days. And it's a -- you know, it's --  
 16. MR. POPE: Well, just the paperwork  
 17. alone is --  
 18. MR. HARDY: Pretty big hill to climb.  
 19. But that's also the most critical for us, as well,  
 20. because those inspection reports are what we have in  
 21. hand showing us that those devices met the industry  
 22. standards at the time of inspection. And that time  
 23. of inspection was within the window of permitting.  
 24. So it's one of the most important  
 25. requirements that we have. And it's one of the

1. hardest ones for the companies to obtain, too.  
 2. So --  
 3. MR. HALE: I'm going to say, we had a  
 4. much better summer. I -- summer before last, it  
 5. seemed like every day somebody was ringing my phone,  
 6. upset, confused, or whatever, and it's tremendously  
 7. improved this summer, I feel.  
 8. MR. POPE: I would say so.  
 9. MR. HALE: We have jumped ahead by  
 10. leaps and bounds as far as getting things done and  
 11. the level of confusion. I do want to ask a quick  
 12. question, though. On the E-payment, is that  
 13. something that device owners can use this coming  
 14. season you think or --  
 15. MR. HARDY: We --  
 16. MR. HALE: -- do you believe that  
 17. that's further out than that?  
 18. MR. HARDY: We don't currently have a  
 19. timetable on it. You know. It's just one of those  
 20. things that we're trying to get it in with this new  
 21. software and it's --  
 22. MR. FARMER: Elevators -- hopefully,  
 23. elevators will go live in the middle of April. And  
 24. it probably will go to boilers then and then  
 25. amusements or --

1. MS. JEFFERSON: Well, it depends. It  
 2. depends on how the vendor wants to handle it.  
 3. Elevator received the courtesy, so they're going  
 4. first, but we're not sure who's going to go next,  
 5. boilers or amusement devices. Our goal is to have  
 6. everything done, if we can, by the end of the year.  
 7. But we don't know, because things happen when you're  
 8. getting a new computer system.  
 9. MR. HALE: Well, that would be a  
 10. tremendous asset for --  
 11. MR. HARDY: Well, we're --  
 12. MR. HALE: -- amusement device  
 13. owners --  
 14. MR. HARDY: We'll --  
 15. MR. HALE: -- owners that are in some  
 16. other state at the time that their permit -- and if  
 17. they could pay by --  
 18. MR. FARMER: And I don't know for a  
 19. fact if that portal, that payment portal may be an  
 20. option for everybody once it comes live with us. It  
 21. may be something that can be used. I don't know all  
 22. the ins and outs of the system just yet, but we're  
 23. getting there.  
 24. MR. HALE: Maybe something that if  
 25. it -- if you have a target date by fair convention

1. time that we could share with --  
 2. MR. POPE: You can pass along --  
 3. MR. HALE: -- share with those  
 4. associates that are there.  
 5. MS. BENNET: And I'm sure that when  
 6. it becomes available, we'll do an e-mail blast --  
 7. MR. HARDY: Right.  
 8. MS. BENNETT: -- to everybody and --  
 9. MR. HALE: Right.  
 10. MS. BENNETT: -- let them know  
 11. that --  
 12. MR. HALE: Right.  
 13. MS. BENNETT: -- that option is  
 14. available to them.  
 15. CHAIRMAN FOX: Yes, sir?  
 16. MR. POPE: Two things. I want to  
 17. reiterate how much easier it's been for my  
 18. colleagues. Like I said, I said it a while ago, but  
 19. I've had a lot of people to really comment on that  
 20. to me. My -- with that being said, my next question  
 21. is, do you have a plan, as far as these inspection  
 22. stickers go, are your compliance officers going to  
 23. put those on themselves? Are you going to mail them  
 24. out?  
 25. MR. HARDY: Yes, sir. We're --

1. actually, we had -- got out of mailing, because we  
 2. could send the permit renewals -- new permits  
 3. electronically. Just send a document  
 4. electronically. But now that we're distributing  
 5. these decals, this is something that we'll have to  
 6. do manually.  
 7. MR. POPE: With that said --  
 8. MR. HARDY: And allow the -- excuse  
 9. me, James Roy. And allow the owners the  
 10. responsibility. The serial numbers are not  
 11. designated to devices. They're just serialized for  
 12. us to know that Mr. Fox got 51 or two devices  
 13. permitted and --  
 14. MR. POPE: So really it's going to  
 15. be --  
 16. MR. HARDY: -- that's how many  
 17. decals.  
 18. MR. POPE: -- for the overall permit,  
 19. not so much each ride inspection.  
 20. MR. HARDY: And we're leaving it to  
 21. his discretion on how, when, and where he applies  
 22. those labels.  
 23. MR. POPE: Well, that's what I was  
 24. going to ask if you were going to have some type of  
 25. guideline as to where they need to be displayed.

1. MR. HARDY: We --  
 2. MR. POPE: Personally, I think it's a  
 3. great thing, because I think the public should be  
 4. able to see these and I, for one, being an older --  
 5. I know that in other states that I even have people  
 6. come up and comment on my other state inspections  
 7. and have asked, well, where's your one for  
 8. Tennessee? Well, they don't have one. You know.  
 9. I've had to explain that. So I think it's a great  
 10. thing. I honestly think that we need a little bit  
 11. of a guideline as to where they're going to have to  
 12. be displayed.  
 13. MR. HARDY: I don't have a copy of  
 14. that instruction sheet. But now, we do -- when we  
 15. mail the decals out, there is an instruction sheet  
 16. on there. I --  
 17. MR. POPE: Well, and I want to say  
 18. this. And again, you know, I'm probably putting  
 19. myself at a risk here, but just like on bounces,  
 20. inflatables, things like that, there's nowhere to  
 21. put one on an inflatable except on the blower  
 22. itself, the hard blower. But, you know, you can  
 23. inspect a blower; that blower can be swapped to 40  
 24. different --  
 25. MR. HARDY: Yeah. We --

1. MR. POPE: -- bounces.  
 2. MR. HARDY: We talked about that when  
 3. we first introduced the idea about the decals. And  
 4. the best thing that we came up with, you know, after  
 5. consulting with some owners and those type things is  
 6. to put it on the fill tube. And if inflatable  
 7. companies need to add any additional adhesive or  
 8. plastic wraparound tapes or -- we haven't had  
 9. anybody call in that had issues with the application  
 10. of the decals. So that's -- yeah, I understand --  
 11. we understand about the blower. We don't recommend  
 12. going on the blower, because --  
 13. MR. POPE: Well, blowers get moved  
 14. and --  
 15. MR. HARDY: -- they'll have a  
 16. warehouse full of inflatables --  
 17. MR. POPE: Sure.  
 18. MR. HARDY: -- and then they pick up  
 19. an inflatable and a universal blower. So you can't  
 20. tie them to the device. But we do think right now,  
 21. from the feedback that we've gotten or actually  
 22. haven't received is that the fill tube on the  
 23. inflatables is the way to go and --  
 24. MR. POPE: And you think these will  
 25. stick and stay to that?

1. MR. HARDY: It really remains to be  
 2. seen, James Roy. Like I said, we've been sending  
 3. them out since September and we've sent them to  
 4. inflatable companies and we haven't had any --  
 5. MR. POPE: Super.  
 6. MR. HARDY: -- adverse comments about  
 7. it at this point.  
 8. CHAIRMAN FOX: They just have to be  
 9. posted conspicuously?  
 10. MR. HARDY: Yes. I believe that's  
 11. what the note says.  
 12. MS. BENNETT: Yeah. It says to -- I  
 13. think the law says to have it applied to the device  
 14. or have it available. You know. Like, if you  
 15. wanted to have them in a notebook or something, as  
 16. long as it's available. But if you've got 20  
 17. different inflatables going in different directions,  
 18. that -- probably installing it on it would be  
 19. better.  
 20. MR. POPE: Well, you know, and like I  
 21. said, I -- as far as the operator, I'm sure some  
 22. people look at it different. I mean, I like to  
 23. display mine prominently. I like for them to be  
 24. there, because I want them to know that we're  
 25. inspected. But, you know, then again, it's not

1. really for the public, but I think it's good for the  
 2. public, is what I'm trying to say.  
 3. MS. JEFFERSON: Right. And the  
 4. law -- I believe in the law it does say  
 5. conspicuously display the amusement device permit.  
 6. It focuses on that piece. And then the new law as  
 7. of last year, it says, the owner or operator of an  
 8. amusement device, as applicable, shall prominently  
 9. display or have available on the location of the  
 10. amusement devices, proof of inspection.  
 11. So it's prominently display or have  
 12. available. So as long as they have those  
 13. available when the compliance officers go out and  
 14. take a look, then it's okay. So -- and, you know,  
 15. because the law doesn't tell us to tell them where  
 16. to place it, we have to be very careful. We can't  
 17. interpret it our way. And we would run into a lot  
 18. of trouble, because some people would say, well,  
 19. I'm not going to put it there, and how do we  
 20. enforce that, if they say, I'm not going to put it  
 21. on the blower?  
 22. MR. POPE: And it is tough when you  
 23. spend half a million dollars or \$250,000 or  
 24. something on a ride that you just had painted and  
 25. you want to start -- you know, it's kind of like

1. your brand-new Ferrari. You don't want to put a  
 2. bumper sticker on it. So --  
 3. CHAIRMAN FOX: Anything else on that?  
 4. Okay. I also want to point out one other thing.  
 5. You know. We've obviously gone through several  
 6. iterations of the way we do that, but there's one  
 7. constant that I hear out there in the industry, is  
 8. when we have a problem, Carlene fixes it.  
 9. MR. POPE: She's been very good to  
 10. work with.  
 11. CHAIRMAN FOX: Yes. That's -- I  
 12. mean, that's --  
 13. MR. POPE: She needs a raise.  
 14. CHAIRMAN FOX: Yes. I'm for that.  
 15. MS. BENNETT: Thank you all.  
 16. MR. FARMER: She is too.  
 17. CHAIRMAN FOX: Anything else,  
 18. Mr. Hardy?  
 19. MR. HARDY: I don't have anything.  
 20. CHAIRMAN FOX: Okay. Ms. Jefferson,  
 21. do you have anything for us that we need to know  
 22. about or -- have you been approached about being the  
 23. Tennessee football coach? I mean, everybody else  
 24. has.  
 25. MR. RADER: She went to a game.

1. MS. JEFFERSON: I did go to the  
 2. Georgia game.  
 3. MR. POPE: I'm sorry.  
 4. CHAIRMAN FOX: Brutal. Bless you.  
 5. MS. JEFFERSON: I'll say no more.  
 6. CHAIRMAN FOX: Okay.  
 7. MS. JEFFERSON: But I know that you  
 8. and I -- we generally talk about the rule changes  
 9. and legislation, so I'll just go ahead and just  
 10. indicate on the record that the -- as we know, the  
 11. Amusement Device Unit received an unfunded mandate.  
 12. So three, four years ago when I became Assistant  
 13. Commissioner or the Administrator of the program --  
 14. when I came on board, there was no money, no funding  
 15. to hire anyone. And since that time, we've gotten  
 16. past that. We've made a lot of strides. And you  
 17. all have been very helpful in us making those  
 18. strides.  
 19. The main purpose of the rules that we  
 20. wanted were to enable the Amusement Device Unit to  
 21. become self-sufficient. Because after our 2014  
 22. audit, we knew that there was a need for us to  
 23. become self-sufficient, and we were going to do  
 24. that through fees. However, after those fees were  
 25. proposed and submitted, they were not approved.

1. So we had to think of something different. And  
 2. that's where we are now.  
 3. And so what we're planning now --  
 4. back in July 2016, the Amusement Device Unit was  
 5. granted non-recurring funding. That's how we were  
 6. able to hire one manager, three compliance  
 7. officers, as well as one administrative assistant.  
 8. As good as Carlene is, she's not Amusement Device  
 9. Unit. However, she was very instrumental in the  
 10. implementation of that process. And so we're very  
 11. grateful for that, and she still works with them.  
 12. But we only have five funded  
 13. positions for the Amusement Device Unit. The  
 14. Department submitted the rules. Somewhere in the  
 15. process, they weren't approved. The Department  
 16. has requested recurring funding at this point.  
 17. Recurring funding will allow the Amusement Device  
 18. Unit to sustain itself without putting additional  
 19. pressure on them as to collect a certain number or  
 20. collect a certain amount of fees. Because at some  
 21. point, as Mike indicated, it's going to peak out.  
 22. And when it peaks out, what happens if we don't  
 23. have funding in place?  
 24. So our goal now is to obtain funding,  
 25. because we feel that that's the only way that's

1. going to sustain. That's the only thing that's  
 2. going to sustain the Amusement Device Unit is that  
 3. we have funding. Because if we don't have  
 4. funding, then we don't have employees and we can't  
 5. do the job -- we can't issue these permits and we  
 6. can't keep the citizens safe.  
 7. So that's going to be the key as far  
 8. as the rule changes. That's going to be the key  
 9. instead of in lieu of the rule changes, I'll say.  
 10. We're going to focus on getting funding, permanent  
 11. funding for the Amusement Device Unit.  
 12. And as far as the legislation,  
 13. multiple proposals were submitted throughout the  
 14. Department. We have five different divisions.  
 15. Because we have those divisions, all of the  
 16. divisions, along with all of their units submitted  
 17. proposals. Unfortunately, the Amusement Device  
 18. Unit didn't have any selected this year, simply  
 19. because, as you all know, we've been trying to  
 20. have -- or make changes since 2014.  
 21. So to be fair to the other units and  
 22. divisions within the Department, the focus was  
 23. placed on those, because we're -- actually, this  
 24. is the end of the administration. It's almost the  
 25. end of the administration.

1. So since we have had a focus on the  
 2. Amusement Device Unit since 2014, '15, '16, and  
 3. '17 -- because last year, of course, legislation  
 4. was passed on the amusement devices we have.  
 5. They're going to focus on other priorities within  
 6. the Department, and there's not going to be any  
 7. legislation -- not proposed by the Department,  
 8. anyway, because again, none was selected.  
 9. And, you know, just looking back at  
 10. what we've done -- because I said we've done as a  
 11. whole. It wasn't just the Amusement Device Unit  
 12. or department. We couldn't have done what we did  
 13. without everyone's help, including the public,  
 14. people who attended these meetings on a regular  
 15. basis, as well as the Board. We have to look at  
 16. what we've done and just know that we made some  
 17. significant strides.  
 18. And there may be changes. There may  
 19. be more legislation in the future, maybe 2019 or  
 20. so and continuously after that, but at this point,  
 21. I think we've done all we can do as a department.  
 22. And so we want to basically hope that we can  
 23. continue to do all the processes that we've  
 24. implemented so far. We want to focus on those in  
 25. 2018. And -- because the Amusement Device Unit is

Page 41

1. in really good shape at this point. We feel
2. really comfortable with that.
3. So if something else is done outside
4. of the Department, then of course, our legislative
5. liaisons can deal with that. But as far as the
6. Department is concerned, we're not in a position
7. to do anything at this point.
8. CHAIRMAN FOX: So is there anything
9. this Board can do to help push this funding through?
10. MS. JEFFERSON: I think that we're
11. just going to wait and see what happens. I believe
12. we should know whether or not we received funding in
13. January or so. And so I think that after January,
14. you know, we can revisit. But I think at this
15. point, I think we're in really good shape. I think
16. we're in really good shape. I feel confident. I
17. can't say that, you know, we'll receive funding,
18. because I don't know what's going to happen. But
19. I'd rather just wait and see what happens.
20. Again, the main purpose for changing
21. the rules was so that we could have funding so
22. that they could become self-sufficient, and if
23. we're able to obtain funding for a budget, then
24. that will resolve the issue. So I think that
25. we're okay for now.

Page 42

1. CHAIRMAN FOX: Okay. All right.
2. Anything else from the -- okay. All right.
3. Item Number 9, Old Business. Item
4. Number 17-04, Thomas Mike Lynn, Bounce-A-Bout
5. Inflatables. Do we know Mr. Lynn --
6. MR. FARMER: No.
7. CHAIRMAN FOX: -- has called in or --
8. MR. FARMER: All you can do is ask
9. him. If he's there, he's there.
10. CHAIRMAN FOX: Mr. Lynn, are you on
11. the phone?
12. MR. FARMER: There's no reason to
13. check it. If he calls that 866 number, I mean, it
14. goes directly in. And that was a number that he was
15. given on that piece of paper, right?
16. MR. HARDY: Right.
17. MS. JEFFERSON: If he's not there, we
18. probably want to go ahead and disconnect it at this
19. point.
20. CHAIRMAN FOX: Is there a way that we
21. can check to ensure that the line was open and ready
22. and that it was available?
23. MR. FARMER: I'll call on my personal
24. phone.
25. CHAIRMAN FOX: And did he or did he

Page 43

1. got not call into it? Is there a way to trace that
2. digitally to --
3. MR. FARMER: No. There's no way to
4. trace that he'd called in or not.
5. CHAIRMAN FOX: My point being, I want
6. to make sure that we avail him the opportunity to be
7. a part of this meeting.
8. MR. HARDY: Are you just testing it?
9. MR. FARMER: Yeah. I'm just checking
10. it. I'm connected.
11. CHAIRMAN FOX: Okay.
12. MR. FARMER: You want to disconnect
13. the phone line?
14. MS. BENNETT: That's what Kim said.
15. MR. FARMER: Disconnect it?
16. MS. JEFFERSON: At this point --
17. CHAIRMAN FOX: Well, let's -- we'll
18. ask one more time. Is Mr. Lynn available on the
19. phone? Apparently not. We'll move on.
20. Item Number 10, New Business.
21. Mr. Stock, I understand you have a presentation
22. for us.
23. MR. STOCK: I get --
24. CHAIRMAN FOX: I think they have you
25. set up here with a projector.

Page 44

1. MR. STOCK: I think we're going to
2. give it a go and see what happens.
3. CHAIRMAN FOX: All right.
4. MR. STOCK: Back in, I think it was
5. October, I got an interesting text from a colleague,
6. another vendor here in Tennessee speaking to the
7. issue of the required -- his perceived understanding
8. that the state was now going to require permitting
9. for low challenge courses. And I felt that was a
10. little confusing to me, because I know we -- in that
11. big long process that we went through, I know we
12. discussed that. But somehow, that never kind of
13. made it into any documentation related to the
14. differences between a low challenge course and a
15. high course and things like that.
16. And so Mr. Hardy and I had a
17. conversation. He said, would you kind of give us
18. some clarification on that, present to the Board
19. today so that they can make -- you can make a
20. decision if you want to include low challenge
21. courses as devices in the permitting process or if
22. you don't and if we need to make some kind of a
23. decision on that so that the people like me who
24. are out in field doing these inspections -- I
25. don't know if this is going to work or not.

1. MR. FARMER: Let me --  
 2. MR. BAILEY: Turn the light out.  
 3. MR. FARMER: Let me see if I can turn  
 4. these front lights off.  
 5. MR. STOCK: So my goal, in response  
 6. to that request, is just -- and I think you have  
 7. these photos. These are pictures of what are called  
 8. low challenge course elements. Sometimes they're  
 9. called a low ropes course, sometimes they're called  
 10. just a low course.  
 11. As we've experienced through this  
 12. whole entire process, there's lots of confusion  
 13. around terminology. I'm having conversations with  
 14. my colleagues. And through the -- my role as a --  
 15. the government relations chair for our association  
 16. to help people understand when they're doing  
 17. inspections and things in Tennessee, to be very  
 18. precise in their language.  
 19. One of the things that I ran into --  
 20. and it was this same vendor who had called me, he  
 21. indicated -- there was a -- on the inspection  
 22. report, it said belay cable on a low challenge  
 23. course. Well, low challenge courses don't have  
 24. belay cables, because they're not -- they don't  
 25. use life safety systems. They're all low to the

1. ground -- excuse me -- spotted activities that  
 2. really are more related to a -- like a playground  
 3. activity, except that they're facilitated.  
 4. So as you can see, this is a --  
 5. what's called an island activity. I'll go back to  
 6. that in just a second. Man, these pictures are  
 7. really bad. But you can see these are utility  
 8. poles with cables and they're 12-18 inches off the  
 9. ground, typically. Most all low challenge  
 10. activities, they are facilitated and they're  
 11. spotted. And so in terms of how the activity  
 12. operates, it really kind of couldn't be further  
 13. from an amusement device that you create, because  
 14. it has staffing. It's very staffing intensive,  
 15. much more benign than even a kids' playground.  
 16. But the -- I want to -- you have a  
 17. clear picture of what these structures look like.  
 18. They don't use harnesses. They don't use belay  
 19. systems. They -- any kind of life safety system  
 20. at all. They just use staff and facilitators, and  
 21. they're operated in such a way to protect the  
 22. participants from, you know, potential injury.  
 23. Again, these -- as you can see, these  
 24. are quite different from the other activities that  
 25. we've reviewed. That's the short ropes. It's a

1. swing rope that's, again, very short off the  
 2. ground. So again, the goal was just to help you  
 3. understand when someone says, low challenge  
 4. activity or a low ropes course, what they are and  
 5. how they operate. And the key component being  
 6. that they don't use a life safety system or  
 7. harnesses or helmets or anything like that.  
 8. So one of the things that -- I don't  
 9. know of any regulatory body, as the government  
 10. relations chair, that I deal with in any state  
 11. across the country that permits low ropes courses  
 12. as amusement devices. I'm not saying they don't,  
 13. I have just never -- I've never met them and never  
 14. heard of them or -- and this -- or this project  
 15. has never really come up before. But it's a great  
 16. conversation to have so that there's, you know,  
 17. greater information.  
 18. This is kind of -- this is what they  
 19. are. So really, I guess the -- I think there's  
 20. two questions that we need to know is if you want  
 21. to do that, then we need to have clarity as  
 22. inspectors and I need to be able to put out that  
 23. information to our association and the other  
 24. people within our world that these need to be  
 25. included on -- as a device on the application

1. permit.  
 2. What I can tell you is there's a lot  
 3. of other -- there's a lot of courses -- or a lot  
 4. of places, camps and things, that will have a low  
 5. ropes course that does not have a high ropes  
 6. course. Part of it -- and there's a lot of them  
 7. that have both. Part of what happened -- the  
 8. confusion on this is it's kind of been understood,  
 9. based on our conversations, that these weren't  
 10. part of the scope of the current process of  
 11. permitting.  
 12. But inadvertently, because people are  
 13. just still learning how to fill out these forms  
 14. and what constitutes a device and how many devices  
 15. there are and all that sort of stuff,  
 16. inadvertently, some of these courses got placed on  
 17. those permits, and so therefore, there was  
 18. confusion between whether that -- those things got  
 19. included with the inspection that came in and that  
 20. threw up red flags and everybody's confused going,  
 21. I don't -- what is this? Okay. Do we not do  
 22. those? We can't find documentation that says we  
 23. don't permit those.  
 24. And so that's what this whole  
 25. presentation is about. We really kind of need to

1. know, is this part of the scope of what you want  
2. inspected and permitted, and if not, we need a --  
3. some kind of a direction and firm documentation  
4. that I can go back and say, no, these don't belong  
5. on the device list, and they're not part of the  
6. permit.

7. That's all. Is that -- was that what  
8. you were needing, Mr. Hardy?

9. MR. HARDY: Yeah. That's --

10. MR. STOCK: Okay.

11. MR. HARDY: That's good.

12. CHAIRMAN FOX: Mr. Stock?

13. MR. STOCK: Yes, sir.

14. CHAIRMAN FOX: Go ahead. I'm sorry.

15. MR. HALE: No, no, no. I'm all

16. right.

17. CHAIRMAN FOX: Go ahead and ask your

18. question.

19. MR. HALE: Well, I --

20. CHAIRMAN FOX: Or your statement.

21. MR. HALE: I think that we have to be  
22. cautious in taking this on, because I think it puts  
23. us in a position of inspecting every playground in  
24. the state of Tennessee if we're not careful.

25. MS. O'CONNOR: Yeah.

1. MR. HALE: And --

2. MR. STOCK: I agree.

3. MR. HALE: And with -- but with that  
4. said, I would also consider that maybe if these are  
5. part of a course that has inspectable parts to it,  
6. that maybe they should also be inspected so that you  
7. can say the entirety of this run has been looked at.  
8. Do you --

9. MR. STOCK: As us as inspectors,  
10. how -- I can tell you how we have handled it, being  
11. in the field with -- going with the assumption that  
12. this was -- this -- this is not anything that was  
13. ever part of the scope of the permitting. I think  
14. it really focused on belayed structures and all  
15. those sorts of things.

16. How -- when we go in as an inspector  
17. to a camp who has high ropes and low ropes, we  
18. inspect all of it. And so -- and on our  
19. inspection reports, I break them up by categories.  
20. If they have a standalone zip line, that's a  
21. separate inspection section. The high course is a  
22. separate section and the low challenge course and  
23. gear are a separate section. So it's pretty clear  
24. what's going on.

25. When we do our -- when we help our

1. clients do the device list, we just don't include  
2. the low course on there because it was not part --  
3. it's my understanding in all of our conversations,  
4. that wasn't part of what we were talking about in  
5. terms of permitting. And so we just never put  
6. those on the device list.

7. But the confusion came when some of  
8. the other camps did add -- include that in their  
9. device list. And so therefore, all the Department  
10. has is just paperwork. They go on the paper that  
11. says, here's the devices and this is what it's  
12. called, and they haven't been out there; they  
13. haven't seen it; they don't know what the thing  
14. is. They're just relying on the paperwork that  
15. they get.

16. And so a couple of them got permitted  
17. and then it came around to the next year and  
18. another vendor said, well, this is -- you know, we  
19. don't need to do this. And so it there was, like,  
20. it's on here one year and it's not on the next  
21. year, and okay, what's going on here and what's  
22. the story and -- so the -- we do exactly that is  
23. that these things are inspected and they're part  
24. of the whole process, but we just never included  
25. them on the device list.

1. MS. O'CONNOR: I have a question.

2. CHAIRMAN FOX: Yes, ma'am.

3. MS. O'CONNOR: In reading this --  
4. thank you for this packet.

5. MR. STOCK: Oh, you're welcome.

6. MS. O'CONNOR: It was really very,  
7. very helpful information. In the definition of high  
8. element and then low element, I was -- you know, it  
9. looks like the life safety system is the defining  
10. difference. Is there some kind of height  
11. requirement or some element in addition to this that  
12. defines whether it needs a life --

13. MR. STOCK: Actually -- and that's  
14. part of what --

15. MS. O'CONNOR: Okay.

16. MR. STOCK: That's part of what I  
17. wanted to show you. I don't know if you'll see it  
18. here. Let me go back. I can tell you what the new  
19. regulations -- they aren't even in the -- you can  
20. see it's still a draft. We've been working with the  
21. State of Kentucky. And what the State of Kentucky  
22. did -- and you can see -- but you -- I think you  
23. have this in your packet, too.

24. MS. O'CONNOR: Oh, yeah. That.

25. MR. STOCK: It said, types of devices

Page 53

1. that are excluded from the definition of aerial  
2. provincial recreational devices, and you'll see B,  
3. it says a device that does not require a patron's  
4. feet to be more than 12 feet off the ground.  
5.       And the reason that's in there is  
6. because if you saw this, that's called an  
7. initiative wall. That's 10 feet high, and that is  
8. the -- that's the highest structure of -- at low  
9. elements that we currently build, and that's very,  
10. very common. It's pretty industry standard to  
11. have those walls to be 10 feet. This has just  
12. been constructed. Those usually get a 12-inch  
13. layer of mulch. And these are spotted by a whole  
14. entire team of people. One person goes over at a  
15. time and you have eight to ten, twelve, fifteen  
16. people doing spotting on this.  
17.       So no -- there's -- the only  
18. activity -- sometimes -- a long time ago, they  
19. built some of these that are, like, 15, 16 feet  
20. high, and some of those had a belay system on them  
21. and a harness. I have literally been inspecting  
22. for almost 20 years and I have never come across  
23. them. I just know they exist. Someone has built  
24. them and I've -- because I've heard of them. I  
25. have never found one in the state of Tennessee

Page 54

1. that had a belay system on it.  
2.       But in my mind, that is the -- if you  
3. wanted to use those two criteria -- if it uses a  
4. life safety system of any kind and the  
5. participants' feet go above 12 feet -- if it goes  
6. above 12 feet, it should have a life safety system  
7. on it. And so that kind of closes that loop for  
8. you. Because we have the low course -- that are  
9. not low course -- but the children's course at our  
10. course at Ruby Falls, the platforms are this  
11. height, but it has -- they're for kids and it uses  
12. harnesses and a life safety system and continuous  
13. belay. And that's a permitted device. I mean, we  
14. have that on our list. But these are  
15. fundamentally different.  
16.       But I do think those two criteria --  
17. if it uses a life safety system that includes,  
18. like, a lifeline and a harness or the  
19. participant's feet is over 12 feet, then it's a  
20. permitted device. Or vice versa. If it doesn't  
21. use a life safety system and then the  
22. participant's feet do not -- then it doesn't  
23. qualify as a device that needs to be permitted.  
24.       MR. BAILEY: How --  
25.       MR. STOCK: So -- yes?

