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STATE OF TENNESSEE
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

December 6, 2022

(via Zoom Videoconference)

ORIGINAL

CASSANDRA M. BEILING, LCR# 371
STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.268.1244

1 APPEARANCES (via Zoom videoconference):
2 Robbie Fox, Chairman
Fixed Amusement Device
3
4 David Hale, Board Member
Tennessee Fair Association Representative
5
6 Lewis Moorer, Board Member
Public-at-Large Representative
7
8 Mitch Rader, Board Member
Insurance Company Representative
9
10 James Roy Pope, Board Member
Traveling Amusement Device Representative
11
12 Victor LaPorte, Board Member
Manufacturer Representative
13
14 Mike McPherson, State of Tennessee
Elevator Inspector Chief
15
16 Mike H. Hardy, State of Tennessee
Amusement Device Manager
17
18 Thomas Herrod, State of Tennessee
Assistant Commissioner
19
20 Daniel Bailey, Esq.
Legal Counsel, State of Tennessee
21
22 Dewayne Scott, State of Tennessee
Deputy Commissioner
23
24 Jennifer Murphy, State of Tennessee
Board Secretary, Amusement Device Unit
25
26 Jamie Diefenbach, State of Tennessee
Executive Administrative Assistant, WRC
27
28 Kenneth Neely, State of Tennessee
Assistant Administrator
29
30 Jeff Tarkington
Tarkington Elevator Company
31
32 Ken Donner
BDA Elevator Consultants

1 Appearances continued:

2 Jason Gregory
3 International Union of Elevator Constructors,
4 Nashville

4 Chris Farmer
5 TK Elevator

5 Adam Chris
6 TK Elevator

7 Jeff Atkins
8 Trane

8 John Tolar
9 United Elevator Services

10 John Baxter
11 Schindler Elevator Company

11 Tony Thompson
12 Elevator Industry Workers Conservation Fund

13 Joseph Baumgartner
14 Wonderworks

14 Lawrence Taylor, State of Texas
15 Chief Elevator Inspector
16 Schindler Elevator Company

16 Beth Taylor

17

18 Stone & George Court Reporting
19 Nan George, Zoom Moderator
20 Cassandra Beiling, Court Reporter

21

22

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

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- I. Call Meeting to Order
- II. Introductions and Announcements
- III. Adoption of Agenda
- IV. Approval of the September 7, 2022 Minutes
- V. Elevator Unit's Report
- VI. Amusement Device Unit's Report
- VII. Old Business
 - * None
- VIII. New Business
 - * None
- IX. Open Discussion
 - * None
- X. Calendar-Scheduled Board Meetings
 - * March 7, 2023 - 9:00 a.m. CST
 - * June 6, 2023 - 9:00 a.m. CDT
 - * September 6, 2023 - 9:00 a.m. CDT
 - * December 5, 2023 - 9:00 a.m. (CST)
- XI. Adjournment

1 * * * * *

2 CHAIRMAN FOX: We will call
3 the December 6, 2022 meeting of the Elevator and
4 Amusement Device Safety Board to order.

5 And introductions and announcements,
6 I don't know how everyone else's screen looks, but
7 if Jennifer is in the top left and then I'm to the
8 right of her, so if your screen looks like that,
9 Jennifer, if you would start the introductions,
10 who you are and what you do, and we'll go around
11 the screen that way.