Page 55

1.       MR. BAILEY: How does some -- explain  
2. how this works. How does a patron go over this  
3. wall?  
4.       MR. STOCK: Okay. So the face of  
5. this -- actually, let me see if I can -- that's the  
6. back side. So what happens is whole team, like  
7. eight or ten or twelve kids or adults or whatever,  
8. are on this side, the straight-up face of it.  
9.       MR. BAILEY: Okay.  
10.       MR. STOCK: And they -- like same  
11. kind of process you would use for, like, boosting  
12. and tumbling or in gymnastics or anything like that,  
13. they work together to get the first person up to the  
14. top of the wall. Yeah. All those -- all kinds of  
15. different things. And as soon as they come off the  
16. ground, all the participants taught before -- and  
17. the team members and the staff are all taught to  
18. spot. As soon as someone comes off the ground,  
19. everybody's in spotting stance and protecting that  
20. participant.  
21.       The first person gets over the wall  
22. and then they're up there to assist. Okay? And  
23. so the next person goes up and the person at the  
24. top is assisting as well as the people on the  
25. bottom spotting. And the -- and the goal is to

Page 56

1. get everybody over the wall. And so what we do  
2. is -- there's only allowed to be two people on the  
3. top -- a maximum of two people on top at a time.  
4. The other person, when they get up there, once the  
5. third person comes up, another person comes down.  
6. So they're rotating. So you'll always have that  
7. body of spotters down there taking care of those  
8. participants.  
9.       MR. RADER: How high would that be?  
10.       MR. STOCK: The top of that wall is  
11. 10 feet. And again, that is -- that's the -- that  
12. really is the pinnacle of height for low ropes  
13. activity. Again, you can see, that's kind of what's  
14. called a 3D spider web. People just have to move  
15. through that as a team without touching any of the  
16. things. This is -- you use boards to move from one  
17. platform to the next. Again it's 12 inches max off  
18. of that.  
19.       MR. RADER: Don, was your spider web  
20. type deal there -- was that defined as a device  
21. meeting the criteria for a walkthrough? Are you  
22. walking through the web?  
23.       MR. STOCK: Maybe.  
24.       MR. RADER: What is that definition  
25. as it's defined in 302KROAAR-16 Section 110



Page 57

1. (verbatim) in your packet. What it's saying here is  
2. the types of devices excluded from the definition of  
3. aerial recreation devices, one of them being a  
4. device meeting the criteria for a walkthrough.  
5. MR. STOCK: I would assume so. This  
6. is the State of Kentucky's page. I pulled that out  
7. just as a reference to B --  
8. MR. RADER: I got you.  
9. MR. STOCK: -- related to elevation.  
10. I was not in this particular meeting and so I can't  
11. say definitively what they're saying about device --  
12. about A.  
13. One of our if colleagues was here and  
14. I don't know whether that question came up in  
15. that, but I would hesitate to say one way or the  
16. other, whether that's what that pertains to.  
17. MR. HALE: I think they also  
18. classify, like, a low swinging bridge type thing  
19. that you walk -- in the walkthrough, from my  
20. understanding.  
21. MR. STOCK: It may very well be.  
22. CHAIRMAN FOX: Don, do you all  
23. compare this Section B, device does not require a  
24. patron's feet to be more than 12 feet off the  
25. ground, have you compared that to the OSHA standard?

Page 58

1. MR. BAILEY: That's what I was  
2. thinking.  
3. MR. FARMER: OSHA's standard, I think  
4. is -- is it --  
5. MR. BAILEY: Four feet is general  
6. industry. Five feet -- or six feet construction.  
7. CHAIRMAN FOX: Six feet construction.  
8. MR. STOCK: Correct. Well, but  
9. that's not staff going over that. That's not -- if  
10. employees -- that's patrons.  
11. CHAIRMAN FOX: I understand. But  
12. you've still got an issue there with a harness. You  
13. have to have a harness on if you're over six feet  
14. off the ground.  
15. MR. STOCK: If you're a staff person.  
16. CHAIRMAN FOX: A harness and a safety  
17. device.  
18. MR. STOCK: Yeah. If you're a staff  
19. person, but a patron does not.  
20. MR. BAILEY: Is there a certain  
21. number of staff required to be present for these to  
22. operate?  
23. MR. STOCK: Yes. All of them -- now,  
24. each place has their own operating procedures, but  
25. any place that has legitimate training and those

Page 59

1. kinds of things are going to have a manual that  
2. says, you know, staff participant ratio and those  
3. sorts of things.  
4. MR. BAILEY: But that could change  
5. from company to company.  
6. MR. STOCK: It -- yeah, yeah. Now,  
7. there's a lot of commonality, but yes, it could  
8. change. But -- you're smirking at me.  
9. CHAIRMAN FOX: I mean, I agree with  
10. what you're trying to do.  
11. MR. STOCK: Yeah, yeah.  
12. CHAIRMAN FOX: I'm just saying that  
13. you've got an issue with -- to me, there's an issue  
14. that you've got to overcome with the OSHA standard.  
15. MR. STOCK: Well, I -- if it's  
16. employees, you're exactly right, but --  
17. CHAIRMAN FOX: And I get the  
18. difference --  
19. MR. STOCK: Yeah.  
20. CHAIRMAN FOX: -- but, you know, if  
21. it's an employee, you'd have to harness them. If  
22. it's a guest, you do not?  
23. MR. STOCK: Yeah. I mean, it's --  
24. there are a number of thorny issues like that in --  
25. not just our industry but other industries. I mean,

Page 60

1. you're -- believe me, I understand what you're  
2. saying. What the -- the level of effort that we  
3. have put into OSHA compliance in our industry in the  
4. last three years is staggering. And some of the  
5. ways, there's just no definitive, absolute way to do  
6. it. I mean, you do the very best you can without  
7. completely restructuring everything you do.  
8. CHAIRMAN FOX: I'm with you. What  
9. does ACCT specifically address on this -- at this  
10. point, what do they address? What is their  
11. criteria?  
12. MR. STOCK: There is -- this is so  
13. universal in our industry, it's kind of just a given  
14. that they're -- this is a spotted activity that is  
15. not -- we just don't use life safety systems on. I  
16. mean, most -- all of this -- everything that I'm  
17. telling you is coming from our culture as an  
18. organization and as an association and people who  
19. have done this for, however, 30 years or whatever.  
20. Specific -- can you be more specific when -- I mean,  
21. in terms of what ACCT says about low elements or  
22. about heighth or --  
23. CHAIRMAN FOX: The heighth and the  
24. low elements all together.  
25. MR. STOCK: I do not recall a

1. specific height restriction or anything in the
2. standard itself. I'd have to verify and look, but I
3. don't remember that being in there.
4. But the -- above that height is
5. pretty normal. But if it's above the 10 foot of
6. the initiative wall, then usually there's a life
7. safety system.
8. MR. HALE: And again, I think we have
9. to be careful that we don't get into trying to
10. regulate every playground across the state of
11. Tennessee. We just spent \$500,000 in Lebanon
12. building a new playground and it's got a 10-foot
13. tall rope challenge device as part of it.
14. MS. O'CONNOR: Well, monkey bars are
15. over six feet.
16. MR. HALE: So --
17. MR. STOCK: Yeah. I mean, and
18. these -- what I said, these activities are even more
19. benign than a playground, because they are
20. supervised, spotted, and facilitated activities.
21. MR. HALE: And in fact, it has a
22. device like that very first one that you showed as
23. part of the new playground.
24. CHAIRMAN FOX: See, things like this,
25. I don't -- I -- this is my personal opinion. I

1. speak for no one else. But that shouldn't -- to me,
2. that's not an inspectable --
3. MR. STOCK: Right.
4. CHAIRMAN FOX: -- device. But when
5. you have to get up -- again, that height requirement
6. is what I look at. At some point, you've got to put
7. a harness on them.
8. MR. STOCK: Correct.
9. CHAIRMAN FOX: And I guess that's
10. what you're asking us to help you determine?
11. MR. STOCK: Well, it's basically what
12. you want to do with this -- I mean, these exist. I
13. don't know anybody else that does -- that permit
14. them as an amusement device. I think that's really
15. the -- really kind of the question we're asking.
16. There's no question what we do at Ruby Falls is
17. amusement. And a lot of high challenge courses and
18. zip lines, even at camps -- that's -- you can make a
19. really great argument about that. This is not an
20. activity that a single person is going to come up
21. and plunk down \$10 to go and do by themselves.
22. MR. RADER: It's more of a
23. team-building type -- yeah.
24. MR. STOCK: It is absolutely team
25. building. I mean, there's -- you can't do these

1. activities alone. I mean, they are strictly
2. designed for team development and to do as a group.
3. So --
4. And my -- and honestly, my only
5. purpose and agenda being here is to help, because
6. this is one of those things that the marvelous job
7. that this group has done -- and I feel like the
8. traction that we've gotten together by working
9. together has gotten us a long way and improved
10. things dramatically.
11. The -- this is just one of those
12. things that just came up and popped up out of the
13. blue. And so I'm here to assist -- and if you
14. want to permit them, permit them. I mean, it
15. doesn't matter to me. I mean, it doesn't cause me
16. any more work or anything else. But I think we
17. should have a very precise reason why if we're
18. going to do that.
19. MR. FARMER: Can I ask a question?
20. If you inspect it, what would you inspect it to?
21. What code would you use? What industry code?
22. MR. STOCK: The ACCT standard.
23. MR. FARMER: They do have a standard.
24. MR. STOCK: Yeah. They're --
25. again --

1. MR. FARMER: And what is it?
2. MR. STOCK: It's very, very -- well,
3. these things are benign. So basically, we would
4. look like -- for a -- in fact, if I was inspecting
5. this island's activity, I would look at it and make
6. sure that there was a -- there's a solid lift of
7. mulch down, that there was a nice landing zone, that
8. there weren't, you know, cutoff trees two feet away
9. that someone could fall off and impale themselves
10. on. Things like that, and make sure that the things
11. are in good repair, that they don't rock around,
12. that they're not broken.
13. Most all of this stuff, again, is
14. really, really benign. I mean, there's not a --
15. it's not -- people are not at height, it's not
16. something that's going to fall out of the trees.
17. It's -- I mean, there's -- you have some cabling
18. elements like we have on here. But again, it's 16
19. inches off the ground, 12 inches off the ground.
20. MR. FARMER: So would the industry
21. code be about fastening?
22. MR. STOCK: They're actually -- when
23. it comes to low ropes elements, they're -- because
24. you're not dealing with life safety components --
25. there is -- I don't have to do -- like that -- I'll

1. give you a perfect example. That's a course that I  
 2. built many moons ago when I was ultra, ultra focused  
 3. on doing everything right. It's probably 12 years  
 4. ago. If you can see on that foot cable, it's got  
 5. two copper ferrules on it. Okay. Well, that's not  
 6. necessary. There's only -- it only needs to have  
 7. one, but I was -- you know, I'm like, ah, they're  
 8. only \$2, I'll put both of them on there, because --  
 9. so -- but there's nothing saying that -- I could --  
 10. if I wanted to, I could wrap the cable around the  
 11. pole and clamp it.

12. I mean, there's nothing that says it  
 13. has to be done -- from a standards standpoint, in  
 14. low ropes activity -- low ropes also are very  
 15. creative. People come up with new things, ideas.

16. So the concept is that when you're  
 17. inspecting these things, you're understanding  
 18. operations so that when you know that -- when  
 19. there's nothing there that's an external hazard.  
 20. Like there's not -- again, like the trees or  
 21. things that are going to potentially stab someone  
 22. or whatever.

23. So I mean, the standards -- the  
 24. specifications that you will find in things for  
 25. high courses with the ACCT, you're not going to

1. find them in the low course, because they don't  
 2. involve the life safety component and the -- at  
 3. heighth (verbatim).

4. CHAIRMAN FOX: From an administrative  
 5. standpoint, if I were inspecting that, I would  
 6. include -- I probably wouldn't charge for the  
 7. inspection. Well, I would include everything that  
 8. you had on your list and I would differentiate  
 9. between a life safety issue versus a low level type  
 10. thing.

11. MR. STOCK: Yeah. They're -- I said  
 12. they're broken out on my inspection report  
 13. between -- they -- the low courses stand alone by  
 14. themselves in a separate section. And we do note --  
 15. I mean, if there is a situation where this -- you've  
 16. got a low -- or an initiative wall that someone  
 17. built at 14 feet tall, I would absolutely note that  
 18. and say, this is a very, very out of -- non-typical  
 19. application for this and this is a potential risk  
 20. and you need to consider putting a belay on it.

21. And how -- and then depending on how  
 22. it was used, I mean, they might have some other  
 23. thing that they do that mitigates that risk. But  
 24. to -- you have to know that, and the only way to  
 25. know that is to look at their manual or talk to

1. them or whatever.

2. MR. HALE: So -- Mike, do you have an  
 3. opinion --

4. MR. HARDY: Well --

5. MR. HALE: -- that you want to voice  
 6. about this?

7. MR. FARMER: Well, not really an  
 8. opinion, but when we as a unit, as a Department, try  
 9. to determine whether or not a device needs to be  
 10. regulated, we have to refer to the law. And I have  
 11. it in front of me. I can read it, and everyone can  
 12. have their own opinions. But I would also like to  
 13. point out that last year, we permitted five low  
 14. ropes courses out of 348 permits. That's  
 15. 1.4 percent of the companies that we permit. So  
 16. we're not talking about a big widespread thing here  
 17. or, you know, any major magnitude.

18. But again, we refer to the law and we  
 19. do our best to make a determination of whether it  
 20. should or should not fall under regulation. And  
 21. if we feel that we need some additional opinions,  
 22. you know, we have legal counsel that -- Dan and  
 23. Chance, that their always willing to weigh in and  
 24. give us their opinion.

25. But the law says, any mechanical or

1. structural device -- most of these I think we'd  
 2. all consider them to be a structural device --  
 3. that carries or conveys a person or that permits a  
 4. person to walk along, around, or over a fixed or  
 5. restricted route or course or within a defined  
 6. area, including the entrances or exits to the  
 7. device for the purpose of giving persons  
 8. amusement, pleasure, thrills, or excitement.

9. And it's got the inclusions: roller  
 10. coaster, Ferris wheel, merry-go-rounds, glass  
 11. houses, walkthrough dark house, and it also has  
 12. the excluded. So it -- again, we have permitted  
 13. five companies that claim low ropes, low challenge  
 14. courses and -- because we felt that they do meet  
 15. the definition.

16. MR. BAILEY: Does the --

17. CHAIRMAN FOX: Oh, wait a minute.

18. MR. BAILEY: I'm sorry.

19. CHAIRMAN FOX: Ms. O'Connor.

20. MR. BAILEY: Oh, I'm sorry.

21. MS. O'CONNOR: I'm just -- going back  
 22. to that definition, then, what in a playground  
 23. doesn't meet that definition? If we're saying a low  
 24. ropes course meets that definition, I'm not  
 25. convinced that it does. But for purposes of

1. argument, if it does meet that definition, then how  
 2. does monkey bars or some kind of a tower or  
 3. structure at a playground not meet that same  
 4. definition as a device? I'm just trying to get a  
 5. consistency issue here.  
 6. MR. HARDY: Right. Yeah.  
 7. MS. JEFFERSON: And --  
 8. MR. HARDY: I understand your  
 9. question.  
 10. MS. JEFFERSON: Right. And this is  
 11. new territory. This is something different than  
 12. what we're accustomed to, and I think as Don Stock  
 13. indicated, the reason that we pursued it is because  
 14. some companies on their own added that particular  
 15. device to their device list. So that caused our  
 16. eyebrows to be raised about that issue.  
 17. And also, I know we've been dealing  
 18. with the Boy Scout issue since last year and  
 19. trying to determine how to handle that. There is  
 20. an exception under the law that talks about  
 21. charitable organizations, and we felt that they  
 22. wouldn't have had that exception under the law if  
 23. they didn't -- if there wasn't something in the  
 24. definition that required us to do -- to actually  
 25. enforce the law as to those type of devices.

1. But that's why we're here, because we  
 2. want to get you all's input and we want to --  
 3. before we start issuing devices to these type of  
 4. companies, we want to get your thoughts, your  
 5. recommendation as to whether or not we should  
 6. proceed, how we should proceed, so that we can  
 7. actually talk with our legal counsel and the other  
 8. persons that we need to, to see what the  
 9. Department's going to do.  
 10. MR. HALE: So is our vote that  
 11. defines what is necessary to comply sufficient to  
 12. provide y'all with the direction you need?  
 13. MS. JEFFERSON: Right. Your  
 14. recommendation. Yes. We just want -- we want your  
 15. recommendation based on all of your input as to what  
 16. you think about these particular devices. Now, the  
 17. law doesn't talk about height. So I mean, that's  
 18. something we're adding. Some of these things we're  
 19. adding to the definition and the definition does not  
 20. include those things. So if we think the  
 21. legislative intent was something different, then we  
 22. need to spell that out and we need to present that  
 23. information to our legal counsel and see how we need  
 24. to proceed as a Department.  
 25. MR. BAILEY: Well --

1. MR. HALE: I'm sorry. For the  
 2. purpose of us pushing the discussion forward, I'm  
 3. going to -- I'll make a motion and then we'll see  
 4. where we go from there. Okay? So I'm going to move  
 5. that we exclude these types of devices with the --  
 6. MR. RADER: Low aerial courses?  
 7. MR. HALE: -- low aerial courses with  
 8. the -- with that being defined as devices where the  
 9. feet of the participant is 12 -- is less than 12  
 10. feet -- 12 feet or less from the ground, that the  
 11. device is not -- does not require a safety harness  
 12. or lifeline. Yeah. I think I'll just stop there.  
 13. So that's my motion.  
 14. CHAIRMAN FOX: All right. We have a  
 15. motion.  
 16. MR. MOORER: Does that include  
 17. structures, the difference between a device and a  
 18. structure?  
 19. CHAIRMAN FOX: Let's get a second and  
 20. then we'll discuss.  
 21. MR. MOORER: Okay.  
 22. MR. RADER: I'll second that.  
 23. CHAIRMAN FOX: All right. Now, any  
 24. discussion? Now ask your question.  
 25. MR. MOORER: The question was about,

1. does that include devices and structures. I think  
 2. the law said structures, I think, in that.  
 3. MR. HALE: So I guess I need maybe  
 4. some advice from our legal counsel on the proper  
 5. wording of that. Should it say that -- I think  
 6. my -- my goal is to ensure that the participants --  
 7. to use the 12-foot standard, as he's laid out, as is  
 8. apparent in the Kentucky documents and those type of  
 9. things. So is the proper wording "device" or is the  
 10. proper wording "structure"?  
 11. MR. BAILEY: It'd be device. Yeah.  
 12. MR. RADER: Not to plagiarize what  
 13. they did, but it uses device.  
 14. MR. HALE: Yeah. That's --  
 15. MR. RADER: Normally --  
 16. MR. HALE: Right. That's why I said  
 17. device. So --  
 18. MR. BAILEY: Let me ask, do owners of  
 19. these low challenge courses -- do their insurance  
 20. carriers require those to be inspected?  
 21. MR. RADER: I'm sure -- I would --  
 22. MR. STOCK: That's a -- I know the --  
 23. I can only speak to the insurance pool that we are a  
 24. part of and that I am familiar with. And in those  
 25. instances, yes. But I don't have personal

1. experience with every insurance company --  
 2. MR. BAILEY: Right.  
 3. MR. STOCK: -- so I can't say that  
 4. everyone --  
 5. MR. RADER: What carriers do you use  
 6. that you say --  
 7. MR. STOCK: We --  
 8. MR. RADER: Philadelphia?  
 9. MR. STOCK: Our --  
 10. MR. RADER: American Specialty?  
 11. MR. STOCK: We have -- I don't  
 12. know -- we have a pool that is a -- that really kind  
 13. of is driven towards our industry. And every -- we  
 14. have an agency called Hibbs-Hallmark who has served  
 15. our organization and our industry for 20-something  
 16. years, who actually carries the policies' change  
 17. from year to year, there's Granite and Everest and  
 18. some other ones, and every other year or two years  
 19. or three years, there's a new player in the game,  
 20. because they're always chasing better rates and  
 21. better terms and the amounts are always going up.  
 22. And so it's a very active insurance field.  
 23. But all of those folks that we've --  
 24. we actually fill out our -- because we're  
 25. operators, as well. We run challenge courses and

1. things. And so when we actually fill out our  
 2. application, we have to indicate what activities  
 3. that we have, and all those activities that we  
 4. have that we mark as low ropes or high ropes or  
 5. whatever, are all covered by that policy. So I  
 6. would presume that every insurance company has a  
 7. form like that.  
 8. CHAIRMAN FOX: Yes, ma'am.  
 9. MS. O'CONNOR: Is there any reason to  
 10. believe that there's any kind of legislative intent  
 11. for this committee to be looking at playground  
 12. equipment or such devices or structures like that,  
 13. as a purpose here? Is there any indication at all  
 14. that legislative intent was to include playground  
 15. equipment structures as part of this?  
 16. MS. JEFFERSON: I can't speak to it.  
 17. I can't speak to it.  
 18. MR. BAILEY: I don't think there's --  
 19. I don't think you can read any intent to include or  
 20. exclude into the legislation.  
 21. CHAIRMAN FOX: But there is a  
 22. separate and distinct playground standard in ASTM.  
 23. It's very succinct. It sets forth, I don't know how  
 24. many recommendations in the standard, but an  
 25. entirely different animal than --

1. MR. STOCK: Right.  
 2. CHAIRMAN FOX: -- what we're dealing  
 3. here.  
 4. MR. STOCK: Right. What I will say  
 5. in terms of how the legislation is written, it does  
 6. indicate for a specific purpose, and it's for the  
 7. specific purpose of amusement. Can you read that  
 8. again, Mr. Hardy?  
 9. MR. HARDY: Yeah. For the purpose of  
 10. giving persons amusement, pleasure, thrills, or  
 11. excitement.  
 12. MR. STOCK: Okay. And these  
 13. activities are not for that purpose. Not only are  
 14. they usually not commercial -- you know, in a sense  
 15. of, like, someone can't walk up to knock on the camp  
 16. office door and say here's \$5. I want to go back  
 17. and play on the wild woozy. Because it just --  
 18. those -- they're not -- first of all, they're not  
 19. designed for entertainment; they're designed for  
 20. team building. Specifically designed for team  
 21. building.  
 22. They also are not pay-to-play or open  
 23. to the public. They are specifically geared and  
 24. designed for team development and for the  
 25. purpose -- they have the ancillary result of being

1. fun and enjoyable, but that fun and enjoyment is  
 2. not the intent and purpose of their -- of that  
 3. activity. That point of activity is personal  
 4. growth and team development (verbatim).  
 5. MR. RADER: That's just a by-product  
 6. of --  
 7. MR. STOCK: Exactly. Having a good  
 8. time is just the by-product. It's not the intent.  
 9. MR. FARMER: Would it be considered  
 10. educational?  
 11. MR. STOCK: Absolutely. Educational  
 12. and kind of -- we'll call traditional use or  
 13. therapeutic is another term that you used.  
 14. MR. HALE: So if our vote said  
 15. something along the line that the device is  
 16. typically used for group activities or team  
 17. building --  
 18. MR. STOCK: Team development. That  
 19. would be pretty precise.  
 20. CHAIRMAN FOX: Yeah. But it's --  
 21. that could be ambiguous and be -- what's the problem  
 22. with -- let me take the other side at issue.  
 23. MR. STOCK: Yeah.  
 24. CHAIRMAN FOX: Why wouldn't we  
 25. inspect it?

1. MR. STOCK: Well, I mean, again, I'm  
 2. not here advocating for either one. I'm just trying  
 3. to help clear up this thing so that they're not --  
 4. and I can communicate to my folks what we need to be  
 5. doing to make sure we're compliant and that we're  
 6. syncing up with this department. That's my intent.  
 7. CHAIRMAN FOX: I get that, but why  
 8. wouldn't it fall -- if you're an inspector and you  
 9. go out and do this --  
 10. MR. STOCK: It could, but -- okay.  
 11. Here's the -- here's where I think it gets weird for  
 12. this department. If you have a camp that has a zip  
 13. line and a climbing wall and a high course and a low  
 14. course, put it on the device list, it doesn't sound  
 15. like we're charging for the permitting fee based on  
 16. number of devices anymore going forward at all,  
 17. right?  
 18. MR. HARDY: There's one fee.  
 19. MR. RADER: It has the one fee.  
 20. MR. HARDY: Today.  
 21. MR. STOCK: Wow. That's a lot of  
 22. wasted effort. Man, that's unfortunate.  
 23. CHAIRMAN FOX: That's why I said, why  
 24. not?  
 25. MR. STOCK: Yeah. Well, and see --

1. CHAIRMAN FOX: I mean, you keep them  
 2. safe.  
 3. MR. STOCK: Yeah. So they -- well --  
 4. so when -- so let me -- so when you have all those  
 5. other things, including a low ropes element,  
 6. component, because you do have things up there that  
 7. are -- that really are permissible, that's no big  
 8. deal. I don't see any issue with that. That -- you  
 9. can just throw that on the device list and know  
 10. you've got it. The inspector, he's already done the  
 11. report. No harm, no foul.  
 12. The kind of interesting piece is how  
 13. we justify if someone just has a low course,  
 14. because just having a low course really doesn't  
 15. fit the scope of what this is trying -- I mean,  
 16. this thing is trying to do. So -- because it's  
 17. not commercial; it's not pay-to-play. It's not --  
 18. it's very therapeutic and team development and --  
 19. which doesn't fit the definition.  
 20. So that's my only point. That would  
 21. be my answer to that question.  
 22. CHAIRMAN FOX: Mr. Pope?  
 23. MR. POPE: Chairman, could we not put  
 24. in our definition, when used in conjunction with an  
 25. entertainment facility or -- and not if it's set

1. alone, basically, if it's just for the team  
 2. building, not be. And then like I said, if it's set  
 3. inside with some other course or a high -- I don't  
 4. know the difference between a high rope or a low  
 5. rope. But if it's set inside with that -- so if you  
 6. put, in conjunction with, used in conjunction with,  
 7. then it would become something we would inspect  
 8. (verbatim).  
 9. MR. HALE: So I guess my question  
 10. would be, then, does that not put us where the  
 11. monkey bars on every playground have got to be  
 12. inspected if we say that --  
 13. MR. POPE: Well, I'll be honest. I  
 14. have a problem with this 12-foot factor. I mean, to  
 15. me, that's dangerous.  
 16. MR. RADER: I agree.  
 17. MR. POPE: Any way you look at it.  
 18. And that's coming from somebody that buys insurance  
 19. and somebody that deals insurance.  
 20. MR. HARDY: Well, I just think we  
 21. need to be careful putting a 12 foot on there --  
 22. MR. POPE: I don't want to fall at 12  
 23. foot --  
 24. MR. HARDY: -- can be misconstrued  
 25. into other devices --

1. CHAIRMAN FOX: That's --  
 2. MR. HARDY: -- maybe some way.  
 3. CHAIRMAN FOX: That's where I'm at.  
 4. From an amusement device standpoint, somebody will  
 5. come in and tell us, well, if it's not over 12 feet,  
 6. then you've given these people leeway to do that.  
 7. But again, I go back to the question. The whole  
 8. purpose and intent of this law, this Board, this  
 9. group --  
 10. MR. STOCK: Right.  
 11. CHAIRMAN FOX: -- and the meeting  
 12. that we're having here is to ensure that the people  
 13. of the State of Tennessee are as safe as they  
 14. possibly can be --  
 15. MR. STOCK: Agree.  
 16. CHAIRMAN FOX: -- and whether you  
 17. have 150 or 100 devices, it's still \$150 for the  
 18. permit.  
 19. MR. STOCK: Correct.  
 20. CHAIRMAN FOX: And just like walking  
 21. up on that little platform up there, if I step up on  
 22. that and there's a board that's loose and it pops up  
 23. and hits me in the head --  
 24. MR. STOCK: Right.  
 25. CHAIRMAN FOX: -- I'm still injured

1. regardless of whether I've fell off to the side or  
 2. six or 12 feet. So --  
 3. MR. STOCK: Agree.  
 4. CHAIRMAN FOX: -- again, why wouldn't  
 5. we have it inspected? And that's -- I mean,  
 6. that's --  
 7. MR. RADER: Right.  
 8. MR. STOCK: I --  
 9. CHAIRMAN FOX: It doesn't cost any  
 10. more.  
 11. MR. STOCK: Right.  
 12. MR. RADER: Don, how many monoline  
 13. low courses are -- operate in Tennessee? That are  
 14. standalone.  
 15. MR. STOCK: People who -- there -- I  
 16. have no idea. I'm sure there's a lot, because --  
 17. and the reason being -- and this might be, to your  
 18. point, because these activities -- because they,  
 19. like -- because they're not at heighth and don't  
 20. require the harnesses and things, a lot of camps and  
 21. things like that build their own low ropes  
 22. activities, which may or may not be inspected by a  
 23. person such as myself.  
 24. So I mean, I don't know how many --  
 25. there's a lot of camps -- some of these are small

1. camps who don't have a lot of money who absolutely  
 2. probably have these activities.  
 3. MR. RADER: I've been through one and  
 4. it was primarily a low course for team building  
 5. where you sit on a platform and you trusted your  
 6. partner to catch you.  
 7. MR. STOCK: Sure.  
 8. MR. RADER: And then they put you  
 9. through a little web thing and --  
 10. MR. STOCK: Exactly.  
 11. MR. RADER: -- carried you through a  
 12. web. But then they had an 80-foot, 90-foot climbing  
 13. tower that you harnessed up and climbed it. So --  
 14. MR. STOCK: Oh, I was going to say --  
 15. CHAIRMAN FOX: I ain't going.  
 16. MR. RADER: So I would assume those  
 17. would be prominent -- a low course and a, kind of,  
 18. high course together.  
 19. MR. STOCK: We typically -- when we  
 20. build a traditional challenge course for a new  
 21. client, it almost always includes a low course with  
 22. a high course, if they're starting a new program.  
 23. That's very, very common.  
 24. CHAIRMAN FOX: And that is normal,  
 25. yes.

1. MR. RADER: Yeah. So I'm like  
 2. Robbie, if we're going to be out there, why don't we  
 3. just go ahead and inspect it?  
 4. MR. STOCK: Again, I am not  
 5. advocating for either one, I just need to know what  
 6. the pleasure of the Board is so I can make sure I am  
 7. communicating to my industry and my association  
 8. effectively and making sure that we're doing  
 9. everything we can to make these guys' life easy  
 10. (verbatim).  
 11. CHAIRMAN FOX: So again, going back  
 12. to --  
 13. MR. HALE: I guess I sort of go back  
 14. to my 10-foot tall brand-new playground piece that  
 15. we just built by -- if you don't put some type of  
 16. heighth on it, you're going to be looking at every  
 17. set of monkey bars and -- across the whole state of  
 18. Tennessee.  
 19. MR. BAILEY: I'll say this. In the  
 20. definition of amusement device, it goes on to say,  
 21. amusement device -- and this is the only place where  
 22. it addresses heighth. It says, amusement device  
 23. also includes any dry slide over 20 feet in heighth,  
 24. excluding water slides. That's the only place that  
 25. I can find where a heighth was mentioned in the

1. definition.  
 2. MR. HALE: But our device that we  
 3. just built -- had built in Lebanon, meets the ASTM  
 4. playground standards.  
 5. CHAIRMAN FOX: But again, they're an  
 6. entirely different set --  
 7. MR. HALE: I agree.  
 8. MS. JEFFERSON: And also, under that  
 9. exclusion that Dan was just reading, there is  
 10. another one. Can I borrow this, Dan?  
 11. MR. BAILEY: Yeah.  
 12. MS. JEFFERSON: Okay. And it  
 13. basically says, an amusement device that is owned  
 14. and operated by a non-profit, religious,  
 15. educational, or charitable institution or  
 16. association, if the device is located within a  
 17. building subject to inspection by the State fire  
 18. marshal or any political subdivision of the State  
 19. under its building, fire, electrical, or related  
 20. public safety ordinances.  
 21. So by them putting that in the law,  
 22. making that an exception, that tells me that  
 23. certain things that are operated by a non-profit,  
 24. religious, educational, or charitable institutions  
 25. are subject to the law, unless they fall under

1. this exception, unless they have proof of an  
2. inspection that's performed by State fire marshals  
3. or other.

4. So that's why -- like I said, this is  
5. new territory for us. But the question is whether  
6. or not these type of devices fall under the  
7. definition, and if they fall under the definition,  
8. whether or not this exception applies. And I  
9. think that's why they have this here in the law.

10. MS. O'CONNOR: Yeah.

11. MR. HARDY: But the exception,  
12. Ms. Jefferson, is also for indoors, indoor only.

13. MS. JEFFERSON: Right.

14. MR. HARDY: Located within a  
15. building.

16. MS. JEFFERSON: For indoor. Right.  
17. That's in the definition of that -- that's in that  
18. exception, rather. So it only applies to indoor.

19. Now, if they have indoor -- if it's  
20. indoor, rather, and they prove that they've had an  
21. inspection performed by someone else, then that  
22. law -- that wouldn't apply to them. They wouldn't  
23. have to have a permit by -- from the State, from  
24. the Amusement Device Unit. But if they can't  
25. prove that -- you know, first of all, it's indoor,

1. and that an inspection was not performed, then  
2. they would have to the permit. That's the way  
3. that we understood it.

4. CHAIRMAN FOX: Okay. We had a motion  
5. and a second. Any additional discussion? Anything  
6. else that we need to consider?

7. MR. MOORER: Is the height still at  
8. 12 feet?

9. CHAIRMAN FOX: If you would, repeat  
10. your motion.

11. MR. HALE: That we exempt low  
12. challenge courses, defined as devices where the  
13. participants' feet are not more than 12 feet off the  
14. ground, that the device does not require a safety  
15. harness for a lifeline.

16. MR. MOORER: Participants' feet.

17. MR. HALE: That's the way that it's  
18. written in the Kentucky standard, so that's sort of  
19. what I plagiarized, I suppose.

20. CHAIRMAN FOX: Well, that was the  
21. draft, yes.

22. MR. HALE: Yeah. Device does not  
23. require that a patron's feet be more than 12 feet  
24. off the ground at any time.

25. MR. POPE: Can I say something when

1. we call for question?

2. CHAIRMAN FOX: Yes.

3. MR. POPE: What it's saying right  
4. there, that's no different than a funhouse on a  
5. carnival.

6. MR. STOCK: It absolutely is.

7. MR. POPE: It's not.

8. MR. STOCK: It absolutely is, because  
9. a funhouse on a carnival isn't spotted and  
10. facilitated. That's the one thing to keep in mind  
11. is --

12. MR. POPE: Well, I don't know --

13. MR. STOCK: And I'm not arguing for  
14. this --

15. MR. POPE: I don't know of any  
16. funhouse on a carnival midway that you're going to  
17. drop 12 feet, for one thing, because no one's going  
18. to build something like that. If anything, you're  
19. not over two feet or three feet on a set of steps.  
20. I can't see there's any -- I'm not for inspecting it  
21. in one way, but if you don't, that's the way it's  
22. written. It's still there. I mean, you've got a  
23. catch-22.

24. I mean, like I said, I see it. I'm  
25. good if it's 18 inches off the ground and they're

1. not going to get hurt or something. But when  
2. they're 12 feet up in the air, somebody's going to  
3. get hurt, and then who's at fault?

4. MR. STOCK: Let me see if I can find  
5. a photo for you.

6. MR. POPE: I can't believe you'd  
7. build it for them to fall off of. I wouldn't want  
8. to insure it.

9. MR. STOCK: Let me see if I can show  
10. you a picture, because it's --

11. MR. POPE: I see the picture. I  
12. mean, I get it. I mean, I've been around --

13. MR. STOCK: I'm talking about of it  
14. operating.

15. MR. POPE: -- equipment all my life,  
16. but it's no different --

17. THE REPORTER: Please don't talk at  
18. the same time.

19. MR. BAILEY: Yes.

20. THE REPORTER: Thank you.

21. MR. POPE: It's no different -- like  
22. you said, what they're inspecting, we're inspecting  
23. less. We are inspecting less dangerous equipment  
24. with what we do now than what you're offering there  
25. any way you look at it. I mean, you've got --



1. somewhere it has to end -- somewhere we have to draw  
 2. a line that, yes, we are or we're not, but it keeps  
 3. leading to more and more and more. And that's why  
 4. we're having people come to us and question what  
 5. we're doing.

6. But I get it both ways. I just  
 7. don't -- I don't know what the answer is exactly,  
 8. but I'm like you; I think it has to somewhere  
 9. relate to if it's used for entertainment or fun or  
 10. something -- I mean, like I said, if it's just a  
 11. camp and this is just what they do for team  
 12. building, there's got to be some type of an  
 13. exemption --

14. MR. HALE: So when --

15. MR. POPE: -- that's somehow there.

16. MR. HALE: So you're saying that --

17. MR. POPE: If it's used as an  
 18. amusement facility or as part of an amusement  
 19. facility to provide entertainment, enjoyment, fun,  
 20. and whatever is listed on our list, it falls in the  
 21. guidelines.

22. MR. HALE: So if I modify this motion  
 23. where it said, the device is typically used for team  
 24. building and group activities.

25. MR. STOCK: Maybe facilitated.

1. MR. POPE: That's a different --

2. MR. RADER: Low aerial courses that  
 3. used for --

4. MR. POPE: I think that's a different  
 5. day.

6. MR. RADER: -- team building --

7. CHAIRMAN FOX: I think.

8. MR. RADER: -- that are in

9. conjunction with a high aerial course or -- and/or  
 10. are standalone. Because I can promise you, to get  
 11. insurance with Philadelphia or American Specialty or  
 12. any carrier that specializes in camps, in  
 13. amusements, they're going to ask for an inspection  
 14. in their supplemental.

15. MR. POPE: What if it's listed and it  
 16. falls under the guidelines of the ASTM for  
 17. playgrounds? This is not. This is a special-built  
 18. thing. It does not fall under those guidelines, I'm  
 19. assuming. So -- whereas, yours -- your question  
 20. does. The monkey bars and stuff would have to be  
 21. under an ASTM --

22. MR. HALE: Falls under the ASTM.

23. MR. POPE: -- or some type of  
 24. guideline for playground equipment. So I could  
 25. entertain some type of motion if it was listed that

1. MR. POPE: I would have to have some  
 2. kind of --

3. MR. HALE: Or something like that.

4. MR. POPE: -- modification on your  
 5. motion to be able to vote for it because otherwise,  
 6. it's in the guideline.

7. MR. HALE: We'll make an amendment.

8. CHAIRMAN FOX: Well, he has to accept  
 9. whatever you're going to propose and then --

10. MR. RADER: Well, part of me wants to  
 11. even retract my second, because I'm not convinced  
 12. there's enough of them that are monoline low aerial  
 13. courses that -- in the state that we shouldn't just  
 14. include all of them and make it simple.

15. MR. POPE: That's what I'm saying.

16. MR. RADER: So I officially retract  
 17. my second. Not -- don't take that personal. I  
 18. would like us just to include them all and move on  
 19. and be -- it makes it simpler.

20. MR. HALE: So I guess, then -- and so  
 21. now we're back to square one. So does our -- I  
 22. guess my statement is, then, so what about the  
 23. monkey bars on every playground. They're 10 feet --

24. MR. RADER: I'm really referring

25. to --

1. we exclude equipment that falls under playground  
 2. ASTM standards.

3. CHAIRMAN FOX: Well, I would ask that  
 4. we -- in thinking this through, talking it through,  
 5. I would ask that we consider this before we make any  
 6. decision. Let's find out what the ACCT says about  
 7. this particular subject. Yes?

8. MS. JEFFERSON: And also, I would  
 9. like to make a suggestion. Since we're basically  
 10. just wanting feedback, instead of voting on it, why  
 11. don't we just --

12. MR. RADER: Table it.

13. MS. JEFFERSON: -- discuss it?

14. MR. RADER: Yeah.

15. MS. JEFFERSON: Just discuss the  
 16. issue and just offer a recommendation, if you have  
 17. one. If not, as we indicated before, we'll, you  
 18. know, talk with our legal counsel afterwards and  
 19. just try to go from there. But we don't necessarily  
 20. need a vote on it --

21. MR. POPE: Because of me.

22. MS. JEFFERSON: -- because we don't  
 23. want to bound you all in any way.

24. CHAIRMAN FOX: Okay.

25. MR. BAILEY: Yeah. Really, I think

1. this should be more of just an informative session  
 2. for you all and the Unit. But I think the Unit's  
 3. going to have to determine whether we think -- or  
 4. they think it falls -- it has -- it is an amusement  
 5. device or it isn't. And -- because if -- whatever  
 6. position they take -- if they take the position that  
 7. it is, then we're going to permit it. And if  
 8. somebody challenges that, that challenge comes back  
 9. to this Board. So I don't think the Board really  
 10. needs to recommend anything.  
 11. MR. HALE: I guess where I --  
 12. MR. BAILEY: I think it just needs to  
 13. be a discussion.  
 14. MR. HALE: I was trying just to give  
 15. you a platform to stand on so that we don't end up  
 16. with a room full of people arguing about it. You  
 17. could say, well, it's already been discussed. Here  
 18. was their position.  
 19. MR. STOCK: They're going to.  
 20. MR. BAILEY: Yeah.  
 21. MR. STOCK: I mean, I can I promise  
 22. you that.  
 23. MR. BAILEY: Sure.  
 24. MR. STOCK: I mean, again, I'm not  
 25. saying -- from my personal opinion, it doesn't make

1. any difference to me, because I'm going to inspect  
 2. it and -- but there will definitely be a pushback,  
 3. because no one -- literally, no one ever, anywhere  
 4. has ever -- that I know, has permitted a low course  
 5. because of the reasons that we discussed. So there  
 6. will definitely be some blow back.  
 7. MR. RADER: Hey, Dan, don't you agree  
 8. that when you're looking at the definition of an  
 9. amusement that this falls under the same argument  
 10. that these people with bounce houses have been  
 11. arguing about? I mean, you're -- no matter what, I  
 12. think, we do, you're still going to have a few  
 13. people that say -- they're going to take bits and  
 14. pieces of that -- the law --  
 15. MR. BAILEY: Absolutely.  
 16. MR. RADER: -- the definition and  
 17. say, well, it doesn't fall under here, but if you  
 18. read on, it falls under here and it's going to be  
 19. the same thing with these low courses.  
 20. MR. BAILEY: Sure. And like I said,  
 21. I think the discussion was good, and it helps the,  
 22. you know, the Unit to look at different things,  
 23. like, you know, if there's an ACCT section just for  
 24. playgrounds, what equipment falls under playgrounds,  
 25. and are playgrounds something we're not going to

1. permit? And if it doesn't fall in playgrounds, then  
 2. maybe it is something that meets the definition,  
 3. okay, we do require a permit for that. You know?  
 4. I mean, certainly Chairman Fox's  
 5. comment about the OSHA standard -- I mean, falls  
 6. is about the number one cause of death on the work  
 7. site, is falls. And falls from very short levels.  
 8. MR. RADER: Right.  
 9. MR. BAILEY: They don't have to be 20  
 10. stories or anything, but that's a major cause of  
 11. death right here in Tennessee for workers and across  
 12. the nation. So going up a heighth, any heighth, is  
 13. dangerous. I mean, I won't risk going up step  
 14. ladders anymore, you know, just because of the  
 15. reports I read of people falling. You know, so -- I  
 16. mean, all that needs to be taken into consideration,  
 17. I think.  
 18. MR. MOORER: Mr. Chairman, when I saw  
 19. that rail, that beer stand (phonetic) right there, I  
 20. immediately thought about building codes that  
 21. require anything above a certain height, you've got  
 22. to have a rail around it at a certain heighth, I  
 23. think, is what -- anything over four feet, that if  
 24. you've got a porch or something of that nature. So  
 25. that -- presented (verbatim).

1. MR. HALE: But I still think you have  
 2. to -- we have to have a clear understanding. We're  
 3. talking about the difference between employees and  
 4. patrons.  
 5. CHAIRMAN FOX: Yes.  
 6. MR. BAILEY: Understand.  
 7. MR. STOCK: And there is also --  
 8. there is -- the fundamental difference is this is a  
 9. staffed, facilitated, spotted activity. They -- the  
 10. little girls they -- that they do tumbling, they  
 11. throw them 20 feet in the air. There's no life  
 12. safety system except for the other people who are  
 13. trained to protect them. This is the -- that is  
 14. a -- that's a fundamental point of this that really  
 15. makes a huge difference.  
 16. It is different than walking up the  
 17. stairs on an amusement device to go up and -- you  
 18. don't have people around spotting you, making sure  
 19. you're not going to fall or catching you if they  
 20. do. So that -- I mean, that really is what sets  
 21. this apart. I mean, this is a facilitated,  
 22. staffed activity with trained people who are there  
 23. to protect you.  
 24. MR. POPE: In a perfect world, if  
 25. it's run that way.

Page 97

1. MR. MOORER: May I ask Mr. Don a  
2. question, because this has been troubling me for  
3. some time. If I was an owner of a device, either of  
4. a park or something like this, I would want you to  
5. come in and inspect me.  
6. MR. STOCK: Absolutely. And most  
7. people do.  
8. MR. MOORER: Okay.  
9. MR. STOCK: Yeah.  
10. MR. MOORER: Okay. Thank you.  
11. MR. STOCK: Most people do.  
12. MR. MOORER: Okay. Because I mean,  
13. if I've got a State inspector that said I'm good --  
14. MR. STOCK: Yeah. You don't get that  
15. argument from me. I mean, I'm for it. This is what  
16. I do, make a living. I think -- I mean, I've  
17. advocated for us, including traditional challenge  
18. courses and all of this. So I'm not against the low  
19. course thing, I was just asked to come and present  
20. and here's the reason why nobody else does it. But  
21. if we choose to -- I just need to know so I can make  
22. sure I communicate to my folks and say, this is  
23. the -- I was in room; this is the discussion we had,  
24. and it came down to, hey, it's not going to hurt  
25. anything to inspect it. It's going to -- again, to

Page 98

1. help add to the potential -- for public safety.  
2. So --  
3. But in these activities, there's -- a  
4. great deal has to do with the quality of the staff  
5. and things like that far less than the structure  
6. that you will find in, you know, the high course  
7. activities. But anyway, I think we're beating a  
8. dead horse.  
9. CHAIRMAN FOX: Me too.  
10. MR. STOCK: Y'all just tell me  
11. what --  
12. CHAIRMAN FOX: So we'll ride on.  
13. MR. STOCK: Y'all just tell me what  
14. you -- you make a decision. You let me know how I  
15. communicate it. That's all.  
16. CHAIRMAN FOX: As a discussion item,  
17. can we get this on the March 6th agenda, which  
18. segues right into Item Number 11, Discussion Items.  
19. MR. STOCK: Would it be helpful for  
20. me to send whatever sections of the ACCT standard to  
21. you that talks about this and maybe get some -- any  
22. kind of statements from other people in our  
23. organization or get an official statement or -- from  
24. the -- from ACCT or -- if not, that's fine. I'm --  
25. CHAIRMAN FOX: If you could send us a

Page 99

1. copy of the --  
2. MR. RADER: Standard.  
3. CHAIRMAN FOX: -- section that deals  
4. with the ACCT standard on this --  
5. MR. STOCK: Okay.  
6. CHAIRMAN FOX: -- yes, I think that  
7. would be very beneficial for us.  
8. MR. STOCK: Okay. Great.  
9. CHAIRMAN FOX: Discussion Item,  
10. tentative meeting dates for 2018, March 6th, June  
11. the 5th, September 11th, December the 4th. Does  
12. that give anyone heartburn or cause an  
13. insurmountable problem?  
14. MR. POPE: The September date is  
15. right in the heart of fair season for anybody in my  
16. industry, David and myself included. That's the  
17. only reason I missed the last meeting. If you could  
18. do anything, maybe get it off the first of the week  
19. and do like a Wednesday or a Thursday, so it's not  
20. on opening day, because we're --  
21. CHAIRMAN FOX: This would be the week  
22. after Labor Day.  
23. MR. POPE: Right.  
24. CHAIRMAN FOX: Recommendations?  
25. MR. POPE: Typically, and my only

Page 100

1. reason -- and you know I just -- I tried this year  
2. to do it, but it was an opening Tuesday. I had a  
3. Monday opening and a Tuesday opening and there was  
4. just no way I could pull loose. If it went, like I  
5. said, later in the week, then I might -- could make  
6. it.  
7. CHAIRMAN FOX: Does the 12th -- does  
8. that -- if we had it on a Wednesday, does that --  
9. MR. FARMER: That would be the boiler  
10. board.  
11. CHAIRMAN FOX: The boiler board.  
12. MS. BENNETT: No. The boiler is the  
13. next week.  
14. MR. FARMER: That's what that is.  
15. It's September 12th.  
16. MS. BENNETT: Oh, is it?  
17. MR. FARMER: Yeah. He said  
18. September -- oh, I'm sorry. I'm sorry.  
19. MS. BENNETT: For 2018?  
20. MR. FARMER: I'll be quiet.  
21. MS. BENNETT: Typically, we try --  
22. MR. HALE: I don't know that  
23. Thursday's any better than Tuesday, is it?  
24. CHAIRMAN FOX: I don't either.  
25. MS. BENNETT: Typically, we try

1. and --
2. MR. HALE: Do you think --
3. MR. POPE: Well, for me, only because
4. I'm trying to get open. That's the only thing. If
5. it's going to go wrong, it's going to go wrong the
6. first day.
7. CHAIRMAN FOX: Does this present an
8. insurmountable problem to move it to Wednesday?
9. MS. BENNETT: I don't think so. If
10. it's okay with Ms. Jefferson --
11. MS. JEFFERSON: That's fine.
12. MS. BENNETT: -- and them.
13. Typically, what we try and do is have the Elevator &
14. Amusement Device Safety Board meeting one week and
15. then the following week, have the Board of Boiler
16. Rules so that they're not back to back, there's a
17. week. So any time during that week, I don't --
18. MS. JEFFERSON: Exchange.
19. MS. BENNETT: Yeah.
20. MS. JEFFERSON: We could talk with
21. them about exchanging dates.
22. MS. BENNETT: Yeah. But -- so you
23. think Thursday or something would be better for you
24. guys?
25. CHAIRMAN FOX: Somebody said -- David

1. said Thursday.
2. MR. RADER: Thursday?
3. CHAIRMAN FOX: The 13th?
4. MS. BENNETT: The 13th? Would that
5. be better?
6. MR. POPE: It'd be better for me. I
7. mean, I honestly think I could do that.
8. MS. BENNETT: We just like to put
9. these out on the website as tentative dates so
10. people can make arrangements, as well as yourselves.
11. MS. JEFFERSON: And the March 6th
12. date may run afoul with another division's
13. conference, so that may be a potential conflict, as
14. well.
15. MS. O'CONNOR: Can we --
16. MS. JEFFERSON: So can --
17. MS. BENNETT: That whole week?
18. MS. JEFFERSON: I'm sorry?
19. MS. O'CONNOR: Can we move it back a
20. week, like, to the following Tuesday?
21. MR. BAILEY: I'd have to check my
22. calendar. I mean, if you give me --
23. MS. BENNETT: Yeah, that would be the
24. end of February.
25. MR. BAILEY: -- two minutes, I'll run

1. upstairs and check real quick.
2. MS. JEFFERSON: Dan's going to check
3. his calendar.
4. MR. POPE: I'm even better if you do
5. that.
6. MS. BENNETT: For February?
7. MR. POPE: The following -- if it
8. goes the following week instead of then just --
9. those first two weeks of September are just
10. absolutely covered over. And you'll find that --
11. your compliance officers will find the same thing.
12. I mean, that's --
13. MS. BENNETT: Well, the first week of
14. September, we try not to do that, because that is
15. Labor Day --
16. MR. POPE: Labor Day. Right.
17. MS. JEFFERSON: Right.
18. MS. BENNETT: -- week and a lot of
19. people take vacations.
20. MR. POPE: Well, the big thing in
21. Tennessee -- every fair --
22. MR. RADER: Fair.
23. MR. POPE: -- in Tennessee wants to
24. be August and September.
25. CHAIRMAN FOX: Yeah.

1. MR. POPE: The whole month of August
2. and the first two weeks of September, or three weeks
3. of September. So we're all in a an eight-week
4. period there, basically. And then like I said, you
5. know, it's just -- for me, it's no big deal if you
6. don't -- you can't, you can't. That's the only
7. reason I wasn't here last time.
8. MR. HALE: You know, that week is
9. Tennessee State Fair, so --
10. MS. BENNETT: What about the 18th of
11. September? Would that work?
12. MR. POPE: That's right where we
13. were.
14. MR. FARMER: The 18th?
15. MR. HALE: No, we were at the 11th.
16. MR. POPE: Oh, the 11th.
17. MS. O'CONNOR: From the 11th.
18. MS. BENNETT: Yeah. And then we went
19. to the 13th and --
20. MR. POPE: Yeah. I could even --
21. MR. FARMER: The 18th would be the
22. day before the Boiler.
23. CHAIRMAN FOX: What if we met on the
24. 17th? That might be --
25. MS. JEFFERSON: What if we just, for

1. purposes of this meeting, and since we're really  
 2. getting into this, what if we just said October,  
 3. because we know that in October, maybe the second  
 4. week in October, most things are completed.  
 5. MS. O'CONNOR: I'm out. I can't --  
 6. MS. JEFFERSON: You can't do the  
 7. second week of October? Okay.  
 8. CHAIRMAN FOX: How about you all send  
 9. us some dates or we'll give you dates for the  
 10. September meeting. Let's go back to March. Can we  
 11. agree on --  
 12. MS. JEFFERSON: Actually, we need to  
 13. wait on that date. Dan's checking his calendar. He  
 14. has another -- he has a potential conflict for  
 15. March. So we have a potential conflict for March  
 16. and for September.  
 17. CHAIRMAN FOX: Okay.  
 18. MS. BENNET: And the Monday dates, I  
 19. mean, we can do it, but I prefer to have something  
 20. after Monday, because it gives me Monday to set the  
 21. room and everything up instead of doing it Friday,  
 22. you know, for Monday. You know. So -- but that's  
 23. just me.  
 24. CHAIRMAN FOX: Well, I just want you  
 25. to know on that March the 6th, that's my wife's 20th

1. anniversary of her 39th birthday. So I have to be  
 2. back.  
 3. MR. HALE: If we're including that,  
 4. September the 11th is my wife's, so --  
 5. CHAIRMAN FOX: How many anniversaries  
 6. is that for her?  
 7. MR. POPE: Which one?  
 8. MR. HALE: Really? Both of you?  
 9. Really? Have you all struck from the record.  
 10. MR. POPE: I'm checking, too, the  
 11. date -- Mr. Hardy had mentioned the Tennessee  
 12. Association of Fair's date, and I have a different  
 13. date down. So --  
 14. MR. HARDY: Well, I took it off the  
 15. website, so I assumed it said the upcoming meeting.  
 16. I thought it did. What did I --  
 17. MR. POPE: I was thinking it was the  
 18. week -- the following week.  
 19. MR. HARDY: David may know.  
 20. MR. POPE: He and I both are there.  
 21. MR. HALE: What?  
 22. MR. POPE: The dates for the  
 23. Tennessee Association.  
 24. MR. HALE: The State Fair -- it is --  
 25. MR. POPE: It says the 18th. 18th,

1. 19th, and twentieth.  
 2. MR. HALE: It is the 17th through  
 3. the -- well, the 18th through the 21st.  
 4. MR. HARDY: Yeah. January.  
 5. MR. HALE: January.  
 6. CHAIRMAN FOX: Let's go back to the  
 7. March 6th date, because --  
 8. MS. JEFFERSON: March -- what about  
 9. March the 13th?  
 10. MS. O'CONNOR: Yes.  
 11. MS. JEFFERSON: Do you all have any  
 12. conflicts on that date?  
 13. MS. O'CONNOR: That's good.  
 14. MS. JEFFERSON: March the 13th.  
 15. MR. POPE: Nothing in March. I'm  
 16. making no money at all in March.  
 17. MR. HALE: I guess I should have put  
 18. all these on my calendar.  
 19. MS. JEFFERSON: That's the following  
 20. Tuesday after the 6th.  
 21. MR. HALE: All right. So now, we're  
 22. March the 13th.  
 23. MR. BAILEY: Is that good with  
 24. everybody?  
 25. MS. JEFFERSON: March 13th. What

1. September? What about October the 16th?  
 2. MS. O'CONNOR: I can't do October.  
 3. MS. JEFFERSON: You can't do October  
 4. at all?  
 5. CHAIRMAN FOX: October 16? That's  
 6. not going to work.  
 7. MR. POPE: I couldn't do October  
 8. either. I can't do it that late. I could do the  
 9. first two weeks.  
 10. MS. JEFFERSON: Is there any date in  
 11. September that we can do, any Tuesday, because  
 12. September we have -- of course, the 3rd is a  
 13. holiday. So --  
 14. MR. POPE: If you went to the 18th, I  
 15. could do Tuesday.  
 16. MR. RADER: I can't do that.  
 17. CHAIRMAN FOX: We have mentioned, I  
 18. have a meeting that day, a standing meeting. What  
 19. about the 12th?  
 20. MR. HALE: But June the 5th is --  
 21. MR. POPE: I can do the 12th.  
 22. MR. HALE: -- a definite, right?  
 23. We're --  
 24. MS. JEFFERSON: Can you do the 12th?  
 25. MR. HALE: We've agreed that that --

1. MR. POPE: I can do the 12th through  
 2. the 15th.  
 3. MR. RADER: That's on Monday?  
 4. MR. FARMER: That's a Wednesday.  
 5. MS. JEFFERSON: September 12th.  
 6. MR. FARMER: Wednesday's easier for  
 7. us. Later in the week's easier.  
 8. CHAIRMAN FOX: 12th?  
 9. MS. JEFFERSON: September 12th.  
 10. CHAIRMAN FOX: That's a Wednesday.  
 11. So say you one, so say you all? March is -- okay.  
 12. So we're at March the 6th, right?  
 13. MR. BAILEY: No.  
 14. MS. O'CONNOR: March 13th.  
 15. MS. BENNETT: 13th.  
 16. MS. JEFFERSON: March 13th.  
 17. CHAIRMAN FOX: March 13th.  
 18. MR. HALE: March 13th.  
 19. MS. BENNETT: And I can e-mail all of  
 20. you this --  
 21. MR. FARMER: Please.  
 22. CHAIRMAN FOX: Yeah, please do.  
 23. We're still good Jun the 5th.  
 24. MS. JEFFERSON: Yes.  
 25. CHAIRMAN FOX: And September the