12 MS. MURPHY: Jennifer Murphy,
13 Board secretary. I work for the Amusement Device
14 Unit.

15 CHAIRMAN FOX: Robbie Fox,
16 board member.

17 MS. GEORGE: Nan George, Stone
18 & George Court Reporting.

19 MR. TARKINGTON: I'm Jeff
20 Tarkington, Tarkington Elevator Company.

21 MR. GREGORY: Jason Gregory,
22 International Union of Elevator Constructors,
23 Nashville.

24 MR. HALE: David Hale, board
25 member.

1 MR. TOLAR: John Tolar, United
2 Elevator Services.

3 MR. HERROD: We'll introduce
4 the room here. Tom Herrod, Assistant Commissioner
5 of WRC.

6 MR. NEELY: Kenneth Neely,
7 Assistant Administrator, WRC.

8 MR. MCPHERSON: Mike
9 McPherson, chief elevator inspector.

10 MR. HARDY: Mike Hardy,
11 Amusement Device Unit manager.

12 MS. DIEFENBACH: Jamie
13 Diefenbach, executive admin assistant, WRC.

14 MR. RADER: Mitch Rader, board
15 member.

16 MR. TAYLOR: Lawrence Taylor,
17 Schindler Elevator Company.

18 MR. BAILEY: Dan Bailey, legal
19 counsel.

20 MR. MOORER: I'm Lewis Moorner,
21 board member, Franklin, Tennessee.

22 CHAIRMAN FOX: Okay. Who have
23 we missed?

24 MR. DONNER: Ken Donner with
25 BDA Elevator Consultants.

1 MR. BAXTER: John Baxter with
2 Schindler Elevator.

3 MR. LaPORTE: Vic LaPorte,
4 board member.

5 MR. ATKINS: Jeff Atkins with
6 Trane in Clarksville. I'm not sure why or how I
7 got the invite, but I did so I'm here.

8 CHAIRMAN FOX: We're glad to
9 have you.

10 MR. ATKINS: Thank you.

11 CHAIRMAN FOX: Mr. Farmer, you
12 tried to come in.

13 MR. FARMER: Chris Farmer,
14 TK Elevator.

15 CHAIRMAN FOX: Looks like Tony
16 Thompson just dialed in, came in. Could you
17 introduce yourself, sir, and what company you work
18 for?

19 MR. THOMPSON: Yes, sir. My
20 name is Tony Thompson, and I'm representing the
21 Elevator Industry Workers Conservation Fund.

22 CHAIRMAN FOX: Okay. So has
23 everyone introduced themselves?

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

1 MR. BAUMGARTNER: Joseph
2 Baumgartner, WonderWorks in Pigeon Forge.

3 CHAIRMAN FOX: Ms. Taylor,
4 Beth Taylor, could you tell us who you are and
5 what company you work with, please?

6 (No verbal response.)

7 CHAIRMAN FOX: Someone is
8 designated as CG10111. Could you please tell us
9 who you are and the company that you work for?

10 MR. HERROD: Mr. Chairman,
11 that's a State employee, but I'm not sure who that
12 is, so we may have to come back to that.

13 CHAIRMAN FOX: All right. We
14 will.

15 MS. DIEFENBACH: It's Deputy
16 Commissioner Scott.

17 MR. HERROD: Okay. Sorry
18 about that.

19 CHAIRMAN FOX: Mr. Herrod, do
20 we need to wait until they get dialed in?

21 MR. HERROD: I think Deputy
22 Scott is just joining us on the audio, if that's
23 all right.

24 CHAIRMAN FOX: Okay.

25 MR. POPE: James Roy Pope,

1 board member.

2 CHAIRMAN FOX: I think we have
3 everyone.

4 So moving forward for the board, I
5 would entertain a motion to adopt the agenda. And
6 whoever makes the motion, please identify by
7 giving your name.

8 MR. POPE: James Roy Pope,
9 board member. I make a motion.

10 MR. RADER: Mitch Rader, board
11 member. I'll second.

12 THE WITNESS: We have a motion
13 and a second. Any discussion?

14 (No verbal response.)

15 CHAIRMAN FOX: Hearing none.
16 All in favor of the motion, let it be known by
17 saying "aye."

18 (Affirmative response.)

19 CHAIRMAN FOX: Okay. Any
20 opposition?

21 (No verbal response.)

22 CHAIRMAN FOX: None.

23 All right. Approval of the meeting
24 minutes. Ms. Jennifer sent that out last week.
25 So I would entertain a motion to approve the

1 minutes of the September 8, 2022 meeting.

2 MR. RADER: Mitch Rader, board
3 member. I make a motion to approve the minutes of
4 the previous meeting.

5 MR. HALE: David Hale, board
6 member. I second that motion.

7 CHAIRMAN FOX: We have a
8 motion and a second. Do we have any discussion?

9 (No verbal response.)

10 CHAIRMAN FOX: Hearing none,
11 please identify yourself as you vote.

12 MR. LaPORTE: Vic LaPorte,
13 board member. Aye.

14 MR. RADER: Mitch Rader, board
15 member. Yes.

16 MR. MOORER: Lewis Moorner,
17 board member. Yes.

18 MR. HALE: David Hale, board
19 member. Yes.

20 MR. POPE: James Roy Pope,
21 board member. Yes.

22 CHAIRMAN FOX: Okay. Motion
23 passes.

24 All right. Now we're moving along to
25 the Elevator Unit's report.

1 MR. MCPHERSON: All right.
2 Can you hear me okay?

3 THE REPORTER: Yes.

4 CHAIRMAN FOX: We can.

5 MR. MCPHERSON: We'll start
6 out with something positive, I guess. We've had
7 no major incidents to report. Just typical trips
8 or the user errors. That's all there is to
9 report, nothing serious there.