1. 12th.  
 2. MS. JEFFERSON: Yes.  
 3. CHAIRMAN FOX: And December 4th. So  
 4. say you one, so say you all? Okay. Just like at  
 5. Staples, that was easy.  
 6. Okay. Moving along, I asked that  
 7. these next two things be put on. I had, actually,  
 8. two people call me about personal inflatables, and  
 9. they want to know if they set those up through  
 10. their church -- they don't charge for them -- are  
 11. they to be inspected? And if they have them in  
 12. their backyards or on their farm and people come  
 13. over there to play and jump, do those need to be  
 14. inspected? And so --  
 15. MR. HARDY: We've had people inquire  
 16. the Unit that said that they owned an inflatable, a  
 17. non-commercial --  
 18. CHAIRMAN FOX: Non-commercial.  
 19. MR. HARDY: -- personal inflatable  
 20. that they used to entertain family and friends, and  
 21. we've told them that they would be exempt from  
 22. regulation.  
 23. CHAIRMAN FOX: And that's what I was  
 24. told, as well, or told them, as well, but I wanted  
 25. to get that on the record just so we don't have an

1. issue.  
 2. The other thing that came to my  
 3. attention was local inspections. And this was  
 4. in -- I want to say this was in Bristol, Tennessee  
 5. where the -- one of the inspectors was up there  
 6. and called me and conveyed to me that the -- and I  
 7. don't remember who it was -- some of the local  
 8. officials there wanted him -- or they wanted to  
 9. come and inspect and sign off on that inspection  
 10. before they would let him leave or before they  
 11. would let the owner open the ride or attraction or  
 12. area.  
 13. And to you all's knowledge, are there  
 14. any cities that have an ordinance that would allow  
 15. or would mandate that there would be an inspection  
 16. done before a show or a fair or a theme park or  
 17. any group other than Memphis? Is there -- are  
 18. there any groups out there or cities out there  
 19. that have those ordinances that you know of?  
 20. MS. JEFFERSON: I'm not familiar with  
 21. any ordinance other than the law, other than what's  
 22. stated in the law. I'm not familiar with that.  
 23. MR. POPE: I'm not understanding. So  
 24. you're saying that -- you're asking if there's any  
 25. ordinances, city ordinances --

1. CHAIRMAN FOX: City ordinances. If  
 2. we know of any out there or any cities --  
 3. MR. POPE: That a carnival or  
 4. something --  
 5. CHAIRMAN FOX: -- that are  
 6. implementing --  
 7. MR. POPE: -- can't operate until  
 8. there's an inspection.  
 9. CHAIRMAN FOX: Right. I just wonder  
 10. if you all have dealt with the cities.  
 11. MR. FARMER: I think I've seen in the  
 12. past -- and I don't want to speak to amusements too  
 13. much. The fire marshals come in and kind of check  
 14. the area that it's set up in more than the ride  
 15. itself. And I don't know if that would be  
 16. included --  
 17. MR. POPE: I've had --  
 18. MR. FARMER: -- with what you were  
 19. talking about.  
 20. MR. POPE: I've run into situations  
 21. like that to where -- I don't know that there was  
 22. any law, but I think it was just a safety practice.  
 23. But I've even had fire departments come in and want  
 24. to inspect my rides, and I've had to decline  
 25. respectfully and tell them, unless they're

- 1. qualified, they don't get to.
- 2. MR. HARDY: And this -- excuse me --
- 3. MR. POPE: Of course, this was going
- 4. back before we had any type of inspection.
- 5. MR. HARDY: This Bristol example that
- 6. you used, Chairman Fox, is the only one that we've
- 7. been aware of, but we didn't really get involved.
- 8. We -- and it was between the city and the inspector.
- 9. CHAIRMAN FOX: We take no position on
- 10. that. Is that --
- 11. MR. POPE: There's several fairs that
- 12. require an inspection before they open --
- 13. CHAIRMAN FOX: Right.
- 14. MR. POPE: -- of some type, on the
- 15. grounds. Lebanon, for one. But as far as a law, I
- 16. don't know of any place that has a law or an
- 17. ordinance.
- 18. MR. HALE: We don't require -- Wilson
- 19. County Fair does not require a ride inspection, but
- 20. we do require the electrical inspection, an
- 21. electrical inspection, and the fire marshal.
- 22. MR. POPE: I know a lot of --
- 23. MR. HALE: And the fire marshal --
- 24. MR. POPE: A lot of bigger fairs do
- 25. any in-house. They'll hire --

- 1. MR. HALE: Yeah.
- 2. MR. POPE: -- their own safety
- 3. consultant to come in and do an inspection. Even if
- 4. I'm inspected already by a third-party inspector, a
- 5. lot of times they'll hire a third-party inspector.
- 6. I want to say that -- maybe one of the towns that
- 7. had an accident before. What is it?
- 8. CHAIRMAN FOX: Greenville.
- 9. MR. POPE: Greenville maybe does now.
- 10. MR. MOORE: But that's still separate
- 11. from what the -- I mean, we're requiring an
- 12. inspection in accordance with the State law.
- 13. MR. POPE: That's right.
- 14. MR. MOORE: And anything done above
- 15. and beyond that is -- I mean, we'll still issue our
- 16. permit, because we've met the letter of the law and
- 17. then anything that a city or municipality does,
- 18. that's on their own accord. They still get a State
- 19. permit, it's just whether or not the city allows it.
- 20. So --
- 21. MR. HARDY: Any above and beyond.
- 22. MR. MOORE: Yeah.
- 23. CHAIRMAN FOX: I'm just getting the
- 24. discussion on the record so that we've taken care of
- 25. it. And we don't have anything to do with a city

- 1. ordinance. That's our position; is that correct?
- 2. MS. JEFFERSON: Yes.
- 3. CHAIRMAN FOX: Okay. All right.
- 4. Thank you very much. Any other discussion?
- 5. The Announcement of the Next Meeting.
- 6. The next regularly scheduled meeting of the
- 7. Elevator and Amusement Device Safety Board meeting
- 8. will be held at 9:00a.m. Central Time, Tuesday,
- 9. March 6th, 2018 --
- 10. MS. O'CONNOR: March 13th.
- 11. MS. BENNETT: 13th.
- 12. MS. JEFFERSON: 13th.
- 13. CHAIRMAN FOX: I'm sorry. I went
- 14. crazy. I went crazy. March the 13th at the State
- 15. of Tennessee Department of Labor and Workforce
- 16. Development building, located at 220 French Landing,
- 17. Nashville, Tennessee. Do I have a motion for
- 18. adjournment?
- 19. MS. O'CONNOR: So moved.
- 20. CHAIRMAN FOX: And we're adjourned.
- 21. Thank you all.
- 22. END OF PROCEEDINGS.
- 23.
- 24.
- 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 12th day of January 2018.
- 19.
- 20.
- 21. \_\_\_\_\_
- 22. Dominique A. Dubois, LCR# 686
- 23. Notary Public State at Large
- 24. My commission expires: 4/9/2018
- 25.

<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> 116:8 116:12</p> <p><b>able</b> 10:21 10:23 21:9 26:6 32:4 38:6 41:23 47:22 90:5</p> <p><b>aboard</b> 14:1</p> <p><b>above</b> 2:1 54:5 54:6 61:4 61:5 95:21 114:14 114:21</p> <p><b>absolute</b> 60:5</p> <p><b>absolutely</b> 27:8 62:24 66:17 76:11 82:1 87:6 87:8 94:15 97:6 103:10</p> <p><b>accept</b> 90:8</p> <p><b>accident</b> 13:1 19:1 114:7</p> <p><b>accord</b> 114:18</p> <p><b>accordance</b> 114:12</p> <p><b>according</b> 21:6</p> <p><b>acct</b> 24:18 60:9 60:21 63:22 65:25 92:6 94:23 98:20 98:24 99:4</p> <p><b>accurate</b> 116:11</p> <p><b>accustomed</b> 69:12</p> <p><b>achieved</b> 15:24</p> <p><b>across</b> 47:11 53:22 61:10 83:17 95:11</p> <p><b>action</b> 116:16 116:17</p> <p><b>active</b> 73:22</p> <p><b>activities</b> 46:1 46:10 46:24 61:18 61:20 63:1 74:2 74:3 75:13 76:16 81:18 81:22 82:2 89:24 98:3 98:7</p> <p><b>activity</b> 46:3 46:5 46:11 47:4 53:18 56:13 60:14 62:20 64:5 65:14 76:3 76:3 96:9 96:22</p> <p><b>actually</b> 11:6 22:23 24:11 24:20 31:1 33:21 39:23 52:13 55:5 64:22 69:24 70:7 73:16 73:24</p>	<p>74:1 105:12 110:7</p> <p><b>adam</b> 4:8 7:19 7:22</p> <p><b>add</b> 25:9 33:7 51:8 98:1</p> <p><b>added</b> 69:14</p> <p><b>adding</b> 70:18 70:19</p> <p><b>addition</b> 52:11</p> <p><b>additional</b> 33:7 38:18 67:21 86:5</p> <p><b>address</b> 20:22 60:9 60:10</p> <p><b>addresses</b> 83:22</p> <p><b>adhesive</b> 33:7</p> <p><b>adjourned</b> 115:20</p> <p><b>adjournment</b> 5:21 115:18</p> <p><b>administration</b> 4:7 7:14 39:24 39:25</p> <p><b>administrative</b> 16:6 38:7 66:4</p> <p><b>administrator</b> 3:15 37:13</p> <p><b>adopt</b> 8:14</p> <p><b>adoption</b> 5:5</p> <p><b>adults</b> 55:7</p> <p><b>advance</b> 22:8 23:18</p> <p><b>adventure</b> 3:18</p> <p><b>adverse</b> 21:15 34:6</p> <p><b>advice</b> 72:4</p> <p><b>advocated</b> 97:17</p> <p><b>advocating</b> 77:2 83:5</p> <p><b>aerial</b> 53:1 57:3 71:6 71:7 90:12 91:2 91:9</p> <p><b>afoul</b> 102:12</p> <p><b>after</b> 7:24 33:4 37:21 37:24 40:20 41:13 99:22 105:20 107:20</p> <p><b>afterwards</b> 92:18</p> <p><b>again</b> 14:9 15:7 15:19 17:14 17:25 18:7 19:12 19:15 19:17 32:18 34:25 40:8 41:20 46:23 47:1 47:2 56:11 56:13 56:17 61:8 62:5 63:25 64:13 64:18 65:20 67:18</p>	<p>68:12 75:8 77:1 80:7 81:4 83:4 83:11 84:5 93:24 97:25</p> <p><b>against</b> 97:18</p> <p><b>agency</b> 73:14</p> <p><b>agenda</b> 5:1 5:5 8:14 63:5 98:17</p> <p><b>ago</b> 30:18 37:12 53:18 65:2 65:4</p> <p><b>agree</b> 50:2 59:9 79:16 80:15 81:3 84:7 94:7 105:11</p> <p><b>agreed</b> 108:25</p> <p><b>ah</b> 65:7</p> <p><b>ahead</b> 28:9 37:9 42:18 49:14 49:17 83:3</p> <p><b>ain't</b> 82:15</p> <p><b>air</b> 88:2 96:11</p> <p><b>all</b> 8:7 8:11 8:20 9:3 9:20 10:3 10:4 10:6 12:5 13:6 13:10 17:7 22:12 26:4 29:21 36:15 37:17 39:15 39:16 39:19 40:21 40:23 42:1 42:2 42:8 44:3 45:25 46:9 46:20 48:15 49:7 49:15 50:14 50:18 51:3 51:9 55:14 55:14 55:16 55:17 57:22 58:23 60:16 60:24 64:13 68:2 70:2 70:15 71:14 71:23 73:23 74:3 74:5 74:13 75:18 77:16 78:4 85:25 88:15 90:14 90:18 92:23 93:2 95:16 97:18 98:15 104:3 105:8 106:9 107:11 107:16 107:18 107:21 108:4 109:11 109:19 110:4 111:13 112:10 115:3 115:21 116:9</p> <p><b>allegiance</b> 8:10</p>	<p><b>allow</b> 21:1 21:2 31:8 31:9 38:17 111:14</p> <p><b>allowed</b> 56:2</p> <p><b>allows</b> 114:19</p> <p><b>almost</b> 39:24 53:22 82:21</p> <p><b>alone</b> 27:17 63:1 66:13 79:1</p> <p><b>along</b> 10:4 30:2 39:16 68:4 76:15 110:6</p> <p><b>already</b> 16:10 17:12 26:23 78:10 93:17 114:4</p> <p><b>always</b> 9:9 56:6 67:23 73:20 73:21 82:21</p> <p><b>ambiguous</b> 76:21</p> <p><b>amendment</b> 90:7</p> <p><b>america</b> 3:20</p> <p><b>american</b> 73:10 91:11</p> <p><b>amount</b> 26:13 26:20 38:20</p> <p><b>amounts</b> 73:21</p> <p><b>amusement</b> 1:11 2:3 3:11 3:14 5:9 5:17 6:3 6:8 6:10 7:4 13:16 14:6 14:12 16:18 17:2 18:24 21:18 22:25 23:13 29:5 29:12 35:5 35:8 35:10 37:11 37:20 38:4 38:8 38:13 38:17 39:2 39:11 39:17 40:2 40:4 40:11 40:25 46:13 47:12 62:14 62:17 68:8 75:7 75:10 80:4 83:20 83:21 83:22 84:13 85:24 89:18 89:18 93:4 94:9 96:17 101:14 115:7</p> <p><b>amusements</b> 28:25 91:13 112:12</p> <p><b>ancillary</b> 75:25</p> <p><b>animal</b> 74:25</p> <p><b>anita</b> 4:1 7:11</p>	<p><b>anniversaries</b> 106:5</p> <p><b>anniversary</b> 106:1</p> <p><b>announcement</b> 5:16 115:5</p> <p><b>announcements</b> 5:6 9:5</p> <p><b>annual</b> 19:11</p> <p><b>annually</b> 20:14</p> <p><b>another</b> 14:22 17:3 19:8 44:6 51:18 56:5 76:13 84:10 102:12 105:14</p> <p><b>answer</b> 23:9 78:21 89:7</p> <p><b>anybody</b> 33:9 62:13 99:15</p> <p><b>anymore</b> 77:16 95:14</p> <p><b>anyone</b> 37:15 99:12</p> <p><b>anything</b> 12:17 13:1 13:2 13:13 18:4 21:19 36:3 36:17 36:19 36:21 41:7 41:8 42:2 47:7 50:12 55:12 61:1 63:16 86:5 87:18 93:10 95:10 95:21 95:23 97:25 99:18 114:14 114:17 114:25</p> <p><b>anyway</b> 40:8 98:7</p> <p><b>anywhere</b> 94:3</p> <p><b>apart</b> 96:21</p> <p><b>apparent</b> 72:8</p> <p><b>apparently</b> 43:19</p> <p><b>applicable</b> 35:8</p> <p><b>application</b> 15:14 18:23 21:4 33:9 47:25 66:19 74:2</p> <p><b>applied</b> 34:13</p> <p><b>applies</b> 31:21 85:8 85:18</p> <p><b>apply</b> 85:22</p> <p><b>applying</b> 25:14</p> <p><b>appreciate</b> 19:13</p> <p><b>approach</b> 20:4</p> <p><b>approached</b> 36:22</p> <p><b>approval</b> 5:7</p> <p><b>approve</b> 9:14</p> <p><b>approved</b> 37:25</p>
---	--	---	--	--



38:15 <b>april</b> 28:23 <b>area</b> 7:2 68:6 111:12 112:14 <b>areas</b> 16:22 <b>arguing</b> 87:13 93:16 94:11 <b>argument</b> 62:19 69:1 94:9 97:15 <b>around</b> 22:19 22:24 23:2 24:2 26:6 45:13 51:17 64:11 65:10 68:4 88:12 95:22 96:18 <b>arrangements</b> 102:10 <b>asa</b> 13:21 <b>aside</b> 23:7 <b>ask</b> 9:9 12:6 18:18 28:11 31:24 42:8 43:18 49:17 63:19 71:24 72:18 91:13 92:3 92:5 97:1 <b>asked</b> 32:7 97:19 110:6 <b>asking</b> 62:10 62:15 111:24 <b>asset</b> 29:10 <b>assist</b> 55:22 63:13 <b>assistant</b> 6:23 37:12 38:7 <b>assisting</b> 55:24 <b>associated</b> 19:20 <b>associates</b> 25:19 30:4 <b>association</b> 3:8 19:11 45:15 47:23 60:18 83:7 84:16 106:12 106:23 <b>assume</b> 13:16 57:5 82:16 <b>assumed</b> 106:15 <b>assuming</b> 91:19 <b>assumption</b> 50:11 <b>astm</b> 74:22 84:3 91:16 91:21 91:22 92:2 <b>attend</b> 19:16 <b>attended</b> 40:14 <b>attendees</b> 9:7	<b>attention</b> 21:8 111:3 <b>attorney</b> 116:13 116:15 <b>attraction</b> 111:11 <b>audit</b> 37:22 <b>august</b> 15:2 103:24 104:1 <b>automated</b> 26:23 <b>automatically</b> 26:24 <b>avail</b> 43:6 <b>available</b> 30:6 30:14 34:14 34:16 35:9 35:12 35:13 42:22 43:18 <b>avenue</b> 17:3 <b>avoid</b> 19:20 <b>awaiting</b> 9:18 <b>aware</b> 20:8 113:7 <b>away</b> 20:16 64:8 <b>aye</b> 8:21 8:22 8:23 8:24 8:25 9:1 9:2 9:21 9:22 9:23 9:24 9:25 10:1 10:2 <hr/> <b>B</b> <hr/> <b>back</b> 19:7 38:4 40:9 44:4 46:5 49:4 52:18 55:6 68:21 75:16 80:7 83:11 83:13 90:21 93:8 94:6 101:16 101:16 102:19 105:10 106:2 107:6 113:4 <b>backlog</b> 22:20 23:20 23:22 23:22 23:23 <b>backlogs</b> 19:21 22:18 <b>backyards</b> 110:12 <b>bad</b> 46:7 <b>bailey</b> 3:16 6:24 6:24 45:2 54:24 55:1 55:9 58:1 58:5 58:20 59:4 68:16 68:18 68:20 70:25 72:11 72:18 73:2 74:18 83:19 84:11 88:19 92:25 93:12	93:20 93:23 94:15 94:20 95:9 96:6 102:21 102:25 107:23 109:13 <b>bar</b> 14:20 <b>bars</b> 61:14 69:2 79:11 83:17 90:23 91:20 <b>based</b> 22:1 48:9 70:15 77:15 <b>basically</b> 40:22 62:11 64:3 79:1 84:13 92:9 104:4 <b>basis</b> 40:15 <b>baton</b> 17:18 18:1 <b>beating</b> 98:7 <b>became</b> 37:12 <b>become</b> 17:13 25:15 37:21 37:23 41:22 79:7 <b>becomes</b> 30:6 <b>been</b> 10:22 16:20 21:19 22:13 25:18 25:24 26:5 30:17 34:2 36:9 36:22 37:17 39:19 48:8 50:7 51:12 52:20 53:12 53:21 69:17 82:3 88:12 93:17 94:10 97:2 113:7 <b>beer</b> 95:19 <b>before</b> 1:13 2:3 9:13 12:13 13:4 23:12 26:13 28:4 47:15 55:16 70:3 92:5 92:17 104:22 111:10 111:10 111:16 113:4 113:12 114:7 <b>began</b> 20:11 <b>beginning</b> 24:11 <b>behind</b> 21:24 <b>being</b> 9:19 13:9 18:7 19:14 19:14 30:20 32:4 36:22 43:5 47:5 50:10 57:3 61:3 63:5 71:8 75:25 81:17 <b>belay</b> 45:22 45:24 46:18 53:20 54:1	54:13 66:20 <b>belayed</b> 50:14 <b>believe</b> 27:10 28:16 34:10 35:4 41:11 60:1 74:10 88:6 <b>belong</b> 49:4 <b>beneficial</b> 99:7 <b>benign</b> 46:15 61:19 64:3 64:14 <b>bennet</b> 24:15 30:5 105:18 <b>bennett</b> 3:17 6:7 6:7 8:2 25:12 25:22 26:9 30:8 30:10 30:13 34:12 36:15 43:14 100:12 100:16 100:19 100:21 100:25 101:9 101:12 101:19 101:22 102:4 102:8 102:17 102:23 103:6 103:13 103:18 104:10 104:18 109:15 109:19 115:11 <b>besides</b> 18:14 <b>best</b> 18:5 33:4 60:6 67:19 116:8 116:11 <b>better</b> 10:24 23:15 25:16 25:21 28:4 34:19 73:20 73:21 100:23 101:23 102:5 102:6 103:4 <b>between</b> 17:24 20:20 44:14 48:18 66:9 66:13 71:17 79:4 96:3 113:8 <b>beyond</b> 114:15 114:21 <b>big</b> 27:18 44:11 67:16 78:7 103:20 104:5 <b>bigger</b> 113:24 <b>biggest</b> 27:5 <b>bills</b> 11:4 <b>birthday</b> 106:1 <b>bit</b> 11:21 25:2 25:15 32:10 <b>bits</b> 94:13	<b>blast</b> 30:6 <b>bless</b> 37:4 <b>blow</b> 94:6 <b>blower</b> 32:21 32:22 32:23 32:23 33:11 33:12 33:19 35:21 <b>blowers</b> 33:13 <b>blue</b> 63:13 <b>board</b> 1:11 2:4 3:4 3:5 3:7 3:8 3:10 3:11 3:17 5:17 6:3 6:16 6:20 11:13 11:13 13:8 13:10 20:13 37:14 40:15 41:9 44:18 80:8 80:22 83:6 93:9 93:9 100:10 100:11 101:14 101:15 115:7 <b>boards</b> 56:16 <b>body</b> 47:9 56:7 <b>boiler</b> 100:9 100:11 100:12 101:15 104:22 <b>boilers</b> 28:24 29:5 <b>boosting</b> 55:11 <b>boots</b> 16:21 <b>borrow</b> 84:10 <b>both</b> 48:7 65:8 89:6 106:8 106:20 <b>bottom</b> 55:25 <b>bounce</b> 42:4 94:10 <b>bounces</b> 32:19 33:1 <b>bound</b> 92:23 <b>bounds</b> 28:10 <b>bout</b> 42:4 <b>boy</b> 3:20 7:1 69:18 <b>brag</b> 25:20 <b>brain</b> 22:19 24:1 <b>brand-new</b> 36:1 83:14 <b>brantley</b> 4:5 7:17 7:17 <b>break</b> 15:5 50:19 <b>breakdown</b> 26:5 <b>bridge</b> 57:18 <b>bring</b> 12:20 <b>bristol</b> 111:4 113:5 <b>broken</b> 64:12 66:12 <b>brought</b> 21:8
---	--	--	---	--

<p><b>brown</b> 4:2 7:9 7:9  <b>brutal</b> 37:4  <b>budget</b> 41:23  <b>build</b> 53:9 81:21  82:20 87:18 88:7  <b>building</b> 5:19 9:8  9:8 11:20 61:12  62:23 62:25 75:20  75:21 76:17 79:2  82:4 84:17 84:19  85:15 89:12 89:24  91:6 95:20 115:16  <b>built</b> 53:19 53:23  65:2 66:17 83:15  84:3 84:3 91:17  <b>bumper</b> 36:2  <b>bunch</b> 10:15 11:1  <b>busiest</b> 21:23  <b>business</b> 5:10 5:12  16:13 16:24 17:1  17:8 17:16 42:3  43:20  <b>businesses</b> 17:12  <b>button</b> 19:4  <b>buys</b> 79:18  <b>by-product</b> 76:5  76:8</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>cable</b> 45:22 65:4  65:10  <b>cables</b> 45:24 46:8  <b>cabling</b> 64:17  <b>calendar</b> 102:22  103:3 105:13  107:18  <b>call</b> 5:2 6:2 11:3  12:12 33:9 42:23  43:1 76:12 87:1  110:8  <b>called</b> 42:7 43:4  45:7 45:9 45:9  45:20 46:5 51:12  53:6 56:14 73:14  111:6  <b>calling</b> 10:14  <b>calls</b> 42:13  <b>came</b> 2:1 12:7  13:25 33:4 37:14  48:19 51:7 51:17</p>	<p>57:14 63:12 97:24  111:2  <b>camp</b> 50:17 75:15  77:12 89:11  <b>camp</b> 48:4 51:8  62:18 81:20 81:25  82:1 91:12  <b>candidates</b> 10:14  <b>cannon</b> 4:4 7:15  7:15  <b>capability</b> 18:17  <b>capture</b> 17:15  <b>card</b> 16:25  <b>cards</b> 18:13  <b>care</b> 24:19 56:7  114:24  <b>careful</b> 35:16 49:24  61:9 79:21  <b>carlene</b> 3:17 6:5 6:7  13:21 14:2 17:19  17:25 24:10 36:8  38:8  <b>carnival</b> 20:15 87:5  87:9 87:16 112:3  <b>carried</b> 82:11  <b>carrier</b> 91:12  <b>carriers</b> 72:20 73:5  <b>carries</b> 68:3 73:16  <b>catch</b> 82:6  <b>catch-22</b> 87:23  <b>catching</b> 96:19  <b>categories</b> 50:19  <b>caught</b> 23:23  <b>cause</b> 2:1 63:15  95:6 95:10 99:12  <b>caused</b> 69:15  <b>cautious</b> 49:22  <b>central</b> 13:23 115:8  <b>century</b> 11:6  <b>certain</b> 12:13 23:4  38:19 38:20 58:20  84:23 95:21 95:22  <b>certainly</b> 95:4  <b>certification</b> 13:4  17:20  <b>certified</b> 17:22  <b>certify</b> 116:7  116:13  <b>chair</b> 45:15 47:10  <b>chairman</b> 1:13 3:3</p>	<p>6:2 6:15 8:4 8:7  8:12 8:17 8:19 9:3  9:16 9:18 10:3 12:6  13:6 13:13 13:15  16:4 16:18 27:3  30:15 34:8 36:3  36:11 36:14 36:17  36:20 37:4 37:6  41:8 42:1 42:7  42:10 42:20 42:25  43:5 43:11 43:17  43:24 44:3 49:12  49:14 49:17 49:20  52:2 57:22 58:7  58:11 58:16 59:9  59:12 59:17 59:20  60:8 60:23 61:24  62:4 62:9 66:4  68:17 68:19 71:14  71:19 71:23 74:8  74:21 75:2 76:20  76:24 77:7 77:23  78:1 78:22 78:23  80:1 80:3 80:11  80:16 80:20 80:25  81:4 81:9 82:15  82:24 83:11 84:5  86:4 86:9 86:20  87:2 90:8 91:7 92:3  92:24 95:4 95:18  96:5 98:9 98:12  98:16 98:25 99:3  99:6 99:9 99:21  99:24 100:7 100:11  100:24 101:7  101:25 102:3  103:25 104:23  105:8 105:17  105:24 106:5 107:6  108:5 108:17 109:8  109:10 109:17  109:22 109:25  110:3 110:18  110:23 112:1 112:5  112:9 113:6 113:9  113:13 114:8  114:23 115:3  115:13 115:20  <b>challenge</b> 44:9  44:14 44:20 45:8  45:22 45:23 46:9</p>	<p>47:3 50:22 61:13  62:17 68:13 72:19  73:25 82:20 86:12  93:8 97:17  <b>challenged</b> 16:20  <b>challenges</b> 93:8  <b>chambers</b> 16:23  <b>chance</b> 3:19 26:3  67:23  <b>change</b> 20:9 59:4  59:8 73:16  <b>changed</b> 21:10  <b>changes</b> 18:8 37:8  39:8 39:9 39:20  40:18  <b>changing</b> 41:20  <b>charge</b> 66:6 110:10  <b>charging</b> 77:15  <b>charitable</b> 69:21  84:15 84:24  <b>chasing</b> 73:20  <b>chattanooga</b> 11:13  <b>check</b> 24:14 42:13  42:21 102:21 103:1  103:2 112:13  <b>checking</b> 43:9  105:13 106:10  <b>checklists</b> 11:1  <b>checks</b> 18:14  <b>children</b> 14:11 54:9  <b>choose</b> 14:12 97:21  <b>chris</b> 3:13 4:4 4:5  6:11 7:15 7:17  18:11  <b>church</b> 110:10  <b>circumstances</b> 24:3  <b>cities</b> 111:14 111:18  112:2 112:10  <b>citizens</b> 39:6  <b>city</b> 23:4 111:25  112:1 113:8 114:17  114:19 114:25  <b>claim</b> 68:13  <b>clamp</b> 65:11  <b>clarification</b> 44:18  <b>clarify</b> 21:14  <b>clarity</b> 47:21  <b>classify</b> 57:18  <b>clear</b> 46:17 50:23  77:3 96:2</p>	<p><b>client</b> 82:21  <b>clients</b> 51:1  <b>climb</b> 27:18  <b>climbed</b> 82:13  <b>climbing</b> 77:13  82:12  <b>close</b> 15:10 17:13  27:11  <b>closes</b> 54:7  <b>closing</b> 24:20  <b>coach</b> 36:23  <b>coaster</b> 68:10  <b>code</b> 63:21 63:21  64:21  <b>codes</b> 95:20  <b>colleague</b> 44:5  <b>colleagues</b> 25:19  30:18 45:14 57:13  <b>collect</b> 38:19 38:20  <b>collected</b> 15:12  15:15  <b>color-coded</b> 20:14  <b>comes</b> 29:20 55:18  56:5 56:5 64:23  93:8  <b>comfortable</b> 41:2  <b>coming</b> 11:22 19:12  25:13 26:3 28:13  60:17 79:18  <b>comment</b> 30:19  32:6 95:5  <b>comments</b> 34:6  <b>commerce</b> 16:24  <b>commercial</b> 75:14  78:17 110:17  110:18  <b>commission</b> 116:22  <b>commissioner</b> 6:23  7:10 37:13  <b>committee</b> 74:11  <b>common</b> 53:10  82:23  <b>commonality</b> 59:7  <b>communicate</b> 77:4  97:22 98:15  <b>communicating</b>  83:7  <b>communications</b>  7:18  <b>companies</b> 14:13</p>
--	--	--	--	---

<p>14:21 15:9 15:23 16:2 16:12 17:4 17:7 17:16 19:25 20:1 21:1 22:6 22:10 22:16 23:3 23:24 27:10 28:1 33:7 34:4 67:15 68:13 69:14 70:4 <b>company</b> 3:4 26:1 27:10 59:5 59:5 73:1 74:6 <b>compare</b> 57:23 <b>compared</b> 57:25 <b>complete</b> 116:11 <b>completed</b> 105:4 <b>completely</b> 19:6 60:7 <b>compliance</b> 1:2 7:5 7:7 13:22 15:24 15:25 16:6 16:13 19:23 23:14 30:22 35:13 38:6 60:3 103:11 <b>compliant</b> 15:23 77:5 <b>comply</b> 20:8 70:11 <b>component</b> 47:5 66:2 78:6 <b>components</b> 64:24 <b>computer</b> 10:17 18:16 29:8 <b>concept</b> 65:16 <b>concerned</b> 23:5 41:6 <b>concerting</b> 18:12 <b>conference</b> 102:13 <b>confident</b> 41:16 <b>conflict</b> 102:13 105:14 105:15 <b>conflicts</b> 107:12 <b>confused</b> 28:6 48:20 <b>confusing</b> 44:10 <b>confusion</b> 28:11 45:12 48:8 48:18 51:7 <b>conjunction</b> 78:24 79:6 79:6 91:9 <b>connected</b> 43:10 116:15</p>	<p><b>consider</b> 22:19 50:4 66:20 68:2 86:6 92:5 <b>consideration</b> 95:16 <b>considered</b> 76:9 <b>consistency</b> 69:5 <b>conspicuously</b> 34:9 35:5 <b>constant</b> 36:7 <b>constantly</b> 18:7 <b>constitutes</b> 48:14 <b>constructed</b> 53:12 <b>construction</b> 11:19 58:6 58:7 <b>consultant</b> 114:3 <b>consulting</b> 33:5 <b>contact</b> 23:4 <b>contacted</b> 16:1 <b>contacting</b> 20:2 <b>contacts</b> 16:5 <b>continue</b> 16:12 40:23 <b>continuous</b> 18:9 54:12 <b>continuously</b> 40:20 <b>convention</b> 17:17 18:2 19:11 19:16 29:25 <b>conversation</b> 44:17 47:16 <b>conversations</b> 45:13 48:9 51:3 <b>conveyed</b> 111:6 <b>conveys</b> 68:3 <b>convinced</b> 68:25 90:11 <b>copper</b> 65:5 <b>copy</b> 32:13 99:1 <b>correct</b> 58:8 62:8 80:19 115:1 <b>cost</b> 10:18 81:9 <b>costs</b> 10:20 <b>counsel</b> 3:16 6:25 67:22 70:7 70:23 72:4 92:18 116:14 116:15 <b>counties</b> 16:21 <b>country</b> 47:11 <b>county</b> 17:1 113:19</p>	<p>116:3 <b>couple</b> 12:14 17:21 24:20 25:6 51:16 <b>course</b> 13:21 14:22 17:11 24:18 27:14 40:3 41:4 44:14 44:15 45:8 45:9 45:10 45:23 47:4 48:5 48:6 50:5 50:21 50:22 51:2 54:8 54:9 54:9 54:10 65:1 66:1 68:5 68:24 77:13 77:14 78:13 78:14 79:3 82:4 82:17 82:18 82:20 82:21 82:22 91:9 94:4 97:19 98:6 108:12 113:3 <b>courses</b> 44:9 44:21 45:23 47:11 48:3 48:16 62:17 65:25 66:13 67:14 68:14 71:6 71:7 72:19 73:25 81:13 86:12 90:13 91:2 94:19 97:18 <b>court</b> 1:23 116:7 <b>courtesy</b> 29:3 <b>covered</b> 74:5 103:10 <b>cracks</b> 26:3 <b>crazy</b> 115:14 115:14 <b>create</b> 10:21 46:13 <b>creative</b> 65:15 <b>credentials</b> 24:17 <b>credit</b> 18:13 <b>criteria</b> 12:13 54:3 54:16 56:21 57:4 60:11 <b>critical</b> 27:19 <b>ct</b> 5:18 <b>culture</b> 60:17 <b>current</b> 10:18 20:16 20:20 48:10 <b>currently</b> 10:8 17:8 26:11 28:18 53:9 <b>cut</b> 10:20 11:4 <b>cutoff</b> 64:8</p>	<p style="text-align: center;"><b>D</b></p> <p><b>dan</b> 3:16 6:24 67:22 84:9 84:10 94:7 103:2 105:13 <b>dangerous</b> 79:15 88:23 95:13 <b>dark</b> 68:11 <b>date</b> 14:16 20:25 21:4 21:11 24:22 24:23 24:25 29:25 99:14 102:12 105:13 106:11 106:12 106:13 107:7 107:12 108:10 <b>dates</b> 5:15 24:24 99:10 101:21 102:9 105:9 105:9 105:18 106:22 <b>david</b> 3:8 3:23 6:14 7:5 13:22 99:16 101:25 106:19 <b>day</b> 2:2 22:12 22:25 23:2 23:11 25:4 28:5 91:5 99:20 99:22 101:6 103:15 103:16 104:22 108:18 116:18 <b>days</b> 25:6 27:15 <b>dead</b> 98:8 <b>deal</b> 27:9 41:5 47:10 56:20 78:8 98:4 104:5 <b>dealing</b> 25:18 64:24 69:17 75:2 <b>deals</b> 79:19 99:3 <b>dealt</b> 112:10 <b>deason</b> 3:19 <b>death</b> 95:6 95:11 <b>debit</b> 18:13 <b>decal</b> 20:17 21:5 21:6 <b>decals</b> 20:7 20:10 21:12 21:16 24:21 31:5 31:17 32:15 33:3 33:10 <b>december</b> 1:12 2:2 6:4 99:11 110:3 <b>decision</b> 44:20</p>	<p>44:23 92:6 98:14 <b>decline</b> 112:24 <b>defined</b> 56:20 56:25 68:5 71:8 86:12 <b>defines</b> 52:12 70:11 <b>defining</b> 52:9 <b>definite</b> 108:22 <b>definitely</b> 94:2 94:6 <b>definition</b> 52:7 53:1 56:24 57:2 68:15 68:22 68:23 68:24 69:1 69:4 69:24 70:19 70:19 78:19 78:24 83:20 84:1 85:7 85:7 85:17 94:8 94:16 95:2 <b>definitive</b> 60:5 <b>definitively</b> 57:11 <b>delinquencies</b> 11:5 <b>deliver</b> 26:18 26:18 <b>department</b> 1:1 3:19 3:21 3:23 3:24 4:1 4:2 4:4 4:5 5:19 7:16 38:14 38:15 39:14 39:22 40:6 40:7 40:12 40:21 41:4 41:6 51:9 67:8 70:9 70:24 77:6 77:12 115:15 <b>departments</b> 112:23 <b>dependent</b> 19:6 <b>depending</b> 66:21 <b>depends</b> 29:1 29:2 <b>designated</b> 31:11 <b>designed</b> 63:2 75:19 75:19 75:20 75:24 <b>determination</b> 67:19 <b>determine</b> 62:10 67:9 69:19 93:3 <b>developed</b> 20:10 <b>development</b> 1:1 3:19 3:22 3:23 3:25 4:1 4:3 4:4 4:6 5:19 7:16 63:2 75:24 76:4 76:18 78:18 115:16 <b>device</b> 1:11 2:3 3:12</p>
---	---	---	--	--

<p>3:14 5:9 5:17 6:3 6:8 6:10 7:4 13:16 14:6 14:13 18:24 20:6 20:7 20:17 20:18 21:5 21:18 22:25 23:13 24:23 26:11 26:15 28:13 29:12 33:20 34:13 35:5 35:8 37:11 37:20 38:4 38:8 38:13 38:17 39:2 39:11 39:17 40:2 40:11 40:25 46:13 47:25 48:14 49:5 51:1 51:6 51:9 51:25 53:3 54:13 54:20 54:23 56:20 57:4 57:11 57:23 58:17 61:13 61:22 62:4 62:14 67:9 68:1 68:2 68:7 69:4 69:15 69:15 71:11 71:17 72:9 72:11 72:13 72:17 76:15 77:14 78:9 80:4 83:20 83:21 83:22 84:2 84:13 84:16 85:24 86:14 86:22 89:23 93:5 96:17 97:3 101:14 115:7 <b>devices</b> 15:17 15:21 16:18 17:2 27:21 29:5 31:11 31:12 35:10 40:4 44:21 47:12 48:14 51:11 52:25 53:2 57:2 57:3 69:25 70:3 70:16 71:5 71:8 72:1 74:12 77:16 79:25 80:17 85:6 86:12 <b>difference</b> 52:10 59:18 71:17 79:4 94:1 96:3 96:8 96:15 <b>differences</b> 44:14 <b>different</b> 24:24 32:24 34:17 34:17 34:22 38:1 39:14 46:24 54:15 55:15 69:11 70:21 74:25</p>	<p>84:6 87:4 88:16 88:21 91:1 91:4 94:22 96:16 106:12 <b>differentiate</b> 66:8 <b>digitally</b> 43:2 <b>direct</b> 9:8 <b>direction</b> 49:3 70:12 <b>directions</b> 34:17 <b>directly</b> 42:14 <b>disaster</b> 9:6 <b>disconnect</b> 42:18 43:12 43:15 <b>discretion</b> 31:21 <b>discuss</b> 71:20 92:13 92:15 <b>discussed</b> 44:12 93:17 94:5 <b>discussion</b> 5:14 8:20 9:19 71:2 71:24 86:5 93:13 94:21 97:23 98:16 98:18 99:9 114:24 115:4 <b>display</b> 34:23 35:5 35:9 35:11 <b>displayed</b> 31:25 32:12 <b>distinct</b> 74:22 <b>distributing</b> 31:4 <b>divided</b> 19:25 <b>division</b> 1:2 102:12 <b>divisions</b> 39:14 39:15 39:16 39:22 <b>doable</b> 19:7 <b>document</b> 18:25 31:3 <b>documentation</b> 44:13 48:22 49:3 <b>documents</b> 18:22 19:6 22:12 72:8 <b>doing</b> 6:5 13:11 14:2 16:11 17:1 17:8 17:16 44:24 45:16 53:16 65:3 77:5 83:8 89:5 105:21 <b>dollars</b> 35:23 <b>dominique</b> 1:23 116:6 116:21</p>	<p><b>don</b> 3:18 56:19 57:22 69:12 81:12 97:1 <b>done</b> 11:25 22:11 23:10 26:24 27:5 28:10 29:6 40:10 40:10 40:12 40:16 40:21 41:3 60:19 63:7 65:13 78:10 111:16 114:14 <b>door</b> 75:16 <b>down</b> 10:20 11:4 11:21 12:9 56:5 56:7 62:21 64:7 97:24 106:13 <b>downloadable</b> 18:21 <b>draft</b> 52:20 86:21 <b>dramatically</b> 63:10 <b>draw</b> 89:1 <b>drive</b> 2:4 5:20 <b>driven</b> 73:13 <b>drop</b> 87:17 <b>dry</b> 83:23 <b>dubois</b> 1:23 116:6 116:21 <b>during</b> 11:16 15:2 16:20 101:17</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>e-mail</b> 16:2 19:4 30:6 109:19 <b>e-mailed</b> 25:1 <b>e-payment</b> 28:12 <b>each</b> 20:1 31:19 58:24 <b>eagerly</b> 9:18 <b>easier</b> 30:17 109:6 109:7 <b>east</b> 10:10 <b>easy</b> 83:9 110:5 <b>educational</b> 76:10 76:11 84:15 84:24 <b>effectively</b> 83:8 <b>efficient</b> 25:15 <b>effort</b> 60:2 77:22 <b>eight</b> 53:15 55:7 <b>eight-week</b> 104:3 <b>either</b> 16:2 24:17 26:17 77:2 83:5</p>	<p>97:3 100:24 108:8 <b>electrical</b> 84:19 113:20 113:21 <b>electronic</b> 11:2 <b>electronically</b> 31:3 31:4 <b>element</b> 52:8 52:8 52:11 78:5 <b>elements</b> 45:8 53:9 60:21 60:24 64:18 64:23 <b>elevation</b> 57:9 <b>elevator</b> 1:11 2:3 3:13 5:8 5:17 6:3 6:12 7:11 10:5 11:16 12:15 12:17 12:18 29:3 101:13 115:7 <b>elevators</b> 12:8 12:19 28:22 28:23 <b>eligible</b> 13:5 17:20 <b>else</b> 13:13 23:7 36:3 36:17 36:23 41:3 42:2 62:1 62:13 63:16 85:21 86:6 97:20 <b>emergency</b> 9:6 11:16 <b>employee</b> 59:21 116:15 <b>employees</b> 39:4 58:10 59:16 96:3 <b>enable</b> 37:20 <b>end</b> 7:21 17:5 17:15 29:6 39:24 39:25 89:1 93:15 102:24 115:22 <b>enforce</b> 35:20 69:25 <b>enjoyable</b> 76:1 <b>enjoyment</b> 76:1 89:19 <b>enough</b> 90:12 <b>ensure</b> 14:10 42:21 72:6 80:12 <b>entertain</b> 8:14 9:14 21:19 91:25 110:20 <b>entertainment</b> 75:19 78:25 89:9 89:19 <b>entire</b> 24:13 45:12</p>	<p>53:14 <b>entirely</b> 74:25 84:6 <b>entirety</b> 50:7 <b>entrances</b> 68:6 <b>equipment</b> 74:12 74:15 88:15 88:23 91:24 92:1 94:24 <b>especially</b> 25:4 <b>esq</b> 3:15 3:16 3:19 <b>even</b> 12:13 12:17 23:13 25:16 32:5 46:15 52:19 61:18 62:18 90:11 103:4 104:20 112:23 114:3 <b>event</b> 9:5 23:5 <b>eventually</b> 17:9 <b>ever</b> 50:13 94:3 94:4 <b>everest</b> 73:17 <b>every</b> 20:18 28:5 49:23 61:10 73:1 73:13 73:18 74:6 79:11 83:16 90:23 103:21 <b>everybody</b> 29:20 30:8 36:23 48:20 55:19 56:1 107:24 <b>everyone</b> 14:17 20:8 23:16 40:13 67:11 73:4 <b>everything</b> 12:25 22:11 22:15 23:7 29:6 60:7 60:16 65:3 66:7 83:9 105:21 <b>exactly</b> 51:22 59:16 76:7 82:10 89:7 <b>exam</b> 17:21 17:25 <b>example</b> 65:1 113:5 <b>except</b> 32:21 46:3 96:12 <b>exception</b> 69:20 69:22 84:22 85:1 85:8 85:11 85:18 <b>exceptions</b> 17:6 <b>exchange</b> 101:18 <b>exchanging</b> 101:21 <b>excited</b> 11:7 18:2 <b>excitement</b> 68:8</p>
---	---	---	--	--

75:11 <b>exclude</b> 71:5 74:20 92:1 <b>excluded</b> 53:1 57:2 68:12 <b>excluding</b> 83:24 <b>exclusion</b> 84:9 <b>excuse</b> 16:4 31:8 46:1 113:2 <b>exempt</b> 17:13 86:11 110:21 <b>exemption</b> 89:13 <b>exist</b> 53:23 62:12 <b>exit</b> 9:8 <b>exits</b> 68:6 <b>experience</b> 12:15 73:1 <b>experienced</b> 45:11 <b>expire</b> 22:9 25:5 25:6 <b>expired</b> 21:5 <b>expires</b> 116:22 <b>explain</b> 24:9 32:9 55:1 <b>explaining</b> 24:10 <b>external</b> 65:19 <b>extra</b> 11:1 <b>eyebrows</b> 69:16	67:20 77:8 79:22 84:25 85:6 85:7 88:7 91:18 94:17 95:1 96:19 <b>falling</b> 95:15 <b>falls</b> 54:10 62:16 89:20 91:16 91:22 92:1 93:4 94:9 94:18 94:24 95:5 95:7 95:7 <b>familiar</b> 72:24 111:20 111:22 <b>family</b> 110:20 <b>far</b> 14:3 14:20 16:3 16:8 18:5 21:17 22:13 25:14 25:24 26:1 28:10 30:21 34:21 39:7 39:12 40:24 41:5 98:5 113:15 <b>farm</b> 110:12 <b>farmer</b> 3:13 6:11 6:11 10:5 10:6 12:6 12:11 13:7 13:14 28:22 29:18 36:16 42:6 42:8 42:12 42:23 43:3 43:9 43:12 43:15 45:1 45:3 58:3 63:19 63:23 64:1 64:20 67:7 76:9 100:9 100:14 100:17 100:20 104:14 104:21 109:4 109:6 109:21 112:11 112:18 <b>fastening</b> 64:21 <b>fault</b> 88:3 <b>favor</b> 8:20 9:20 <b>february</b> 10:13 10:13 102:24 103:6 <b>fee</b> 26:11 26:12 26:12 26:20 77:15 77:18 77:19 <b>feedback</b> 21:16 33:21 92:10 <b>feel</b> 15:8 16:16 27:2 28:7 38:25 41:1 41:16 63:7 67:21 <b>fees</b> 15:14 37:24	37:24 38:20 <b>feet</b> 53:4 53:4 53:7 53:11 53:19 54:5 54:5 54:6 54:19 54:19 54:22 56:11 57:24 57:24 58:5 58:6 58:6 58:7 58:13 61:15 64:8 66:17 71:9 71:10 71:10 80:5 81:2 83:23 86:8 86:13 86:13 86:16 86:23 86:23 87:17 87:19 87:19 88:2 90:23 95:23 96:11 <b>fell</b> 81:1 <b>felt</b> 44:9 68:14 69:21 <b>ferrari</b> 36:1 <b>ferris</b> 68:10 <b>ferrules</b> 65:5 <b>few</b> 17:6 94:12 <b>field</b> 10:8 44:24 50:11 73:22 <b>fieldstone</b> 1:24 <b>fifteen</b> 53:15 <b>figure</b> 15:18 <b>fill</b> 19:3 33:6 33:22 48:13 73:24 74:1 <b>financially</b> 116:16 <b>find</b> 16:25 48:22 65:24 66:1 83:25 88:4 92:6 98:6 103:10 103:11 <b>finding</b> 16:11 16:12 17:4 <b>fine</b> 98:24 101:11 <b>finished</b> 11:9 <b>fire</b> 11:14 84:17 84:19 85:2 112:13 112:23 113:21 113:23 <b>firefighters</b> 11:9 11:14 <b>firm</b> 49:3 <b>first</b> 11:11 18:1 20:11 21:5 29:4 33:3 55:13 55:21 61:22 75:18 85:25 99:18 101:6 103:9	103:13 104:2 108:9 <b>first-time</b> 16:8 16:10 <b>fiscal</b> 14:20 14:24 16:3 16:8 16:9 16:15 <b>fisher</b> 13:8 <b>fit</b> 78:15 78:19 <b>five</b> 38:12 39:14 58:6 67:13 68:13 <b>fixed</b> 68:4 <b>fixes</b> 36:8 <b>flags</b> 48:20 <b>flat</b> 26:12 <b>floor</b> 2:5 <b>focus</b> 39:10 39:22 40:1 40:5 40:24 <b>focused</b> 50:14 65:2 <b>focuses</b> 35:6 <b>folks</b> 73:23 77:4 97:22 <b>following</b> 2:6 101:15 102:20 103:7 103:8 106:18 107:19 <b>foot</b> 61:5 65:4 79:21 79:23 <b>football</b> 36:23 <b>foregoing</b> 116:10 <b>forge</b> 8:1 <b>form</b> 18:25 19:2 74:7 <b>forms</b> 48:13 <b>forth</b> 19:7 74:23 <b>fortunate</b> 22:24 <b>forward</b> 71:2 77:16 <b>foul</b> 78:11 <b>found</b> 53:25 <b>four</b> 37:12 58:5 95:23 <b>fox</b> 1:13 3:3 6:2 6:15 6:15 8:4 8:7 8:12 8:17 8:19 9:3 9:16 9:18 10:3 12:6 13:6 13:13 13:15 16:4 16:18 30:15 31:12 34:8 36:3 36:11 36:14 36:17 36:20 37:4 37:6 41:8 42:1 42:7	42:10 42:20 42:25 43:5 43:11 43:17 43:24 44:3 49:12 49:14 49:17 49:20 52:2 57:22 58:7 58:11 58:16 59:9 59:12 59:17 59:20 60:8 60:23 61:24 62:4 62:9 66:4 68:17 68:19 71:14 71:19 71:23 74:8 74:21 75:2 76:20 76:24 77:7 77:23 78:1 78:22 80:1 80:3 80:11 80:16 80:20 80:25 81:4 81:9 82:15 82:24 83:11 84:5 86:4 86:9 86:20 87:2 90:8 91:7 92:3 92:24 95:4 96:5 98:9 98:12 98:16 98:25 99:3 99:6 99:9 99:21 99:24 100:7 100:11 100:24 101:7 101:25 102:3 103:25 104:23 105:8 105:17 105:24 106:5 107:6 108:5 108:17 109:8 109:10 109:17 109:22 109:25 110:3 110:18 110:23 112:1 112:5 112:9 113:6 113:9 113:13 114:8 114:23 115:3 115:13 115:20 <b>franklin</b> 1:25 <b>french</b> 2:4 5:20 115:16 <b>friday</b> 105:21 <b>friends</b> 110:20 <b>front</b> 13:20 14:17 26:16 45:4 67:11 <b>full</b> 33:16 93:16 <b>fully</b> 14:6 14:9 <b>fun</b> 76:1 76:1 89:9 89:19 <b>fundamental</b> 96:8
<b>F</b>				
<b>face</b> 55:4 55:8 <b>facilitated</b> 46:3 46:10 61:20 87:10 89:25 96:9 96:21 <b>facilitators</b> 46:20 <b>facility</b> 20:15 78:25 89:18 89:19 <b>fact</b> 26:10 29:19 61:21 64:4 <b>factor</b> 79:14 <b>failed</b> 15:3 <b>fair</b> 3:8 19:10 19:18 29:25 39:21 99:15 103:21 103:22 104:9 106:12 106:24 111:16 113:19 <b>fairs</b> 19:11 19:20 113:11 113:24 <b>fall</b> 64:9 64:16				

96:14 <b>fundamentally</b> 54:15 <b>funded</b> 38:12 <b>funding</b> 37:14 38:5 38:16 38:17 38:23 38:24 39:3 39:4 39:10 39:11 41:9 41:12 41:17 41:21 41:23 <b>funhouse</b> 87:4 87:9 87:16 <b>further</b> 28:17 46:12 116:13 <b>future</b> 40:19	<b>girls</b> 96:10 <b>give</b> 13:17 17:2 17:23 18:16 23:16 44:2 44:17 65:1 67:24 93:14 99:12 102:22 105:9 <b>given</b> 42:15 60:13 80:6 <b>gives</b> 15:15 105:20 <b>giving</b> 68:7 75:10 <b>glad</b> 21:18 <b>glass</b> 68:10 <b>go</b> 10:6 11:12 11:15 12:24 19:3 24:13 25:21 28:23 28:24 29:4 30:22 33:23 35:13 37:1 37:9 42:18 44:2 46:5 49:4 49:14 49:17 50:16 51:10 52:18 54:5 55:2 62:21 68:10 71:4 75:16 77:9 80:7 83:3 83:13 92:19 96:17 101:5 101:5 105:10 107:6 <b>goal</b> 15:6 17:14 29:5 38:24 45:5 47:2 55:25 72:6 <b>goes</b> 42:14 53:14 54:5 55:23 83:20 103:8 <b>going</b> 10:19 10:20 10:24 11:11 11:12 11:24 13:17 15:8 15:10 17:9 17:10 17:11 17:17 18:5 18:19 19:6 20:4 21:11 23:6 25:16 25:21 28:3 29:3 29:4 30:22 30:23 31:14 31:24 31:24 32:11 33:12 34:17 35:19 35:20 37:23 38:21 39:1 39:2 39:7 39:8 39:10 40:5 40:6 41:11 41:18 44:1 44:8 44:25 48:20 50:11 50:24 51:21 58:9	59:1 62:20 63:18 64:16 65:21 65:25 68:21 70:9 71:3 71:4 73:21 77:16 82:14 82:15 83:2 83:11 83:16 87:16 87:17 88:1 88:2 90:9 91:13 93:3 93:7 93:19 94:1 94:12 94:13 94:18 94:25 95:12 95:13 96:19 97:24 97:25 101:5 101:5 103:2 108:6 113:3 <b>gone</b> 36:5 <b>good</b> 10:13 10:17 10:19 13:14 14:2 14:3 15:24 16:12 19:21 25:24 35:1 36:9 38:8 41:1 41:15 41:16 49:11 64:11 76:7 87:25 94:21 97:13 107:13 107:23 109:23 <b>got</b> 10:13 13:3 18:21 31:1 31:12 34:16 43:1 44:5 48:16 48:18 51:16 57:8 58:12 59:13 59:14 61:12 62:6 65:4 66:16 68:9 78:10 79:11 87:22 88:25 89:12 95:21 95:24 97:13 <b>gotten</b> 33:21 37:15 63:8 63:9 <b>government</b> 16:23 45:15 47:9 <b>granite</b> 73:17 <b>granted</b> 38:5 <b>graph</b> 14:20 <b>grateful</b> 38:11 <b>great</b> 25:20 26:22 32:3 32:9 47:15 62:19 98:4 99:8 <b>greater</b> 47:17 <b>greenville</b> 114:8 114:9 <b>ground</b> 14:1 16:21 16:25 46:1 46:9	47:2 53:4 55:16 55:18 57:25 58:14 64:19 64:19 71:10 86:14 86:24 87:25 <b>grounds</b> 113:15 <b>group</b> 20:1 63:2 63:7 76:16 80:9 89:24 111:17 <b>groups</b> 111:18 <b>grow</b> 16:15 <b>growth</b> 76:4 <b>guess</b> 11:6 47:19 62:9 72:3 79:9 83:13 90:20 90:22 93:11 107:17 <b>guest</b> 59:22 <b>guideline</b> 31:25 32:11 90:6 91:24 <b>guidelines</b> 89:21 91:16 91:18 <b>guild</b> 3:18 <b>guys</b> 11:15 14:18 16:11 21:24 83:9 101:24 <b>gymnastics</b> 55:12	109:18 113:18 113:23 114:1 <b>half</b> 35:23 <b>halfway</b> 15:20 <b>hallmark</b> 73:14 <b>hand</b> 22:13 26:18 27:21 <b>handle</b> 18:5 29:2 69:19 <b>handled</b> 50:10 <b>handouts</b> 14:18 <b>happen</b> 23:8 29:7 41:18 <b>happened</b> 48:7 <b>happens</b> 38:22 41:11 41:19 44:2 55:6 <b>happy</b> 11:17 14:9 <b>hard</b> 32:22 <b>hardest</b> 28:1 <b>hardy</b> 3:14 6:9 6:9 13:16 13:18 16:5 21:25 22:5 22:21 25:11 27:1 27:9 27:18 28:15 28:18 29:11 29:14 30:7 30:25 31:8 31:16 31:20 32:1 32:13 32:25 33:2 33:15 33:18 34:1 34:6 34:10 36:18 36:19 42:16 43:8 44:16 49:8 49:9 49:11 67:4 69:6 69:8 75:8 75:9 77:18 77:20 79:20 79:24 80:2 85:11 85:14 106:11 106:14 106:19 107:4 110:15 110:19 113:2 113:5 114:21 <b>harm</b> 78:11 <b>harness</b> 53:21 54:18 58:12 58:13 58:16 59:21 62:7 71:11 86:15 <b>harnessed</b> 82:13 <b>harnesses</b> 46:18 47:7 54:12 81:20 <b>hasn't</b> 22:13
<b>G</b>				
<b>game</b> 36:25 37:2 73:19 <b>gear</b> 50:23 <b>geared</b> 75:23 <b>general</b> 58:5 <b>generally</b> 37:8 <b>generate</b> 19:5 <b>generating</b> 22:14 <b>george</b> 1:23 <b>georgia</b> 37:2 <b>get</b> 10:12 12:24 14:8 15:10 16:20 17:9 17:21 18:19 22:12 22:19 23:10 24:1 24:8 25:1 25:16 25:21 26:1 26:6 26:20 28:20 33:13 43:23 51:15 53:12 55:13 56:1 56:4 59:17 61:9 62:5 69:4 70:2 70:4 71:19 77:7 88:1 88:3 88:12 89:6 91:10 97:14 98:17 98:21 98:23 99:18 101:4 110:25 113:1 113:7 114:18 <b>gets</b> 55:21 77:11 <b>getting</b> 10:17 22:6 22:8 22:15 23:17 24:21 26:23 27:4 28:10 29:8 29:23 39:10 105:2 114:23				
<b>H</b>				