10 Our unit right now consists of
11 29 inspectors, including the assistant chief and
12 myself. We are currently looking to hire two
13 Inspector 1 positions and one assistant. So we
14 are hoping in the next week or two to start to
15 interview for the Inspector 1 position.

16 Since January 1st this year, we have
17 completed 28,862 inspections. That's quite a bit.
18 I think our goal is usually 30,000 plus. We are
19 definitely going to hit that this year.

20 Each inspector had roughly, on
21 average, 540 conveyances on their route, which
22 they do biannually. The first slide splits off
23 into regions. It shows there how many inspectors
24 we have in each region and how many conveyances
25 that are split by each region. That equates to

1 16,183 conveyances that we do inspect each year.

2 Next slide, Jamie.

3 This right here shows the growth
4 across the state by county. And what's
5 highlighted there shows the most active
6 construction permits in each county. We do have a
7 total of 400, actually, but as you see, Davidson
8 County there is obviously still the big player
9 there, growing and growing.

10 Look at the next slide, Jamie, if you
11 will.

12 That right there shows since 2019,
13 the current conveyances -- I think we're up to
14 about 1,400 --

15 THE REPORTER: This is
16 breaking up. I can't hear on this last slide.

17 MR. MCPHERSON: All right.
18 Can you hear me now?

19 THE REPORTER: Yes.

20 MR. MCPHERSON: Okay. This
21 last slide shows from 2019 to the current date,
22 we've had roughly 1300 new conveyances. These are
23 brand new ones that does not count modernizations.
24 That's about an average of 350 each year.

25 If we can go to the next slide. This

1 has been our biggest battle for the last three and
2 a half years. When these start over in the new
3 administration year, we had roughly 18 percent
4 delinquents, which is over 2,000 conveyances that
5 were delinquent. And we fault -- we've had
6 turnover; we've had a hard time finding people but
7 now we're getting the staff. We've gone through
8 battles such as COVID, like we all know; we've
9 gone through two tornadoes and then gone through
10 the bombing.

11 And so the last three and a half
12 years, we've actually cut that down and we're
13 actually a little over 1.5 percent. So we're very
14 excited about decreasing that delinquency level.
15 We're not done. I hope to keep us around
16 1 percent and under. There's several
17 complications there. We have vacant buildings
18 where people don't tell us that they're moving, so
19 we show up, and then, of course, you have places
20 like churches that, you know, they're only open on
21 Sunday. Unless we go to church that Sunday, we
22 can't get in to inspect. We have those constant
23 battles.

24 But other than that, all in all, I
25 think the Elevator Unit is doing very well. We're

1 excited. We're going to keep on doing what we're
2 doing. If anybody has got any questions, I'll be
3 happy to answer them.

4 CHAIRMAN FOX: Okay. Moving
5 to the -- I'm sorry. Do you have something else,
6 Mr. McPherson?

7 MR. MCPHERSON: That's it.

8 CHAIRMAN FOX: Okay. So
9 moving on to Amusement Device Unit's report.

10 MR. HARDY: Yes. Can you guys
11 hear me okay?

12 CHAIRMAN FOX: Yes.

13 MR. HARDY: Okay. Operating
14 permits that we've issued thus far this year,
15 we've issued 161 operating permits. At this point
16 in time in the year, that is projected to be about
17 381 for the year. But we believe that we'll meet
18 and exceed last year's total of 425 permits
19 issued.

20 We're obviously in our slower period
21 of time this year, but we always see a lot of
22 activity during the spring and early summer. So
23 we do feel confident that we will meet or exceed
24 425 operating permits by the end of the fiscal
25 year.

1 You can see how COVID took its toll
2 somewhat on the unit for amusement devices in 2020
3 and 2021. But I think we showed a bounce-back in
4 2022, and again, I believe we will meet or exceed
5 those numbers for this year that we're in.