<p><b>haven't</b> 21:15 33:8 33:22 34:4 51:12 51:13 <b>having</b> 18:12 45:13 76:7 78:14 80:12 89:4 <b>hazard</b> 65:19 <b>he'd</b> 43:4 <b>head</b> 80:23 <b>hear</b> 7:23 36:7 <b>heard</b> 47:14 53:24 <b>hearing</b> 2:2 <b>heart</b> 99:15 <b>heartburn</b> 99:12 <b>heather</b> 4:2 7:9 <b>heavier</b> 19:24 <b>height</b> 52:10 54:11 56:12 62:5 70:17 86:7 95:21 <b>heighth</b> 60:22 60:23 61:1 61:4 64:15 66:3 81:19 83:16 83:22 83:23 83:25 95:12 95:12 95:22 <b>held</b> 5:18 17:17 19:12 115:8 <b>helmets</b> 47:7 <b>help</b> 10:11 22:22 40:13 41:9 45:16 47:2 50:25 62:10 63:5 77:3 98:1 <b>helped</b> 26:10 <b>helpful</b> 24:10 37:17 52:7 98:19 <b>helps</b> 94:21 <b>hereby</b> 116:7 <b>hesitate</b> 57:15 <b>hey</b> 22:7 94:7 97:24 <b>hibbs</b> 73:14 <b>high</b> 44:15 48:5 50:17 50:21 52:7 53:7 53:20 56:9 62:17 65:25 74:4 77:13 79:3 79:4 82:18 82:22 91:9 98:6 <b>highest</b> 53:8 <b>hill</b> 27:18 <b>hire</b> 13:25 37:15</p>	<p>38:6 113:25 114:5 <b>hired</b> 10:12 12:14 <b>hit</b> 14:1 19:4 <b>hits</b> 80:23 <b>hole</b> 26:7 <b>holiday</b> 108:13 <b>honest</b> 22:2 79:13 <b>honestly</b> 25:23 32:10 63:4 102:7 <b>honors</b> 8:9 <b>hope</b> 10:11 15:4 16:14 18:3 18:24 19:13 19:15 40:22 <b>hopefully</b> 10:14 18:19 28:22 <b>horizon</b> 19:9 <b>horse</b> 98:8 <b>hours</b> 24:16 <b>house</b> 68:11 <b>houses</b> 68:11 94:10 <b>how</b> 12:10 15:9 16:4 24:12 25:20 29:2 30:17 31:16 31:21 35:19 38:5 46:11 47:5 48:13 48:14 50:10 50:10 50:16 54:24 55:1 55:2 55:2 56:9 66:21 66:21 69:1 69:19 70:6 70:23 74:23 75:5 78:12 81:12 81:24 98:14 105:8 106:5 <b>however</b> 37:24 38:9 60:19 <b>huge</b> 11:3 26:20 96:15 <b>hurdle</b> 27:5 <b>hurt</b> 88:1 88:3 97:24</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>idea</b> 33:3 81:16 <b>ideas</b> 65:15 <b>ii</b> 5:3 <b>iii</b> 3:10 5:4 <b>immediately</b> 95:20 <b>impale</b> 64:9 <b>implement</b> 10:23 <b>implementation</b></p>	<p>38:10 <b>implemented</b> 40:24 <b>implementing</b> 112:6 <b>importance</b> 23:17 <b>important</b> 27:24 <b>improved</b> 28:7 63:9 <b>improvement</b> 18:9 <b>in-house</b> 113:25 <b>inadvertently</b> 48:12 48:16 <b>inches</b> 46:8 56:17 64:19 64:19 87:25 <b>incidentals</b> 15:14 <b>include</b> 18:10 18:11 44:20 51:1 51:8 66:6 66:7 70:20 71:16 72:1 74:14 74:19 90:14 90:18 <b>included</b> 47:25 48:19 51:24 99:16 112:16 <b>includes</b> 54:17 82:21 83:23 <b>including</b> 40:13 68:6 78:5 97:17 106:3 <b>inclusions</b> 68:9 <b>indicate</b> 37:10 74:2 75:6 <b>indicated</b> 38:21 45:21 69:13 92:17 <b>indicating</b> 23:15 <b>indication</b> 74:13 <b>individual</b> 22:15 <b>individuals</b> 17:12 <b>indoor</b> 85:12 85:16 85:18 85:19 85:20 85:25 <b>indoors</b> 85:12 <b>industries</b> 59:25 <b>industry</b> 12:17 27:21 36:7 53:10 58:6 59:25 60:3 60:13 63:21 64:20 73:13 73:15 83:7 99:16 <b>inflatable</b> 32:21 33:6 33:19 34:4 110:16 110:19</p>	<p><b>inflatables</b> 27:11 27:13 32:20 33:16 33:23 34:17 42:5 110:8 <b>information</b> 19:3 22:11 23:17 23:24 24:8 24:12 47:17 47:23 52:7 70:23 <b>informative</b> 93:1 <b>initiative</b> 53:7 61:6 66:16 <b>injured</b> 80:25 <b>injury</b> 46:22 <b>input</b> 70:2 70:15 <b>inquire</b> 110:15 <b>inquiry</b> 20:21 <b>ins</b> 12:19 29:22 <b>inside</b> 79:3 79:5 <b>inspect</b> 11:23 32:23 50:18 63:20 63:20 76:25 79:7 83:3 94:1 97:5 97:25 111:9 112:24 <b>inspectable</b> 50:5 62:2 <b>inspected</b> 20:25 24:23 34:25 49:2 50:6 51:23 72:20 79:12 81:5 81:22 110:11 110:14 114:4 <b>inspecting</b> 12:4 49:23 53:21 64:4 65:17 66:5 87:20 88:22 88:22 88:23 <b>inspection</b> 10:21 10:24 19:1 20:6 20:10 20:17 21:12 26:23 27:20 27:22 27:23 30:21 31:19 35:10 45:21 48:19 50:19 50:21 66:7 66:12 84:17 85:2 85:21 86:1 91:13 111:9 111:15 112:8 113:4 113:12 113:19 113:20 113:21 114:3 114:12 <b>inspections</b> 11:21</p>	<p>12:2 12:24 21:2 27:4 32:6 44:24 45:17 111:3 <b>inspector</b> 3:13 12:23 12:25 24:17 27:13 50:16 77:8 78:10 97:13 113:8 114:4 114:5 <b>inspectors</b> 10:8 10:10 10:22 10:25 12:21 17:22 47:22 50:9 111:5 <b>installing</b> 12:15 34:18 <b>instances</b> 72:25 <b>instead</b> 39:9 92:10 103:8 105:21 <b>institution</b> 84:15 <b>institutions</b> 84:24 <b>instruction</b> 32:14 32:15 <b>instrumental</b> 38:9 <b>insurance</b> 3:4 72:19 72:23 73:1 73:22 74:6 79:18 79:19 91:11 <b>insure</b> 88:8 <b>insurmountable</b> 99:13 101:8 <b>intensive</b> 46:14 <b>intent</b> 70:21 74:10 74:14 74:19 76:2 76:8 77:6 80:8 <b>interactive</b> 19:2 <b>interested</b> 116:16 <b>interesting</b> 44:5 78:12 <b>interject</b> 27:4 <b>internet</b> 17:3 <b>interpret</b> 35:17 <b>interview</b> 10:15 <b>introduced</b> 33:3 <b>introductions</b> 5:3 6:5 13:19 <b>investigation</b> 13:1 <b>invited</b> 19:15 <b>involve</b> 66:2 <b>involved</b> 19:14 113:7 <b>island</b> 4:8 7:25 8:2</p>
--	---	--	---	---

8:5 46:5 <b>islands</b> 64:5 <b>issue</b> 14:23 15:6 21:11 21:12 21:12 22:12 22:14 22:15 39:5 41:24 44:7 58:12 59:13 59:13 66:9 69:5 69:16 69:18 76:22 78:8 92:16 111:1 114:15 <b>issued</b> 15:1 20:17 <b>issues</b> 33:9 59:24 <b>issuing</b> 16:7 19:19 20:12 21:16 24:20 70:3 <b>it'd</b> 72:11 102:6 <b>it'll</b> 11:4 18:1 <b>item</b> 8:13 9:12 13:15 42:3 42:3 43:20 98:16 98:18 99:9 <b>items</b> 5:14 98:18 <b>iterations</b> 36:6 <b>itinerary</b> 18:23 <b>itself</b> 32:22 38:18 61:2 112:15 <b>iv</b> 5:5 <b>ix</b> 5:10	104:25 105:6 105:12 107:8 107:11 107:14 107:19 107:25 108:3 108:10 108:24 109:5 109:9 109:16 109:24 110:2 111:20 115:2 115:12 <b>jennifer</b> 3:21 7:3 13:24 13:25 14:4 <b>job</b> 10:25 12:12 14:3 16:12 19:22 39:5 63:6 <b>johnson</b> 4:8 7:19 7:19 7:22 7:22 7:25 <b>jr</b> 3:7 <b>july</b> 38:4 <b>jump</b> 21:9 110:13 <b>jumped</b> 19:24 28:9 <b>jun</b> 109:23 <b>june</b> 99:10 108:20 <b>just</b> 7:25 8:1 11:23 12:16 12:19 12:25 13:19 19:3 22:18 23:6 24:1 27:16 28:19 29:22 31:3 31:11 32:19 34:8 35:24 37:9 37:9 40:9 40:11 40:16 41:11 41:19 43:8 43:9 45:6 45:10 46:6 46:20 47:2 47:13 48:13 51:1 51:5 51:10 51:14 51:24 53:11 53:23 56:14 57:7 59:12 59:25 60:5 60:13 60:15 61:11 63:11 63:12 68:21 69:4 70:14 71:12 75:17 76:5 76:8 77:2 78:9 78:13 78:14 79:1 79:20 80:20 83:3 83:5 83:15 84:3 84:9 89:6 89:10 89:11 90:13 90:18 92:10 92:11 92:15 92:16 92:19 93:1 93:12 93:14 94:23	95:14 97:19 97:21 98:10 98:13 100:1 100:4 102:8 103:8 103:9 104:5 104:25 105:2 105:23 105:24 110:4 110:25 112:9 112:22 114:19 114:23 <b>justify</b> 78:13	29:18 29:21 30:10 31:12 32:5 32:8 32:18 32:22 33:4 34:14 34:20 34:24 34:25 35:14 35:25 36:5 36:21 37:7 37:10 39:19 40:9 40:16 41:12 41:14 41:17 41:18 42:5 44:10 44:11 44:25 46:22 47:9 47:16 47:20 49:1 51:13 51:18 52:8 52:17 53:23 57:14 59:2 59:20 62:13 64:8 65:7 65:18 66:24 66:25 67:17 67:22 69:17 72:22 73:12 74:23 75:14 78:9 79:4 81:24 83:5 85:25 87:12 87:15 89:7 92:18 94:4 94:22 94:23 95:3 95:14 95:15 97:21 98:6 98:14 100:1 100:22 104:5 104:8 105:3 105:22 105:22 105:25 106:19 110:9 111:19 112:2 112:15 112:21 113:16 113:22 <b>knowledge</b> 111:13 <b>known</b> 8:21 9:20	13:25 14:25 15:9 15:18 16:8 19:14 22:10 28:4 35:7 40:3 60:4 67:13 69:18 99:17 104:7 <b>late</b> 108:8 <b>later</b> 100:5 109:7 <b>law</b> 34:13 35:4 35:4 35:6 35:15 67:10 67:18 67:25 69:20 69:22 69:25 70:17 72:2 80:8 84:21 84:25 85:9 85:22 94:14 111:21 111:22 112:22 113:15 113:16 114:12 114:16 <b>layer</b> 53:13 <b>lcr</b> 1:23 116:6 116:21 <b>leading</b> 89:3 <b>leaps</b> 28:10 <b>learning</b> 48:13 <b>least</b> 23:18 <b>leave</b> 16:24 111:10 <b>leaving</b> 31:20 <b>lebanon</b> 61:11 84:3 113:15 <b>leeway</b> 80:6 <b>legal</b> 3:16 6:24 67:22 70:7 70:23 72:4 92:18 <b>legislation</b> 37:9 39:12 40:3 40:7 40:19 74:20 75:5 <b>legislative</b> 20:9 41:4 70:21 74:10 74:14 <b>legitimate</b> 58:25 <b>less</b> 21:7 71:9 71:10 88:23 88:23 98:5 <b>lessee</b> 3:10 <b>let</b> 8:20 9:20 12:6 24:1 30:10 43:17 45:1 45:3 52:18 55:5 71:19 72:18 76:22 78:4 88:4 88:9 92:6 98:14 105:10 107:6 111:10 111:11	
<hr/> <b>J</b> <hr/>					
<b>james</b> 3:11 6:20 16:19 27:3 31:9 34:2 <b>january</b> 17:18 19:12 41:13 41:13 107:4 107:5 116:18 <b>jefferson</b> 3:15 6:22 6:22 14:8 22:23 24:4 24:7 29:1 35:3 36:20 37:1 37:5 37:7 41:10 42:17 43:16 69:7 69:10 70:13 74:16 84:8 84:12 85:12 85:13 85:16 92:8 92:13 92:15 92:22 101:10 101:11 101:18 101:20 102:11 102:16 102:18 103:2 103:17		<b>keep</b> 39:6 78:1 87:10 <b>keeps</b> 89:2 <b>kelly</b> 3:5 6:19 <b>kentucky</b> 52:21 52:21 57:6 72:8 86:18 <b>kevin</b> 3:24 7:7 13:23 17:19 17:25 19:13 <b>key</b> 39:7 39:8 47:5 <b>kids</b> 46:15 54:11 55:7 <b>kim</b> 3:15 6:22 22:21 25:3 43:14 <b>kind</b> 17:22 20:22 35:25 44:12 44:17 44:22 46:12 46:19 47:18 48:8 48:25 49:3 52:10 54:4 54:7 55:11 56:13 60:13 62:15 69:2 73:12 74:10 76:12 78:12 82:17 90:2 98:22 112:13 <b>kinds</b> 55:14 59:1 <b>kirby</b> 4:7 7:13 7:13 <b>klutts</b> 3:24 7:7 7:7 13:23 17:19 <b>knew</b> 12:8 37:22 <b>knock</b> 75:15 <b>know</b> 12:19 14:7 15:9 16:19 16:25 17:10 18:14 22:7 25:2 25:7 25:24 25:25 26:2 26:12 26:15 27:2 27:13 27:15 28:19 29:7	<hr/> <b>K</b> <hr/>	<hr/> <b>L</b> <hr/>	
				<b>labels</b> 31:22 <b>labor</b> 1:1 3:19 3:21 3:23 3:24 4:1 4:2 4:4 4:5 5:19 99:22 103:15 103:16 115:15 <b>ladders</b> 95:14 <b>laid</b> 72:7 <b>landing</b> 2:4 5:20 64:7 115:16 <b>language</b> 45:18 <b>large</b> 3:5 3:7 10:18 116:21 <b>larry</b> 3:10 6:18 <b>last</b> 11:20 12:1	



<p><b>letter</b> 114:16  <b>level</b> 17:20 28:11  60:2 66:9  <b>levels</b> 95:7  <b>lewis</b> 3:7 6:13  <b>liaisons</b> 41:5  <b>license</b> 12:23  <b>lieu</b> 39:9  <b>life</b> 45:25 46:19  47:6 52:9 52:12  54:4 54:6 54:12  54:17 54:21 60:15  61:6 64:24 66:2  66:9 83:9 88:15  96:11  <b>lifeline</b> 54:18 71:12  86:15  <b>lift</b> 64:6  <b>light</b> 45:2  <b>lights</b> 45:4  <b>like</b> 9:3 10:3 12:18  13:1 14:19 15:8  16:17 18:25 23:11  26:5 26:13 26:14  26:21 27:2 28:5  30:18 32:19 32:20  34:2 34:14 34:20  34:22 34:23 35:25  44:15 44:23 46:2  46:17 47:7 51:19  52:9 53:19 54:18  55:6 55:10 55:11  55:12 57:18 59:24  61:22 61:24 63:7  64:4 64:10 64:18  64:25 65:7 65:20  65:20 67:12 74:7  74:12 75:15 77:15  79:2 80:20 81:19  81:21 83:1 85:4  87:18 87:24 88:21  89:8 89:10 90:3  90:18 92:9 94:20  94:23 97:4 98:5  99:19 100:4 102:8  102:20 104:4 110:4  112:21  <b>line</b> 42:21 43:13  50:20 76:15 77:13  89:2</p>	<p><b>lines</b> 62:18  <b>list</b> 18:24 49:5 51:1  51:6 51:9 51:25  54:14 66:8 69:15  77:14 78:9 89:20  <b>listed</b> 89:20 91:15  91:25  <b>literally</b> 53:21 94:3  <b>little</b> 11:21 12:3  25:2 32:10 44:10  80:21 82:9 96:10  <b>live</b> 28:23 29:20  <b>living</b> 97:16  <b>local</b> 111:3 111:7  <b>located</b> 5:19 17:6  17:7 84:16 85:14  115:16  <b>location</b> 35:9  <b>long</b> 12:10 21:2  23:23 24:12 34:16  35:12 44:11 53:18  63:9  <b>longer</b> 11:23 13:8  <b>look</b> 34:22 35:14  40:15 46:17 61:2  62:6 64:4 64:5  66:25 79:17 88:25  94:22  <b>looked</b> 50:7  <b>looking</b> 14:19 25:17  40:9 74:11 83:16  94:8  <b>looks</b> 52:9  <b>loop</b> 54:7  <b>loose</b> 80:22 100:4  <b>lot</b> 11:24 18:3 25:19  26:10 26:24 30:19  35:17 37:16 48:2  48:3 48:3 48:6 59:7  62:17 77:21 81:16  81:20 81:25 82:1  103:18 113:22  113:24 114:5  <b>lots</b> 45:12  <b>low</b> 44:9 44:14  44:20 45:8 45:9  45:10 45:22 45:23  45:25 46:9 47:3  47:4 47:11 48:4  50:17 50:22 51:2</p>	<p>52:8 53:8 54:8 54:9  56:12 57:18 60:21  60:24 64:23 65:14  65:14 66:1 66:9  66:13 66:16 67:13  68:13 68:13 68:23  71:6 71:7 72:19  74:4 77:13 78:5  78:13 78:14 79:4  81:13 81:21 82:4  82:17 82:21 86:11  90:12 91:2 94:4  94:19 97:18  <b>lynn</b> 4:7 7:13 42:4  42:5 42:10 43:18</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>ma'am</b> 52:2 74:8  <b>machine</b> 116:9  <b>made</b> 16:5 18:25  37:16 40:16 44:13  <b>magnitude</b> 67:17  <b>mail</b> 26:18 30:23  32:15  <b>mailed</b> 25:1  <b>mailing</b> 18:14 31:1  <b>main</b> 16:1 27:3  37:19 41:20  <b>mainly</b> 11:22  <b>major</b> 67:17 95:10  <b>make</b> 10:24 23:8  24:25 39:20 43:6  44:19 44:19 44:22  62:18 64:5 64:10  67:19 71:3 77:5  83:6 83:9 90:7  90:14 92:5 92:9  93:25 97:16 97:21  98:14 100:5 102:10  <b>makes</b> 90:19 96:15  <b>making</b> 37:17 83:8  84:22 96:18 107:16  <b>man</b> 46:6 77:22  <b>manager</b> 3:14 6:10  23:14 38:6  <b>mandate</b> 37:11  111:15  <b>manual</b> 59:1 66:25  <b>manually</b> 31:6  <b>many</b> 16:4 27:12</p>	<p>31:16 48:14 65:2  74:24 81:12 81:24  106:5  <b>march</b> 5:18 98:17  99:10 102:11  105:10 105:15  105:15 105:25  107:7 107:8 107:9  107:14 107:15  107:16 107:22  107:25 109:11  109:12 109:14  109:16 109:17  109:18 115:9  115:10 115:14  <b>mark</b> 74:4  <b>marshal</b> 84:18  113:21 113:23  <b>marshals</b> 11:14  85:2 112:13  <b>marvelous</b> 63:6  <b>materials</b> 17:23  <b>matter</b> 63:15 94:11  <b>max</b> 56:17  <b>maximum</b> 56:3  <b>may</b> 19:24 24:10  27:4 29:19 29:21  40:18 40:18 57:21  81:22 81:22 97:1  102:12 102:13  106:19  <b>maybe</b> 16:23 17:2  17:6 25:6 29:24  40:19 50:4 50:6  56:23 72:3 80:2  89:25 95:2 98:21  99:18 105:3 114:6  114:9  <b>mean</b> 17:9 34:22  36:12 36:23 42:13  54:13 59:9 59:23  59:25 60:6 60:16  60:20 61:17 62:12  62:25 63:1 63:14  63:15 64:14 64:17  65:12 65:23 66:15  66:22 70:17 77:1  78:1 78:15 79:14  81:5 81:24 87:22  87:24 88:12 88:12</p>	<p>88:25 89:10 93:21  93:24 94:11 95:4  95:5 95:13 95:16  96:20 96:21 97:12  97:15 97:16 102:7  102:22 103:12  105:19 114:11  114:15  <b>means</b> 18:18  <b>mechanical</b> 67:25  <b>media</b> 17:4  <b>meet</b> 11:15 12:13  16:22 68:14 68:23  69:1 69:3  <b>meeting</b> 1:11 5:2  5:7 5:15 5:16 5:17  5:18 6:3 9:13 14:25  43:7 56:21 57:4  57:10 80:11 99:10  99:17 101:14 105:1  105:10 106:15  108:18 108:18  115:5 115:6 115:7  <b>meetings</b> 20:13  40:14  <b>meets</b> 68:24 84:3  95:2  <b>member</b> 3:4 3:5 3:7  3:8 3:10 3:11 6:17  6:21  <b>members</b> 11:13  55:17  <b>memphis</b> 111:17  <b>mention</b> 14:25 15:3  20:19 21:21  <b>mentioned</b> 18:11  83:25 106:11  108:17  <b>merry</b> 68:10  <b>met</b> 27:21 47:13  104:23 114:16  <b>metro</b> 11:12  <b>mid</b> 10:13  <b>middle</b> 10:11 28:23  <b>midway</b> 26:7 87:16  <b>might</b> 22:22 66:22  81:17 100:5 104:24  <b>mike</b> 3:14 6:9 23:13  23:15 26:21 38:21  42:4 67:2</p>
---	---	---	--	--

<p><b>milestone</b> 14:7 14:22</p> <p><b>million</b> 35:23</p> <p><b>mind</b> 54:2 87:10</p> <p><b>mindful</b> 19:19</p> <p><b>mine</b> 25:25 34:23</p> <p><b>minor</b> 20:22</p> <p><b>minute</b> 22:10 68:17</p> <p><b>minutes</b> 5:7 9:12 9:14 102:25</p> <p><b>miscalculated</b> 26:14</p> <p><b>misconstrued</b> 79:24</p> <p><b>missed</b> 99:17</p> <p><b>mission</b> 14:15</p> <p><b>mitch</b> 3:4 6:16 8:8</p> <p><b>mitigates</b> 66:23</p> <p><b>modification</b> 90:4</p> <p><b>modify</b> 89:22</p> <p><b>monday</b> 100:3 105:18 105:20 105:20 105:22 109:3</p> <p><b>money</b> 18:15 37:14 82:1 107:16</p> <p><b>monitored</b> 18:7</p> <p><b>monkey</b> 61:14 69:2 79:11 83:17 90:23 91:20</p> <p><b>monoline</b> 81:12 90:12</p> <p><b>month</b> 20:1 22:8 23:18 104:1</p> <p><b>months</b> 19:24 21:3 21:7 23:18</p> <p><b>moons</b> 65:2</p> <p><b>moore</b> 3:10 6:18 6:18 8:24 9:23 114:10 114:14 114:22</p> <p><b>moorer</b> 3:7 6:13 6:13 9:2 10:2 13:12 71:16 71:21 71:25 86:7 86:16 95:18 97:1 97:8 97:10 97:12</p> <p><b>more</b> 11:17 11:25 14:18 15:8 15:21 18:25 22:14 25:6 25:15 37:5 40:19</p>	<p>43:18 46:2 46:15 53:4 57:24 60:20 61:18 62:22 63:16 81:10 86:13 86:23 89:3 89:3 89:3 93:1 112:14</p> <p><b>most</b> 13:19 14:10 17:7 17:15 20:8 20:9 20:16 27:19 27:24 46:9 60:16 64:13 68:1 97:6 97:11 105:4</p> <p><b>motion</b> 8:14 8:17 8:20 9:14 9:16 9:20 71:3 71:13 71:15 86:4 86:10 89:22 90:5 91:25 115:17</p> <p><b>move</b> 43:19 56:14 56:16 71:4 90:18 101:8 102:19</p> <p><b>moved</b> 8:16 9:15 33:13 115:19</p> <p><b>moving</b> 10:4 110:6</p> <p><b>much</b> 21:17 25:25 28:4 30:17 31:19 46:15 112:13 115:4</p> <p><b>mulch</b> 53:13 64:7</p> <p><b>multiple</b> 14:20 39:13</p> <p><b>municipality</b> 114:17</p> <p><b>murphy</b> 3:21 7:3 7:3 13:25</p> <p><b>myself</b> 10:9 32:19 81:23 99:16</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>naarso</b> 17:17 17:22 18:2 24:18</p> <p><b>nashville</b> 2:5 5:20 115:17</p> <p><b>nation</b> 95:12</p> <p><b>national</b> 13:3</p> <p><b>natural</b> 9:6</p> <p><b>nature</b> 95:24</p> <p><b>necessarily</b> 92:19</p> <p><b>necessary</b> 18:7 23:10 65:6 70:11</p> <p><b>need</b> 8:13 12:14 23:2 26:16 31:25</p>	<p>32:10 33:7 36:21 37:22 44:22 47:20 47:21 47:22 47:24 48:25 49:2 51:19 66:20 67:21 70:8 70:12 70:22 70:22 70:23 72:3 77:4 79:21 83:5 86:6 92:20 97:21 105:12 110:13</p> <p><b>needed</b> 20:22</p> <p><b>needing</b> 49:8</p> <p><b>needs</b> 36:13 52:12 54:23 65:6 67:9 93:10 93:12 95:16</p> <p><b>never</b> 44:12 47:13 47:13 47:13 47:15 51:5 51:24 53:22 53:25</p> <p><b>new</b> 5:12 10:17 10:21 10:23 11:22 11:24 11:25 13:2 16:7 16:9 17:13 18:3 18:16 28:20 29:8 31:2 35:6 43:20 52:18 61:12 61:23 65:15 69:11 73:19 82:20 82:22 85:5</p> <p><b>next</b> 5:16 5:16 18:20 20:5 21:9 29:4 30:20 51:17 51:20 55:23 56:17 100:13 110:7 115:5 115:6</p> <p><b>nice</b> 64:7</p> <p><b>nobody</b> 97:20</p> <p><b>non</b> 15:23 38:5 66:18 84:14 84:23 110:17 110:18</p> <p><b>none</b> 9:20 40:8</p> <p><b>nor</b> 116:14 116:16</p> <p><b>normal</b> 24:2 24:4 61:5 82:24</p> <p><b>normally</b> 72:15</p> <p><b>notary</b> 116:6 116:21</p> <p><b>note</b> 13:8 34:11 66:14 66:17</p> <p><b>notebook</b> 34:15</p>	<p><b>nothing</b> 12:8 25:21 65:9 65:12 65:19 107:15</p> <p><b>november</b> 19:24</p> <p><b>now</b> 12:15 13:19 14:9 15:7 16:19 17:24 23:14 23:21 24:21 26:4 31:4 32:14 33:20 38:2 38:3 38:24 41:25 44:8 58:23 59:6 70:16 71:23 71:24 85:19 88:24 90:21 107:21 114:9</p> <p><b>nowhere</b> 32:20</p> <p><b>number</b> 8:13 9:12 12:4 13:15 14:23 15:10 15:11 15:19 16:11 16:14 26:1 27:11 38:19 42:3 42:4 42:13 42:14 43:20 58:21 59:24 77:16 95:6 98:18</p> <p><b>numbers</b> 11:18 15:5 31:10</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>o'connor</b> 3:5 6:19 6:19 8:25 9:24 21:21 22:3 22:17 23:25 24:5 25:8 49:25 52:1 52:3 52:6 52:15 52:24 61:14 68:19 68:21 74:9 85:10 102:15 102:19 104:17 105:5 107:10 107:13 108:2 109:14 115:10 115:19</p> <p><b>obstacles</b> 27:1 27:3</p> <p><b>obtain</b> 28:1 38:24 41:23</p> <p><b>obviously</b> 15:8 36:5</p> <p><b>october</b> 14:1 44:5 105:2 105:3 105:4 105:7 108:1 108:2 108:3 108:5 108:7</p> <p><b>off</b> 16:20 45:4 46:8 47:1 53:4 55:15</p>	<p>55:18 56:17 57:24 58:14 64:9 64:19 64:19 81:1 86:13 86:24 87:25 88:7 99:18 106:14 111:9</p> <p><b>offer</b> 92:16</p> <p><b>offering</b> 88:24</p> <p><b>office</b> 7:10 23:1 75:16</p> <p><b>officer</b> 7:6 7:8 13:22</p> <p><b>officers</b> 15:25 16:6 19:23 23:14 30:22 35:13 38:7 103:11</p> <p><b>official</b> 98:23</p> <p><b>officially</b> 90:16</p> <p><b>officials</b> 16:23 23:4 111:8</p> <p><b>old</b> 5:10 42:3</p> <p><b>older</b> 32:4</p> <p><b>once</b> 12:23 13:7 29:20 56:4</p> <p><b>one</b> 10:10 10:10 11:11 13:2 14:19 16:1 20:19 20:20 20:25 21:10 25:4 25:5 26:2 26:9 26:13 26:16 27:2 27:24 27:25 28:19 32:4 32:7 32:8 32:21 36:4 36:6 38:6 38:7 43:18 45:19 47:8 51:20 53:14 53:25 56:16 57:3 57:13 57:15 61:22 62:1 63:6 63:11 65:7 77:2 77:18 77:19 82:3 83:5 84:10 87:10 87:17 87:17 87:21 90:21 92:17 94:3 94:3 95:6 101:14 106:7 109:11 110:4 111:5 113:6 113:15 114:6</p> <p><b>one-week</b> 15:2</p> <p><b>ones</b> 11:22 11:24 11:25 28:1 73:18</p> <p><b>ongoing</b> 18:8</p> <p><b>online</b> 26:21</p>
---	---	---	---	---