6 Next slide, Jamie.

7 New companies permitted -- this is
8 also a good sign for us. We've permitted 41 new
9 companies this year. And that's projected to be
10 around 97 by the end of the fiscal year. So we
11 don't know exactly how the trend on these new
12 companies permitted will go, but based on what
13 we've seen so far this year, we think, again, that
14 we should at least meet or exceed what we did for
15 2022.

16 Amusement devices inspected, we're
17 currently at 1,361; projected around 3,216 for the
18 remainder of the year -- or for the year. This
19 slide is pretty much a direct correlation with the
20 number of permits issued. And, again, we believe
21 that we will at least meet or exceed the 3,819
22 that we had in 2022.

23 And this last slide is one we're most
24 proud of. We've got zero reportable accidents
25 thus far for the year. And this is basically why

1 we're here to do what we do. It's good for us to
2 see that we don't have any reportable accidents so
3 far this year.

4 CHAIRMAN FOX: That's great.

5 MR. HARDY: And going on with
6 the unit, I mentioned that this is typically a
7 slower time for us, so we are monitoring some
8 holiday seasonal attractions for possible
9 operations of amusement devices there that we
10 would regulate.

11 East Tennessee area is always the
12 highest concentration of amusement devices, as
13 you're aware, in the state, and we are monitoring
14 for the completion of construction and start of
15 operations for the Big Bear Mountain Coaster,
16 which is going in at Dollywood. It's a new
17 coaster for the Wildwood Grove area in Dollywood,
18 scheduled to open in the spring of next year.

19 And also in East Tennessee, under
20 construction is a theme park called Dig'n Zone.
21 And we're monitoring the status of completion and
22 start of operation for this park as well. This
23 Dig'n Zone is kind of unique where patrons, both
24 young and old, have opportunities to actually
25 operate some modified heavy-duty construction-type

1 equipment, loaders and excavators and those type
2 things. So it should be very interesting, to say
3 the least, that one more park of this nature,
4 maybe two, one in New Jersey and I think there's
5 one out in Texas. So that will be coming into
6 Sevierville at some point in time next year, is my
7 understanding.

8 And that's all I have for the
9 Amusement Device report. I'd be glad to entertain
10 any questions that you might have.

11 CHAIRMAN FOX: Any questions?

12 (No verbal response.)

13 CHAIRMAN FOX: Mr. Herrod, is
14 there anything that we need to know?

15 MR. HERROD: Not from our
16 position. That completes the updates that we have
17 for Amusement Device and Elevator devices.

18 CHAIRMAN FOX: Okay. Good
19 report on those. That means that you're doing a
20 good job, Mr. Herrod. I'm going to give all the
21 credit to you, sir.

22 MR. HERROD: Thank you, sir,
23 as you should. Thank you very much.

24 CHAIRMAN FOX: All right.

25 Moving along to old business, there's none.

1 Moving to new business, there's none.
2 Open discussion. Any open discussion
3 from the board members?

4 (No verbal response.)

5 CHAIRMAN FOX: All right.
6 Hearing none, then we'll move along to the
7 scheduled board meetings for 2023. The first one
8 is March the 7th; the next one will be June the
9 6th; September the 6th; December the 5th.

10 Are there any problems with those
11 dates?

12 MR. LaPORTE: Mr. Chairman,
13 would you mind repeating those one more time.

14 CHAIRMAN FOX: March the 7th,
15 June the 6th, September the 6th, December the 5th.

16 MR. LaPORTE: Thank you.

17 CHAIRMAN FOX: Thank you.

18 Folks, thank you to everybody. I
19 appreciate everybody being here this morning and
20 taking your time out of your busy schedules to be
21 here. And at this time, I would wish you a Merry
22 Christmas, a Happy New Year, and is there a motion
23 to adjourn?

24 MR. POPE: Motion, sir. James
25 Roy Pope.

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CHAIRMAN FOX: We are
adjourned. Thank you-all very much.

END OF PROCEEDINGS.

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C E R T I F I C A T E

STATE OF TENNESSEE)

COUNTY OF WILLIAMSON)

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

That the within is a true and accurate transcript of the proceedings taken before the Elevator and Amusement Device Safety Board and the Chief Inspector or the Chief Inspector's Designee, Tennessee Department of Labor and Workforce Development, Division of Workplace Regulations and Compliance, Elevator and Amusement Device Unit, via Zoom videoconference on the 6th day of December, 2022.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of December, 2022.



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