<p><b>open</b> 42:21 75:22 101:4 111:11 113:12 <b>opening</b> 99:20 100:2 100:3 100:3 <b>openings</b> 10:10 <b>operate</b> 23:3 47:5 58:22 81:13 112:7 <b>operated</b> 46:21 84:14 84:23 <b>operates</b> 46:12 <b>operating</b> 10:18 14:13 58:24 88:14 <b>operations</b> 65:18 <b>operator</b> 25:25 27:7 34:21 35:7 <b>operators</b> 25:17 73:25 <b>opinion</b> 61:25 67:3 67:8 67:24 93:25 <b>opinions</b> 67:12 67:21 <b>opportunity</b> 18:9 19:14 19:15 43:6 <b>opposed</b> 9:3 10:3 <b>option</b> 18:12 26:22 29:20 30:13 <b>options</b> 18:13 <b>order</b> 5:2 6:4 20:11 21:9 <b>orders</b> 18:15 20:21 <b>ordinance</b> 111:14 111:21 113:17 115:1 <b>ordinances</b> 84:20 111:19 111:25 111:25 112:1 <b>organization</b> 60:18 73:15 98:23 <b>organizations</b> 69:21 <b>osha</b> 57:25 58:3 59:14 60:3 95:5 <b>otherwise</b> 90:5 <b>out</b> 12:24 14:17 15:4 16:25 19:3 20:7 24:21 25:1 25:1 27:2 28:17 30:24 31:1 32:15 34:3 35:13 36:4</p>	<p>36:7 38:21 38:22 44:24 45:2 47:22 48:13 51:12 57:6 63:12 64:16 66:12 66:18 67:13 67:14 70:22 72:7 73:24 74:1 77:9 83:2 92:6 102:9 105:5 111:18 111:18 112:2 <b>outs</b> 12:19 29:22 <b>outside</b> 41:3 <b>over</b> 10:6 12:3 13:20 21:20 25:5 27:14 53:14 54:19 55:2 55:21 56:1 58:9 58:13 61:15 68:4 80:5 83:23 87:19 95:23 103:10 110:13 <b>overall</b> 31:18 <b>overcome</b> 59:14 <b>own</b> 58:24 67:12 69:14 81:21 114:2 114:18 <b>owned</b> 84:13 110:16 <b>owner</b> 3:10 35:7 97:3 111:11 <b>owners</b> 28:13 29:13 29:15 31:9 33:5 72:18</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>packet</b> 52:4 52:23 57:1 <b>page</b> 57:6 <b>painted</b> 35:24 <b>paper</b> 19:6 42:15 51:10 <b>paperwork</b> 27:16 51:10 51:14 <b>park</b> 97:4 111:16 <b>parks</b> 9:9 <b>parkway</b> 1:24 <b>part</b> 8:13 12:18 13:9 26:19 43:7 48:6 48:7 48:10 49:1 49:5 50:5 50:13 51:2 51:4 51:23 52:14 52:16</p>	<p>61:13 61:23 72:24 74:15 89:18 90:10 <b>participant</b> 54:19 54:22 55:20 59:2 71:9 <b>participants</b> 46:22 54:5 55:16 56:8 72:6 86:13 86:16 <b>participate</b> 14:12 <b>particular</b> 57:10 69:14 70:16 92:7 <b>parties</b> 116:14 <b>partner</b> 82:6 <b>parts</b> 50:5 <b>pass</b> 30:2 <b>passed</b> 14:17 20:7 40:4 <b>past</b> 37:16 112:12 <b>patron</b> 53:3 55:2 57:24 58:19 86:23 <b>patrons</b> 58:10 96:4 <b>paul</b> 13:8 <b>pay</b> 11:4 29:17 75:22 78:17 <b>payers</b> 10:19 <b>payment</b> 11:3 18:12 18:14 26:22 26:24 29:19 <b>payments</b> 11:5 <b>peak</b> 17:10 38:21 <b>peaks</b> 38:22 <b>penalties</b> 15:15 <b>people</b> 10:15 11:3 18:17 23:1 30:19 32:5 34:22 35:18 40:14 44:23 45:16 47:24 48:12 53:14 53:16 55:24 56:2 56:3 56:14 60:18 64:15 65:15 80:6 80:12 81:15 89:4 93:16 94:10 94:13 95:15 96:12 96:18 96:22 97:7 97:11 98:22 102:10 103:19 110:8 110:12 110:15 <b>perceived</b> 44:7 <b>percent</b> 67:15 <b>perfect</b> 65:1 96:24</p>	<p><b>perform</b> 12:24 <b>performed</b> 85:2 85:21 86:1 <b>period</b> 15:2 104:4 <b>permanent</b> 39:10 <b>permit</b> 15:8 15:13 15:21 18:23 19:19 20:18 21:3 21:7 21:11 21:13 22:9 22:14 24:21 24:22 29:16 31:2 31:18 35:5 48:1 48:23 49:6 62:13 63:14 63:14 67:15 80:18 85:23 86:2 93:7 95:1 95:3 114:16 114:19 <b>permits</b> 11:19 14:23 15:1 15:7 15:13 16:8 16:10 21:22 22:25 31:2 39:5 47:11 48:17 67:14 68:3 <b>permissible</b> 78:7 <b>permitted</b> 14:21 15:17 16:9 26:6 31:13 49:2 51:16 54:13 54:20 54:23 67:13 68:12 94:4 <b>permitting</b> 20:3 27:23 44:8 44:21 48:11 50:13 51:5 77:15 <b>person</b> 53:14 55:13 55:21 55:23 55:23 56:4 56:5 56:5 58:15 58:19 62:20 68:3 68:4 81:23 <b>personal</b> 42:23 61:25 72:25 76:3 90:17 93:25 110:8 110:19 <b>personally</b> 32:2 <b>personnel</b> 9:6 <b>persons</b> 68:7 70:8 75:10 <b>pertains</b> 57:16 <b>philadelphia</b> 73:8 91:11 <b>phone</b> 16:2 28:5</p>	<p>42:11 42:24 43:13 43:19 <b>phonetic</b> 95:19 <b>photo</b> 88:5 <b>photos</b> 45:7 <b>pick</b> 14:19 17:11 33:18 <b>picture</b> 46:17 88:10 88:11 <b>pictures</b> 45:7 46:6 <b>piece</b> 35:6 42:15 78:12 83:14 <b>pieces</b> 94:14 <b>pigeon</b> 8:1 <b>pinnacle</b> 56:12 <b>place</b> 9:7 35:16 38:23 58:24 58:25 83:21 83:24 113:16 <b>placed</b> 39:23 48:16 <b>places</b> 48:4 <b>plagiarize</b> 72:12 <b>plagiarized</b> 86:19 <b>plan</b> 30:21 <b>planning</b> 38:3 <b>plans</b> 12:12 <b>plastic</b> 33:8 <b>platform</b> 56:17 80:21 82:5 93:15 <b>platforms</b> 54:10 <b>play</b> 75:17 75:22 78:17 110:13 <b>player</b> 73:19 <b>playground</b> 46:2 46:15 49:23 61:10 61:12 61:19 61:23 68:22 69:3 74:11 74:14 74:22 79:11 83:14 84:4 90:23 91:24 92:1 <b>playgrounds</b> 91:17 94:24 94:24 94:25 95:1 <b>please</b> 8:8 8:9 88:17 109:21 109:22 <b>pleasure</b> 68:8 75:10 83:6 <b>pledge</b> 5:4 8:8 8:10 <b>plunk</b> 62:21 <b>pmb</b> 1:24 <b>point</b> 15:20 17:9</p>
--	---	---	---	---

<p>34:7 36:4 38:16 38:21 40:20 41:1 41:7 41:15 42:19 43:5 43:16 60:10 62:6 67:13 76:3 78:20 81:18 96:14 <b>pole</b> 65:11 <b>poles</b> 46:8 <b>policies</b> 73:16 <b>policy</b> 74:5 <b>political</b> 84:18 <b>pool</b> 72:23 73:12 <b>pope</b> 3:11 6:20 6:20 9:1 9:25 25:9 25:13 25:23 27:7 27:16 28:8 30:2 30:16 31:7 31:14 31:18 31:23 32:2 32:17 33:1 33:13 33:17 33:24 34:5 34:20 35:22 36:9 36:13 37:3 78:22 78:23 79:13 79:17 79:22 86:25 87:3 87:7 87:12 87:15 88:6 88:11 88:15 88:21 89:15 89:17 90:1 90:4 90:15 91:1 91:4 91:15 91:23 92:21 96:24 99:14 99:23 99:25 101:3 102:6 103:4 103:7 103:16 103:20 103:23 104:1 104:12 104:16 104:20 106:7 106:10 106:17 106:20 106:22 106:25 107:15 108:7 108:14 108:21 109:1 111:23 112:3 112:7 112:17 112:20 113:3 113:11 113:14 113:22 113:24 114:2 114:9 114:13 <b>popped</b> 63:12 <b>pops</b> 80:22 <b>porch</b> 95:24</p>	<p><b>portal</b> 29:19 29:19 <b>portion</b> 13:23 13:24 <b>position</b> 23:11 23:15 41:6 49:23 93:6 93:6 93:18 113:9 115:1 <b>positions</b> 38:13 <b>possibly</b> 80:14 <b>posted</b> 34:9 <b>potential</b> 46:22 66:19 98:1 102:13 105:14 105:15 <b>potentially</b> 65:21 <b>powerpoint</b> 11:11 <b>practice</b> 112:22 <b>precedence</b> 25:5 <b>precise</b> 45:18 63:17 76:19 <b>prefer</b> 105:19 <b>present</b> 44:18 58:21 70:22 97:19 101:7 <b>presentation</b> 11:10 43:21 48:25 <b>presented</b> 95:25 <b>pressure</b> 38:19 <b>presume</b> 74:6 <b>pretty</b> 21:17 27:18 50:23 53:10 61:5 76:19 <b>previous</b> 15:5 <b>previously</b> 23:12 <b>primarily</b> 16:7 82:4 <b>primary</b> 14:14 <b>prior</b> 19:20 20:13 27:5 <b>priorities</b> 40:5 <b>prioritize</b> 23:7 <b>proactive</b> 22:6 <b>probably</b> 10:12 28:24 32:18 34:18 42:18 65:3 66:6 82:2 <b>problem</b> 36:8 76:21 79:14 99:13 101:8 <b>procedures</b> 58:24 <b>proceed</b> 70:6 70:6 70:24 <b>proceedings</b> 1:9 2:6 115:22 116:9 <b>process</b> 8:13 20:3</p>	<p>24:9 24:10 24:11 24:13 24:14 25:3 27:6 38:10 38:15 44:11 44:21 45:12 48:10 51:24 55:11 <b>processed</b> 15:16 <b>processes</b> 40:23 <b>processing</b> 24:2 <b>profit</b> 84:14 84:23 <b>program</b> 37:13 82:22 <b>project</b> 47:14 <b>projector</b> 43:25 <b>prominent</b> 82:17 <b>prominently</b> 34:23 35:8 35:11 <b>promise</b> 91:10 93:21 <b>proof</b> 20:6 20:10 21:12 35:10 85:1 <b>proper</b> 72:4 72:9 72:10 <b>proposals</b> 39:13 39:17 <b>propose</b> 90:9 <b>proposed</b> 37:25 40:7 <b>protect</b> 46:21 96:13 96:23 <b>protecting</b> 55:19 <b>proud</b> 14:5 <b>prove</b> 85:20 85:25 <b>provide</b> 12:9 70:12 89:19 <b>provincial</b> 53:2 <b>public</b> 3:5 3:7 32:3 35:1 35:2 40:13 75:23 84:20 98:1 116:7 116:21 <b>pull</b> 100:4 <b>pulled</b> 57:6 <b>punch</b> 24:25 <b>punched</b> 24:21 <b>purpose</b> 37:19 41:20 63:5 68:7 71:2 74:13 75:6 75:7 75:9 75:13 75:25 76:2 80:8 <b>purposes</b> 68:25 105:1</p>	<p><b>pursued</b> 69:13 <b>push</b> 41:9 <b>pushback</b> 94:2 <b>pushing</b> 71:2 <b>put</b> 11:6 23:7 23:11 30:23 32:21 33:6 35:19 35:20 36:1 47:22 51:5 60:3 62:6 65:8 77:14 78:23 79:6 79:10 82:8 83:15 102:8 107:17 110:7 <b>puts</b> 49:22 <b>putting</b> 11:10 32:18 38:18 66:20 79:21 84:21</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qei</b> 12:25 13:3 <b>qualified</b> 113:1 <b>qualify</b> 54:23 <b>quality</b> 98:4 <b>question</b> 9:10 12:7 23:9 28:12 30:20 49:18 52:1 57:14 62:15 62:16 63:19 69:9 71:24 71:25 78:21 79:9 80:7 85:5 87:1 89:4 91:19 97:2 <b>questions</b> 21:19 47:20 <b>quick</b> 28:11 103:1 <b>quiet</b> 100:20 <b>quite</b> 25:15 46:24</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>rader</b> 3:4 6:16 6:16 8:18 8:23 9:15 9:22 36:25 56:9 56:19 56:24 57:8 62:22 71:6 71:22 72:12 72:15 72:21 73:5 73:8 73:10 76:5 77:19 79:16 81:7 81:12 82:3 82:8 82:11 82:16 83:1 90:10 90:16 90:24 91:2 91:6 91:8 92:12 92:14 94:7</p>	<p>94:16 95:8 99:2 102:2 103:22 108:16 109:3 <b>rail</b> 95:19 95:22 <b>raise</b> 36:13 <b>raised</b> 69:16 <b>ran</b> 45:19 <b>rates</b> 73:20 <b>rather</b> 41:19 85:18 85:20 <b>ratio</b> 59:2 <b>read</b> 67:11 74:19 75:7 94:18 95:15 <b>reading</b> 52:3 84:9 <b>ready</b> 17:24 42:21 <b>real</b> 103:1 <b>realize</b> 22:3 22:17 23:25 <b>reason</b> 20:23 42:12 53:5 63:17 69:13 74:9 81:17 97:20 99:17 100:1 104:7 <b>reasons</b> 94:5 <b>recall</b> 60:25 <b>receive</b> 24:12 41:17 <b>received</b> 20:11 29:3 33:22 37:11 41:12 <b>recent</b> 18:10 20:9 <b>recited</b> 8:10 <b>recommend</b> 22:7 33:11 93:10 <b>recommendation</b> 70:5 70:14 70:15 92:16 <b>recommendations</b> 74:24 99:24 <b>record</b> 14:23 15:1 37:10 106:9 110:25 114:24 <b>recorded</b> 116:8 <b>recreation</b> 57:3 <b>recreational</b> 53:2 <b>recurring</b> 38:5 38:16 38:17 <b>red</b> 48:20 <b>refer</b> 67:10 67:18 <b>reference</b> 57:7 <b>referrals</b> 15:22 <b>referring</b> 90:24 <b>regarding</b> 21:16</p>
---	---	--	---	---

<p><b>regardless</b> 81:1  <b>register</b> 10:12  <b>regular</b> 40:14  <b>regularly</b> 5:17  115:6  <b>regulate</b> 61:10  <b>regulated</b> 67:10  <b>regulation</b> 67:20  110:22  <b>regulations</b> 1:2  17:13 52:19  <b>regulatory</b> 47:9  <b>reiterate</b> 30:17  <b>relate</b> 89:9  <b>related</b> 44:13 46:2  57:9 84:19  <b>relations</b> 45:15  47:10  <b>relative</b> 116:14  <b>religious</b> 84:14  84:24  <b>relying</b> 51:14  <b>remain</b> 14:11  <b>remainder</b> 14:23  16:15  <b>remaining</b> 21:7  <b>remains</b> 34:1  <b>remember</b> 61:3  111:7  <b>renewals</b> 19:20  19:22 21:22 31:2  <b>repair</b> 64:11  <b>repeat</b> 86:9  <b>report</b> 5:8 5:9 10:5  13:16 13:17 19:1  21:18 26:23 45:22  66:12 78:11  <b>reporter</b> 7:20 7:23  8:3 8:6 88:17 88:20  116:7  <b>reporting</b> 1:23 19:2  <b>reports</b> 10:21 10:22  10:24 24:20 27:20  50:19 95:15  <b>represent</b> 19:16  <b>representative</b> 3:4  3:6 3:7 3:9 3:10  3:12 7:2  <b>representing</b> 6:12  <b>request</b> 45:6</p>	<p><b>requested</b> 38:16  <b>require</b> 44:8 53:3  57:23 71:11 72:20  81:20 86:14 86:23  95:3 95:21 113:12  113:18 113:19  113:20  <b>required</b> 18:22 44:7  58:21 69:24  <b>requirement</b> 52:11  62:5  <b>requirements</b> 27:25  <b>requiring</b> 114:11  <b>research</b> 24:13  <b>resolve</b> 41:24  <b>respectfully</b> 112:25  <b>respective</b> 16:22  <b>response</b> 45:5  <b>responsibility</b> 20:1  31:10  <b>responsible</b> 16:7  <b>restricted</b> 68:5  <b>restriction</b> 61:1  <b>restructuring</b> 60:7  <b>result</b> 75:25  <b>retract</b> 90:11 90:16  <b>revenue</b> 15:13  15:16 24:19  <b>reviewed</b> 46:25  <b>revisions</b> 18:8  18:10  <b>revisit</b> 41:14  <b>rhodes</b> 4:1 7:11  7:11  <b>ride</b> 12:20 26:7  31:19 35:24 98:12  111:11 112:14  113:19  <b>rides</b> 26:1 26:2  112:24  <b>right</b> 10:4 10:6 13:6  15:7 15:12 15:16  16:19 20:16 24:7  24:25 30:7 30:9  30:12 33:20 35:3  42:1 42:2 42:15  42:16 44:3 49:16  59:16 62:3 65:3  69:6 69:10 70:13  71:14 71:23 72:16</p>	<p>73:2 75:1 75:4  77:17 80:10 80:24  81:7 81:11 85:13  85:16 87:3 95:8  95:11 95:19 98:18  99:15 99:23 103:16  103:17 104:12  107:21 108:22  109:12 112:9  113:13 114:13  115:3  <b>ringing</b> 28:5  <b>risk</b> 32:19 66:19  66:23 95:13  <b>robbie</b> 1:13 3:3  6:15 83:2  <b>rock</b> 64:11  <b>rodney</b> 3:20 7:1  <b>role</b> 45:14  <b>roller</b> 68:9  <b>room</b> 2:4 93:16  97:23 105:21  <b>rope</b> 47:1 61:13  79:4 79:5  <b>ropes</b> 45:9 46:25  47:4 47:11 48:5  48:5 50:17 50:17  56:12 64:23 65:14  65:14 67:14 68:13  68:24 74:4 74:4  78:5 81:21  <b>rosa</b> 9:9  <b>rotating</b> 56:6  <b>rouge</b> 17:18 18:1  <b>rounds</b> 68:10  <b>route</b> 68:5  <b>row</b> 13:20  <b>roy</b> 3:11 6:20 16:19  27:3 31:9 34:2  <b>ruby</b> 54:10 62:16  <b>rule</b> 37:8 39:8 39:9  <b>rules</b> 37:19 38:14  41:21 101:16  <b>run</b> 35:17 50:7  73:25 96:25 102:12  102:25 112:20  <b>running</b> 14:2  <b>rush</b> 24:6 24:8</p>	<p><b>safe</b> 9:7 14:11 39:6  78:2 80:13  <b>safety</b> 1:11 2:3 5:17  6:3 11:16 15:25  19:23 45:25 46:19  47:6 52:9 54:4 54:6  54:12 54:17 54:21  58:16 60:15 61:7  64:24 66:2 66:9  71:11 84:20 86:14  96:12 98:1 101:14  112:22 114:2 115:7  <b>said</b> 7:24 25:3  26:21 30:18 30:18  30:20 31:7 34:2  34:21 40:10 43:14  44:17 45:22 50:4  51:18 52:25 61:18  66:11 72:2 72:16  76:14 77:23 79:2  85:4 87:24 88:22  89:10 89:23 94:20  97:13 100:5 100:17  101:25 102:1 104:4  105:2 106:15  110:16 116:10  <b>sales</b> 12:18  <b>same</b> 10:22 20:4  22:25 23:2 23:10  25:4 45:20 55:10  69:3 88:18 94:9  94:19 103:11  <b>save</b> 26:24  <b>saw</b> 53:6 95:18  <b>say</b> 6:5 14:5 28:3  28:8 32:17 35:2  35:4 35:18 35:20  37:5 39:9 41:17  49:4 50:7 57:11  57:15 66:18 72:5  73:3 73:6 75:4  75:16 79:12 82:14  83:19 83:20 86:25  93:17 94:13 94:17  97:22 109:11  109:11 110:4 110:4  111:4 114:6  <b>saying</b> 8:21 9:21  47:12 57:1 57:11  59:12 60:2 65:9</p>	<p>68:23 87:3 89:16  90:15 93:25 111:24  <b>says</b> 20:24 34:11  34:12 34:13 35:7  47:3 48:22 51:11  53:3 59:2 60:21  65:12 67:25 83:22  84:13 92:6 106:25  <b>scheduled</b> 5:17  115:6  <b>scope</b> 48:10 49:1  50:13 78:15  <b>scout</b> 7:1 69:18  <b>scouts</b> 3:20  <b>season</b> 16:20 19:10  19:18 28:14 99:15  <b>second</b> 8:18 8:19  9:17 9:19 46:6  71:19 71:22 86:5  90:11 90:17 105:3  105:7  <b>secretary</b> 3:17  <b>section</b> 50:21 50:22  50:23 56:25 57:23  66:14 94:23 99:3  <b>sections</b> 98:20  <b>security</b> 9:6  <b>see</b> 14:8 16:14  17:12 20:23 20:24  25:18 32:4 41:11  41:19 44:2 45:3  46:4 46:7 46:23  52:17 52:20 52:22  53:2 55:5 56:13  61:24 65:4 70:8  70:23 71:3 77:25  78:8 87:20 87:24  88:4 88:9 88:11  <b>seeing</b> 20:2 20:2  <b>seemed</b> 28:5  <b>seen</b> 34:2 51:13  112:11  <b>segues</b> 98:18  <b>selected</b> 39:18 40:8  <b>self</b> 37:21 37:23  41:22  <b>send</b> 26:13 31:2  31:3 98:20 98:25  105:8  <b>sending</b> 34:2</p>
<hr/> <b>S</b> <hr/>				

<p><b>sense</b> 75:14  <b>sent</b> 34:3  <b>separate</b> 50:21  50:22 50:23 66:14  74:22 114:10  <b>september</b> 5:7 9:13  20:12 34:3 99:11  99:14 100:15  100:18 103:9  103:14 103:24  104:2 104:3 104:11  105:10 105:16  106:4 108:1 108:11  108:12 109:5 109:9  109:25  <b>serial</b> 31:10  <b>serialized</b> 31:11  <b>served</b> 73:14  <b>session</b> 93:1  <b>set</b> 11:15 15:5 43:25  78:25 79:2 79:5  83:17 84:6 87:19  105:20 110:9  112:14  <b>sets</b> 74:23 96:20  <b>setting</b> 27:12  <b>several</b> 18:17 36:5  113:11  <b>shall</b> 35:8  <b>shape</b> 41:1 41:15  41:16  <b>share</b> 30:1 30:3  <b>sheet</b> 14:19 32:14  32:15  <b>shooting</b> 15:11  <b>short</b> 46:25 47:1  95:7  <b>shorthand</b> 116:9  <b>show</b> 52:17 88:9  111:16  <b>showed</b> 61:22  <b>showing</b> 27:21  <b>side</b> 9:9 9:10 25:13  55:6 55:8 76:22  81:1  <b>sign</b> 9:4 10:4 111:9  <b>signed</b> 116:18  <b>significant</b> 40:17  <b>simple</b> 90:14  <b>simpler</b> 90:19</p>	<p><b>simply</b> 39:18  <b>since</b> 34:3 37:15  39:20 40:1 40:2  69:18 92:9 105:1  <b>single</b> 62:20  <b>sir</b> 13:18 30:15  30:25 49:13  <b>sit</b> 17:20 82:5  <b>site</b> 95:7  <b>situation</b> 66:15  <b>situations</b> 11:17  23:3 112:20  <b>six</b> 58:6 58:7 58:13  61:15 81:2  <b>size</b> 26:15  <b>skill</b> 116:8  <b>slide</b> 83:23  <b>slides</b> 83:24  <b>slip</b> 26:2  <b>slow</b> 16:17 16:17  <b>small</b> 81:25  <b>smaller</b> 25:25  <b>smirking</b> 59:8  <b>social</b> 17:3  <b>software</b> 18:16  28:21  <b>solid</b> 64:6  <b>somebody</b> 21:8  25:14 26:17 28:5  79:18 79:19 80:4  88:2 93:8 101:25  <b>somehow</b> 44:12  89:15  <b>someone</b> 47:3 53:23  55:18 64:9 65:21  66:16 75:15 78:13  85:21  <b>something</b> 25:9  26:5 27:11 28:13  29:21 29:24 31:5  34:15 35:24 38:1  41:3 64:16 69:11  69:23 70:18 70:21  76:15 79:7 86:25  87:18 88:1 89:10  90:3 94:25 95:2  95:24 97:4 101:23  105:19 112:4  <b>sometimes</b> 45:8  45:9 53:18</p>	<p><b>somewhere</b> 38:14  89:1 89:1 89:8  <b>soon</b> 55:15 55:18  <b>sorry</b> 7:20 37:3  49:14 68:18 68:20  71:1 100:18 100:18  102:18 115:13  <b>sort</b> 18:15 48:15  83:13 86:18  <b>sorts</b> 50:15 59:3  <b>sound</b> 77:14  <b>speak</b> 11:8 62:1  72:23 74:16 74:17  112:12  <b>speaking</b> 19:18  44:6  <b>special</b> 13:2 91:17  <b>specializes</b> 91:12  <b>specialty</b> 73:10  91:11  <b>specific</b> 60:20 60:20  61:1 75:6 75:7  <b>specifically</b> 60:9  75:20 75:23  <b>specifications</b> 65:24  <b>spell</b> 70:22  <b>spend</b> 18:1 35:23  <b>spent</b> 61:11  <b>spider</b> 56:14 56:19  <b>spot</b> 55:18  <b>spotted</b> 46:1 46:11  53:13 60:14 61:20  87:9 96:9  <b>spotters</b> 56:7  <b>spotting</b> 53:16  55:19 55:25 96:18  <b>square</b> 90:21  <b>stab</b> 65:21  <b>stack</b> 18:25  <b>staff</b> 10:8 13:19  16:6 19:21 23:11  46:20 55:17 58:9  58:15 58:18 58:21  59:2 98:4  <b>staffed</b> 14:7 14:9  96:9 96:22  <b>staffing</b> 46:14  46:14  <b>staggering</b> 60:4  <b>stairs</b> 96:17</p>	<p><b>stance</b> 55:19  <b>stand</b> 8:8 13:24  66:13 93:15 95:19  <b>standalone</b> 50:20  81:14 91:10  <b>standard</b> 53:10  57:25 58:3 59:14  61:2 63:22 63:23  72:7 74:22 74:24  86:18 95:5 98:20  99:2 99:4  <b>standards</b> 27:22  65:13 65:23 84:4  92:2  <b>standing</b> 108:18  <b>standpoint</b> 65:13  66:5 80:4  <b>stands</b> 23:21  <b>staples</b> 110:5  <b>start</b> 6:4 13:7 22:8  23:6 35:25 70:3  <b>starting</b> 82:22  <b>state</b> 1:1 5:18 12:23  13:23 14:14 15:18  16:13 17:8 29:16  32:6 44:8 47:10  49:24 52:21 52:21  53:25 57:6 61:10  80:13 83:17 84:17  84:18 85:2 85:23  90:13 97:13 104:9  106:24 114:12  114:18 115:14  116:2 116:21  <b>stated</b> 111:22  <b>statement</b> 20:24  21:10 49:20 90:22  98:23  <b>statements</b> 98:22  <b>states</b> 32:5  <b>statistic</b> 16:1  <b>statistics</b> 14:16  <b>stay</b> 33:25  <b>stayed</b> 19:22  <b>step</b> 80:21 95:13  <b>steps</b> 87:19  <b>stick</b> 33:25  <b>sticker</b> 36:2  <b>stickers</b> 30:22  <b>still</b> 21:6 38:11</p>	<p>48:13 52:20 58:12  80:17 80:25 86:7  87:22 94:12 96:1  109:23 114:10  114:15 114:18  <b>stock</b> 3:18 43:21  43:23 44:1 44:4  45:5 49:10 49:12  49:13 50:2 50:9  52:5 52:13 52:16  52:25 54:25 55:4  55:10 56:10 56:23  57:5 57:9 57:21  58:8 58:15 58:18  58:23 59:6 59:11  59:15 59:19 59:23  60:12 60:25 61:17  62:3 62:8 62:11  62:24 63:22 63:24  64:2 64:22 66:11  69:12 72:22 73:3  73:7 73:9 73:11  75:1 75:4 75:12  76:7 76:11 76:18  76:23 77:1 77:10  77:21 77:25 78:3  80:10 80:15 80:19  80:24 81:3 81:8  81:11 81:15 82:7  82:10 82:14 82:19  83:4 87:6 87:8  87:13 88:4 88:9  88:13 89:25 93:19  93:21 93:24 96:7  97:6 97:9 97:11  97:14 98:10 98:13  98:19 99:5 99:8  <b>stone</b> 1:23  <b>stop</b> 71:12  <b>stories</b> 95:10  <b>story</b> 51:22  <b>straight-up</b> 55:8  <b>streamline</b> 11:5  <b>stress</b> 23:16  <b>strictly</b> 63:1  <b>strides</b> 37:16 37:18  40:17  <b>struck</b> 106:9  <b>structural</b> 68:1  68:2</p>
---	--	--	---	---

<p><b>structure</b> 53:8 69:3 71:18 72:10 98:5 <b>structures</b> 46:17 50:14 71:17 72:1 72:2 74:12 74:15 <b>stuff</b> 11:1 18:3 22:6 22:8 48:15 64:13 91:20 <b>styled</b> 2:1 <b>subdivision</b> 84:18 <b>subject</b> 84:17 84:25 92:7 <b>submission</b> 14:10 <b>submit</b> 19:4 22:10 23:24 <b>submitted</b> 21:2 37:25 38:14 39:13 39:16 <b>subsequently</b> 15:23 <b>succinct</b> 74:23 <b>sudden</b> 26:4 <b>sufficient</b> 37:21 37:23 41:22 70:11 <b>suggestion</b> 92:9 <b>suite</b> 1:24 <b>summer</b> 28:4 28:4 28:7 <b>super</b> 34:5 <b>supervised</b> 61:20 <b>supervisor</b> 3:13 10:9 <b>supplemental</b> 91:14 <b>suppose</b> 86:19 <b>sure</b> 15:20 24:25 29:4 30:5 33:17 34:21 43:6 64:6 64:10 72:21 77:5 81:16 82:7 83:6 83:8 93:23 94:20 96:18 97:22 <b>surpassed</b> 15:20 16:10 16:14 <b>sustain</b> 38:18 39:1 39:2 <b>swapped</b> 32:23 <b>swing</b> 47:1 <b>swinging</b> 57:18 <b>syncing</b> 77:6 <b>system</b> 10:17 10:18</p>	<p>11:2 29:8 29:22 46:19 47:6 52:9 53:20 54:1 54:4 54:6 54:12 54:17 54:21 61:7 96:12 <b>systems</b> 45:25 46:19 60:15</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>table</b> 14:17 92:12 <b>take</b> 9:7 11:23 12:10 12:22 25:5 35:14 76:22 90:17 93:6 93:6 94:13 103:19 113:9 <b>taken</b> 24:19 95:16 114:24 <b>takes</b> 13:4 24:12 26:19 <b>taking</b> 49:22 56:7 <b>talk</b> 11:16 37:8 66:25 70:7 70:17 88:17 92:18 101:20 <b>talked</b> 20:13 33:2 <b>talking</b> 13:18 22:18 27:12 51:4 67:16 88:13 92:4 96:3 112:19 <b>talks</b> 69:20 98:21 <b>tall</b> 61:13 66:17 83:14 <b>tapes</b> 33:8 <b>target</b> 29:25 <b>taught</b> 55:16 55:17 <b>tax</b> 10:19 <b>team</b> 53:14 55:6 55:17 56:15 62:23 62:24 63:2 75:20 75:20 75:24 76:4 76:16 76:18 78:18 79:1 82:4 89:11 89:23 91:6 <b>tell</b> 11:20 16:24 20:16 35:15 35:15 48:2 50:10 52:18 80:5 98:10 98:13 112:25 <b>telling</b> 60:17 <b>tells</b> 84:22 <b>ten</b> 53:15 55:7</p>	<p><b>tennessee</b> 1:1 1:25 2:5 3:8 5:19 5:20 14:14 19:10 26:4 32:8 36:23 44:6 45:17 49:24 53:25 61:11 80:13 81:13 83:18 95:11 103:21 103:23 104:9 106:11 106:23 111:4 115:15 115:17 116:2 <b>tentative</b> 5:15 99:10 102:9 <b>term</b> 76:13 <b>terminology</b> 45:13 <b>terms</b> 46:11 51:5 60:21 73:21 75:5 <b>territory</b> 69:11 85:5 <b>test</b> 12:22 <b>testing</b> 43:8 <b>text</b> 44:5 <b>thank</b> 8:3 8:6 8:12 13:9 13:10 13:12 14:3 25:8 36:15 52:4 88:20 97:10 115:4 115:21 <b>that'll</b> 17:2 18:16 <b>them</b> 9:8 10:12 10:12 12:16 12:16 12:23 16:1 16:24 20:2 20:2 22:7 25:14 30:10 30:14 30:23 33:20 34:3 34:3 34:15 34:23 34:24 35:15 38:11 38:19 47:13 47:14 48:6 50:19 51:16 51:25 53:20 53:23 53:24 53:24 57:3 58:23 59:21 62:7 62:14 63:14 63:14 65:8 66:1 67:1 68:2 78:1 84:21 85:22 88:7 90:12 90:14 90:18 96:11 96:13 101:12 101:21 110:10 110:11 110:21 110:24 112:25</p>	<p><b>theme</b> 111:16 <b>themselves</b> 30:23 62:21 64:9 66:14 <b>theoretically</b> 21:4 <b>therapeutic</b> 76:13 78:18 <b>therefore</b> 48:17 51:9 <b>they</b> 10:25 11:23 12:8 12:12 12:12 12:13 12:14 12:22 12:23 12:24 13:3 13:7 14:11 16:1 17:13 17:23 19:24 19:25 20:11 20:16 20:17 23:5 23:19 24:8 24:24 25:18 26:12 26:13 26:16 29:17 31:25 32:8 33:18 34:8 35:12 35:20 37:25 38:15 41:22 43:24 44:19 45:24 46:10 46:18 46:18 46:19 46:20 47:4 47:5 47:6 47:12 47:18 50:6 50:20 51:10 51:12 51:12 51:13 51:15 52:19 53:18 53:23 55:10 55:13 55:15 56:4 57:17 60:10 61:19 63:1 63:23 64:11 66:1 66:13 66:22 66:23 68:14 69:21 69:23 72:13 75:14 75:22 75:23 75:25 78:3 80:13 81:18 82:8 82:12 84:25 85:1 85:7 85:9 85:19 85:20 85:22 85:24 86:2 89:11 93:4 93:6 93:6 95:9 96:9 96:10 96:10 96:10 96:19 110:9 110:9 110:10 110:11 110:11 110:16 110:20 110:21 111:8 111:10 111:10 113:1 113:12 114:18</p>	<p><b>they'll</b> 20:14 33:15 113:25 114:5 <b>thing</b> 15:24 18:15 19:8 20:19 26:16 32:3 32:10 33:4 36:4 39:1 51:13 57:18 66:10 66:23 67:16 77:3 78:16 82:9 87:10 87:17 91:18 94:19 97:19 101:4 103:11 103:20 111:2 <b>things</b> 10:7 17:14 26:10 28:10 28:20 29:7 30:16 32:20 33:5 44:15 45:17 45:19 47:8 48:4 48:18 50:15 51:23 55:15 56:16 59:1 59:3 61:24 63:6 63:10 63:12 64:3 64:10 64:10 65:15 65:17 65:21 65:24 70:18 70:20 72:9 74:1 78:5 78:6 81:20 81:21 84:23 94:22 98:5 105:4 110:7 <b>think</b> 17:5 18:4 18:15 19:7 19:21 20:4 20:23 21:13 25:20 26:10 28:14 32:2 32:3 32:9 32:10 33:20 33:24 34:13 35:1 38:1 40:21 41:10 41:13 41:14 41:15 41:15 41:24 43:24 44:1 44:4 45:6 47:19 49:21 49:22 50:13 52:22 54:16 57:17 58:3 61:8 62:14 63:16 68:1 69:12 70:16 70:20 71:12 72:1 72:2 72:5 74:18 74:19 77:11 79:20 85:9 89:8 91:4 91:7 92:25 93:2 93:3 93:4 93:9 93:12 94:12 94:21 95:17 95:23 96:1</p>
--	--	---	--	--

97:16 98:7 99:6 101:2 101:9 101:23 102:7 112:11 112:22 <b>thinking</b> 58:2 92:4 106:17 <b>third</b> 56:5 <b>third-party</b> 114:4 114:5 <b>thomas</b> 42:4 <b>thorny</b> 59:24 <b>thought</b> 15:3 20:21 95:20 106:16 <b>thoughts</b> 70:4 <b>three</b> 21:3 21:6 27:14 37:12 38:6 60:4 73:19 87:19 104:2 <b>threw</b> 48:20 <b>thrills</b> 68:8 75:10 <b>through</b> 11:12 19:12 19:24 20:2 20:15 24:13 26:2 26:18 36:5 37:24 41:9 44:11 45:11 45:14 56:15 56:22 82:3 82:9 82:11 92:4 92:4 107:2 107:3 109:1 110:9 <b>throughout</b> 16:15 18:18 39:13 <b>throw</b> 15:4 78:9 96:11 <b>thursday</b> 99:19 100:23 101:23 102:1 102:2 <b>thus</b> 16:8 <b>tie</b> 33:20 <b>time</b> 11:25 13:10 14:6 16:17 16:18 21:22 21:23 21:24 22:1 23:6 24:2 24:11 26:20 26:25 27:22 27:22 29:16 30:1 37:15 43:18 53:15 53:18 56:3 76:8 86:24 88:18 97:3 101:17 104:7 115:8 <b>timely</b> 23:24	<b>times</b> 114:5 <b>timetable</b> 28:19 <b>today</b> 8:15 12:7 44:19 77:20 <b>todd</b> 3:20 7:1 7:1 <b>together</b> 11:10 22:8 55:13 60:24 63:8 63:9 82:18 <b>told</b> 110:21 110:24 110:24 <b>took</b> 19:25 106:14 <b>top</b> 19:22 20:24 55:14 55:24 56:3 56:3 56:10 <b>tosha</b> 2:4 <b>total</b> 15:16 15:17 15:18 16:9 <b>touching</b> 56:15 <b>tough</b> 35:22 <b>towards</b> 73:13 <b>tower</b> 69:2 82:13 <b>towns</b> 114:6 <b>trace</b> 43:1 43:4 <b>traction</b> 63:8 <b>traditional</b> 76:12 82:20 97:17 <b>train</b> 12:20 <b>trained</b> 96:13 96:22 <b>training</b> 11:9 12:9 14:2 17:23 58:25 <b>transcript</b> 1:9 116:10 116:10 116:11 <b>travel</b> 24:24 <b>traveling</b> 3:11 <b>trees</b> 64:8 64:16 65:20 <b>tremendous</b> 29:10 <b>tremendously</b> 28:6 <b>tried</b> 100:1 <b>trouble</b> 23:19 35:18 <b>troubling</b> 97:2 <b>true</b> 116:11 <b>trusted</b> 82:5 <b>try</b> 16:25 20:4 23:1 23:7 23:16 23:16 67:8 92:19 100:21 100:25 101:13 103:14 <b>trying</b> 17:21 22:18	24:1 28:20 35:2 39:19 59:10 61:9 69:4 69:19 77:2 78:15 78:16 93:14 101:4 <b>tube</b> 33:6 33:22 <b>tuesday</b> 5:18 100:2 100:3 100:23 102:20 107:20 108:11 108:15 115:8 <b>tumbling</b> 55:12 96:10 <b>turn</b> 23:1 26:6 45:2 45:3 <b>turnaround</b> 21:22 21:23 22:1 <b>turned</b> 22:24 <b>twelve</b> 53:15 55:7 <b>twentieth</b> 107:1 <b>two</b> 10:9 15:22 18:21 23:18 27:14 30:16 31:12 47:20 54:3 54:16 56:2 56:3 64:8 65:5 73:18 87:19 102:25 103:9 104:2 108:9 110:7 110:8 <b>type</b> 17:14 26:15 31:24 33:5 56:20 57:18 62:23 66:9 69:25 70:3 72:8 83:15 85:6 89:12 91:23 91:25 113:4 113:14 <b>types</b> 52:25 57:2 71:5 <b>typical</b> 66:18 <b>typically</b> 24:16 25:3 46:9 76:16 82:19 89:23 99:25 100:21 100:25 101:13 <hr/> <b>U</b> <hr/> <b>uh-huh</b> 25:11 25:12 26:25 <b>ultra</b> 65:2 65:2 <b>under</b> 24:2 24:4 67:20 69:20 69:22 84:8 84:19 84:25	85:6 85:7 91:16 91:18 91:21 91:22 92:1 94:9 94:17 94:18 94:24 <b>understand</b> 25:17 33:10 33:11 43:21 45:16 47:3 58:11 60:1 69:8 96:6 <b>understanding</b> 44:7 51:3 57:20 65:17 96:2 111:23 <b>understood</b> 48:8 86:3 <b>unfortunate</b> 77:22 <b>unfortunately</b> 39:17 <b>unfunded</b> 37:11 <b>unit</b> 5:8 5:9 6:8 6:12 7:4 7:12 10:5 10:16 12:18 13:16 14:3 14:6 14:8 14:10 14:22 15:1 15:6 19:16 20:18 37:11 37:20 38:4 38:9 38:13 38:18 39:2 39:11 39:18 40:2 40:11 40:25 67:8 85:24 93:2 93:2 94:22 110:16 <b>units</b> 12:4 39:16 39:21 <b>universal</b> 33:19 60:13 <b>unless</b> 84:25 85:1 112:25 <b>until</b> 13:2 21:12 24:13 112:7 <b>up</b> 6:6 11:15 11:19 12:2 12:3 12:9 13:24 14:18 14:19 17:11 19:25 23:23 26:16 27:12 32:6 33:4 33:18 43:25 47:15 48:20 50:19 55:13 55:22 55:23 56:4 56:5 57:14 62:5 62:20 63:12 63:12 65:15 73:21 75:15 77:3 77:6 78:6 80:21 80:21	80:21 80:22 82:13 88:2 93:15 95:12 95:13 96:16 96:17 105:21 110:9 111:5 112:14 <b>upcoming</b> 106:15 <b>update</b> 18:6 <b>upset</b> 28:6 <b>upstairs</b> 103:1 <b>urgency</b> 19:19 <b>use</b> 18:13 28:13 45:25 46:18 46:18 46:20 47:6 54:3 54:21 55:11 56:16 60:15 63:21 72:7 73:5 76:12 <b>used</b> 29:21 66:22 76:13 76:16 78:24 79:6 89:9 89:17 89:23 91:3 110:20 113:6 <b>uses</b> 54:3 54:11 54:17 72:13 <b>using</b> 10:22 <b>usually</b> 53:12 61:6 75:14 <b>utility</b> 46:7 <hr/> <b>V</b> <hr/> <b>vacations</b> 103:19 <b>valid</b> 20:25 21:10 <b>various</b> 14:12 <b>vendor</b> 29:2 44:6 45:20 51:18 <b>verbatim</b> 57:1 66:3 76:4 79:8 83:10 95:25 <b>verify</b> 24:17 61:2 <b>versa</b> 54:20 <b>versus</b> 66:9 <b>vi</b> 5:7 <b>vice</b> 54:20 <b>vii</b> 5:8 <b>viii</b> 5:9 <b>visit</b> 16:21 <b>visits</b> 16:2 <b>voice</b> 67:5 <b>vote</b> 70:10 76:14 90:5 92:20 <b>voting</b> 92:10
---	--	--	---	---



<p style="text-align: center;"><b>W</b></p> <p><b>wait</b> 13:2 41:11 41:19 68:17 105:13 <b>waiting</b> 11:11 <b>walk</b> 20:14 23:1 57:19 68:4 75:15 <b>walking</b> 56:22 80:20 96:16 <b>walkthrough</b> 56:21 57:4 57:19 68:11 <b>wall</b> 53:7 55:3 55:14 55:21 56:1 56:10 61:6 66:16 77:13 <b>walls</b> 53:11 <b>want</b> 11:15 13:9 23:3 28:11 30:16 32:17 34:24 35:25 36:1 36:4 40:22 40:24 42:18 43:5 43:12 44:20 46:16 47:20 49:1 62:12 63:14 67:5 70:2 70:2 70:4 70:14 70:14 75:16 79:22 88:7 92:23 97:4 105:24 110:9 111:4 112:12 112:23 114:6 <b>wanted</b> 14:8 20:19 34:15 37:20 52:17 54:3 65:10 110:24 111:8 111:8 <b>wanting</b> 92:10 <b>wants</b> 29:2 90:10 103:23 <b>warehouse</b> 33:16 <b>wasted</b> 77:22 <b>water</b> 83:24 <b>way</b> 19:7 33:23 35:17 36:6 38:25 42:20 43:1 43:3 46:21 57:15 60:5 63:9 66:24 79:17 80:2 86:2 86:17 87:21 87:21 88:25 92:23 96:25 100:4 <b>ways</b> 60:5 89:6 <b>we'd</b> 68:1</p>	<p><b>web</b> 56:14 56:19 56:22 82:9 82:12 <b>website</b> 18:6 18:6 18:11 18:22 102:9 106:15 <b>wednesday</b> 99:19 100:8 101:8 109:4 109:6 109:10 <b>week</b> 15:2 17:18 18:1 99:18 99:21 100:5 100:13 101:14 101:15 101:17 101:17 102:17 102:20 103:8 103:13 103:18 104:8 105:4 105:7 106:18 106:18 109:7 <b>weeks</b> 103:9 104:2 104:2 108:9 <b>weigh</b> 67:23 <b>weird</b> 77:11 <b>welcome</b> 52:5 <b>went</b> 12:9 36:25 44:11 100:4 104:18 108:14 115:13 115:14 <b>western</b> 13:24 <b>whatever</b> 28:6 55:7 60:19 65:22 67:1 74:5 89:20 90:9 93:5 98:20 <b>wheel</b> 68:10 <b>when</b> 2:5 14:11 24:5 24:7 27:13 29:7 30:5 31:21 32:14 33:2 35:13 35:22 36:8 37:12 37:14 38:22 45:16 47:3 50:16 50:25 50:25 51:7 56:4 60:20 62:4 64:22 65:2 65:16 65:18 65:18 67:8 74:1 78:4 78:4 78:24 82:19 86:25 88:1 89:14 94:8 95:18 <b>where</b> 2:5 8:1 14:7 17:10 19:2 23:4 26:21 31:21 31:25</p>	<p>32:7 32:11 35:15 38:2 66:15 71:4 71:8 77:11 79:10 80:3 82:5 83:21 83:25 86:12 89:23 93:11 104:12 111:5 112:21 <b>whereas</b> 91:19 <b>whether</b> 41:12 48:18 52:12 57:14 57:16 67:9 67:19 70:5 80:16 81:1 85:5 85:8 93:3 114:19 <b>who</b> 13:25 16:24 17:1 23:1 29:4 40:14 44:23 45:20 50:17 60:18 73:14 73:16 81:15 82:1 82:1 88:3 96:12 96:22 111:7 <b>whole</b> 11:24 27:6 40:11 45:12 48:24 51:24 53:13 55:6 80:7 83:17 102:17 104:1 <b>why</b> 63:17 70:1 72:16 76:24 77:7 77:23 77:23 81:4 83:2 85:4 85:9 89:3 92:10 97:20 <b>why1</b> 3:23 7:5 7:5 13:22 <b>widespread</b> 67:16 <b>wife</b> 105:25 106:4 <b>wild</b> 75:17 <b>will</b> 5:18 6:2 6:4 8:8 9:7 10:19 11:2 11:5 15:21 17:6 17:7 17:15 17:25 18:10 18:10 19:4 19:11 21:13 26:22 26:24 28:23 28:24 33:24 38:17 41:24 48:4 65:24 75:4 80:4 94:2 94:6 98:6 103:11 115:8 <b>williamson</b> 116:3 <b>willing</b> 67:23 <b>wilson</b> 113:18</p>	<p><b>window</b> 27:23 <b>wit</b> 2:6 <b>within</b> 14:13 15:18 17:1 17:8 18:20 21:3 23:10 27:23 39:22 40:5 47:24 68:5 84:16 85:14 <b>wonder</b> 112:9 <b>woozy</b> 75:17 <b>wording</b> 72:5 72:9 72:10 <b>work</b> 8:1 25:24 36:10 44:25 55:13 63:16 95:6 104:11 108:6 <b>worked</b> 12:7 20:3 <b>workers</b> 95:11 <b>workforce</b> 1:1 3:19 3:21 3:23 3:24 4:1 4:2 4:4 4:5 5:19 7:15 115:15 <b>working</b> 10:7 10:16 12:16 52:20 63:8 <b>workplace</b> 1:2 <b>works</b> 8:4 38:11 55:2 <b>world</b> 47:24 96:24 <b>worst</b> 21:23 <b>wow</b> 77:21 <b>wrap</b> 65:10 <b>wraparound</b> 33:8 <b>wrapped</b> 22:19 24:2 <b>wrc</b> 4:7 6:8 6:9 7:13 <b>written</b> 75:5 86:18 87:22 <b>wrong</b> 101:5 101:5</p> <p style="text-align: center;"><b>X</b></p> <p><b>xi</b> 5:14 <b>xii</b> 5:16 <b>xiii</b> 5:21</p> <p style="text-align: center;"><b>Y</b></p> <p><b>y'all</b> 70:12 98:10 98:13 <b>yeah</b> 13:18 22:5 24:15 26:9 32:25 33:10 34:12 43:9 49:9 49:25 52:24</p>	<p>55:14 58:18 59:6 59:6 59:11 59:11 59:19 59:23 61:17 62:23 63:24 66:11 69:6 71:12 72:11 72:14 75:9 76:20 76:23 77:25 78:3 83:1 84:11 85:10 86:22 92:14 92:25 93:20 97:9 97:14 100:17 101:19 101:22 102:23 103:25 104:18 104:20 107:4 109:22 114:1 114:22 <b>year</b> 10:11 11:18 11:20 12:1 13:4 14:16 14:21 14:24 15:6 15:9 15:18 15:21 16:3 16:8 16:9 16:15 17:5 17:15 17:18 18:18 18:20 19:10 19:12 19:14 19:17 19:22 20:5 20:12 20:25 21:10 25:20 29:6 35:7 39:18 40:3 51:17 51:20 51:21 67:13 69:18 73:17 73:17 73:18 100:1 <b>years</b> 10:23 12:14 37:12 53:22 60:4 60:19 65:3 73:16 73:18 73:19 <b>yourselves</b> 102:10 <b>youth</b> 14:11</p> <p style="text-align: center;"><b>Z</b></p> <p><b>zip</b> 50:20 62:18 77:12 <b>zone</b> 64:7</p> <p style="text-align: center;"><b>0</b></p> <p><b>00</b> 5:18 <b>000</b> 12:3 15:13 15:17 35:23 61:11 <b>00a</b> 115:8</p> <p style="text-align: center;"><b>1</b></p> <p><b>10</b> 43:20 53:7 53:11</p>
---	--	--	---	---

<p>56:11 61:5 62:21 90:23 <b>10-foot</b> 61:12 83:14 <b>100</b> 80:17 <b>11</b> 98:18 <b>110</b> 56:25 <b>117</b> 11:19 <b>11th</b> 99:11 104:15 104:16 104:17 106:4 <b>12</b> 5:7 15:22 53:4 54:5 54:6 54:19 56:17 57:24 64:19 65:3 71:9 71:9 71:10 79:21 79:22 80:5 81:2 86:8 86:13 86:23 87:17 88:2 <b>12-18</b> 46:8 <b>12-foot</b> 72:7 79:14 <b>12-inch</b> 53:12 <b>122</b> 16:2 16:5 <b>126</b> 15:19 15:21 <b>12th</b> 9:13 100:7 100:15 108:19 108:21 108:24 109:1 109:5 109:8 109:9 110:1 116:18 <b>13</b> 5:18 <b>13th</b> 20:12 102:3 102:4 104:19 107:9 107:14 107:22 107:25 109:14 109:15 109:16 109:17 109:18 115:10 115:11 115:12 115:14 <b>14</b> 66:17 <b>15</b> 12:3 40:2 53:19 <b>150</b> 26:2 26:12 80:17 80:17 <b>15th</b> 109:2 <b>16</b> 40:2 53:19 64:18 108:5 <b>162</b> 27:11 <b>16th</b> 14:1 108:1 <b>17</b> 14:21 40:3 <b>17-04</b> 5:11 42:4 <b>17-05</b> 5:13 <b>17th</b> 104:24 107:2</p>	<p><b>18</b> 14:21 87:25 <b>18th</b> 19:12 104:10 104:14 104:21 106:25 106:25 107:3 108:14 <b>199</b> 14:21 15:7 <b>19th</b> 107:1 <b>1st</b> 2:4 10:11 <hr/><b>2</b><hr/><b>20</b> 12:2 34:16 53:22 83:23 95:9 96:11 <b>20-something</b> 73:15 <b>2014</b> 37:21 39:20 40:2 <b>2016</b> 38:4 <b>2017</b> 1:12 2:2 5:7 6:4 <b>2018</b> 5:15 5:18 40:25 99:10 100:19 115:9 116:18 116:22 <b>2019</b> 40:19 <b>2020</b> 1:24 <b>20th</b> 19:13 105:25 <b>21st</b> 107:3 <b>220</b> 2:4 5:20 115:16 <b>221-1089</b> 1:25 <b>23</b> 15:1 <b>234</b> 1:24 <b>24</b> 24:15 <b>25</b> 10:8 <b>250</b> 35:23 <b>28th</b> 15:2 <b>29</b> 15:12 <b>29th</b> 17:18 <hr/><b>3</b><hr/><b>30</b> 15:13 60:19 <b>302kroaar-16</b> 56:25 <b>348</b> 67:14 <b>37</b> 15:17 <b>37069</b> 1:25 <b>39th</b> 106:1 <b>3d</b> 56:14 <b>3rd</b> 108:12 <hr/><b>4</b><hr/><b>40</b> 32:23</p>	<p><b>48</b> 24:15 <b>4th</b> 99:11 110:3 <hr/><b>5</b><hr/><b>500</b> 61:11 <b>51</b> 31:12 <b>5th</b> 2:2 6:4 99:11 108:20 109:23 <hr/><b>6</b><hr/><b>600</b> 15:7 15:10 <b>615</b> 1:25 <b>659</b> 15:17 <b>686</b> 1:23 116:6 116:21 <b>6th</b> 98:17 99:10 102:11 105:25 107:7 107:20 109:12 115:9 <hr/><b>7</b><hr/><b>700</b> 12:2 <hr/><b>8</b><hr/><b>80-foot</b> 82:12 <b>800</b> 15:15 <b>83</b> 16:9 <b>85</b> 11:25 <b>866</b> 42:13 <hr/><b>9</b><hr/><b>90</b> 16:7 <b>90-foot</b> 82:12 <b>900</b> 1:24</p>		
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