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STATE OF ILLINOIS
DEPARTMENT OF LABOR
CARNIVAL AND AMUSEMENT RIDE INSPECTION DIVISION

CARNIVAL-AMUSEMENT SAFETY BOARD

BOARD MEETING

Report of Proceedings held on January 15, 2010
at the Crowne Plaza Hotel, 3100 South Dirksen Parkway,
Winter Garden Room, 14th Floor, Springfield, Illinois,
scheduled for the hour of 8:30 A.M.

PRESENT:

MS. CATHERINE M. SHANNON,
Director

Mr. Anthony J. Urbik

Mr. Rick Boyd

Mr. Bill Sparks

Ms. Patty Sullivan

Mr. James Wright, Jr.

Board Members

BOARD MEETING 1/15/2010

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1 APPEARANCES:

2 MR. MICHAEL HAGGERTY

3 Chief Legal Counsel

4 Illinois Department of Labor

5 Michael A. Bilandic Building

6 160 North LaSalle Street, Suite C-1300

7 Chicago, Illinois 60601

8 Appeared on behalf of the Department of Labor.

9 ALSO PRESENT:

10 Mr. Doug Rathbun

11 Ms. Margaret Royer

12 Mr. Chuck Drager

13 Mr. Bill Szerletich

14 Ms. Sara Scherer

15 Ms. Marcia Joiner

16 Mr. Bert Rodriguez

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1 (Hearing started
2 at 8:30 A.M.)

3 DIRECTOR SHANNON: I think that we will get started.
4 This is the Carnival and Amusement Safety Board
5 meeting of January the 15th.

6 We will start off with a call to order. I'm
7 Catherine Shannon, the chair.

8 Patty Sullivan?

9 MS. SULLIVAN: Here.

10 DIRECTOR SHANNON: James Wright?

11 MR. WRIGHT: Here.

12 DIRECTOR SHANNON: Bill Sparks?

13 MR. SPARKS: Here.

14 DIRECTOR SHANNON: Anthony Urbik?

15 MR. URBK: Here.

16 DIRECTOR SHANNON: Rick Boyd?

17 MR. BOYD: Present.

18 DIRECTOR SHANNON: Okay. We have a quorum present.

19 The first order of business, if you open up your
20 binders, is the approval of minutes.

21 MR. URBK: So approved.

22 DIRECTOR SHANNON: A motion has been made to approve
23 the minutes.

24 MS. SULLIVAN: Second.

1 DIRECTOR SHANNON: It's been seconded.

2 All those in favor say aye?

3 (Group response.)

4 DIRECTOR SHANNON: Opposed?

5 (No response.)

6 DIRECTOR SHANNON: The ayes have it.

7 MS. SULLIVAN: And it was good reading last night.

8 DIRECTOR SHANNON: Put you right to sleep; right?

9 MS. SULLIVAN: Well, no, it didn't.

10 DIRECTOR SHANNON: Okay. The next item on the agenda
11 is old business. And that's under Section 2 of your
12 binder. And the first order of business is rule changes
13 which Sara will be presenting. Sara went over this last
14 night.

15 I don't know if the board wants to hear more detail
16 or if everyone -- you know we have talked about these
17 rules for several years now. So is there any questions or
18 does anyone want a presentation by Sara of the rule
19 changes? Is everyone comfortable?

20 (No response.)

21 DIRECTOR SHANNON: As she stated, they are effective
22 right now. Right?

23 MS. SCHERER: As of December the 29th. They should
24 be published in the Illinois Register. They are in Tab 2

1 of your binders. And that's the exact copy of what's in
2 the Illinois Register.

3 DIRECTOR SHANNON: We have a link on our web site to
4 those. So anybody in the audience who wants a copy can go
5 to our web site and print 'em off from there.

6 MR. URBIK: For the record, what is the web site?

7 DIRECTOR SHANNON: The web site is
8 www.state.il.us/agency/IDOL. It's not the easiest one. I
9 found if you go into IDOL, you will come up with that and
10 American Idol and then I just choose the Illinois
11 Department of Labor.

12 MR. URBIK: Not to be confused between the two.

13 DIRECTOR SHANNON: Not to be confused between the
14 two.

15 MS. SULLIVAN: Unless you brought a bullet proof
16 vest --

17 DIRECTOR SHANNON: I wish it was www.idol.gov. Maybe
18 some day we will get something easier.

19 The next item Doug will present. And, Doug, you are
20 welcome to stand. It's the monster truck issue we have
21 been discussing.

22 MR. RATHBUN: Right. As you all know, we've
23 discussed monster trucks. And this is specifically the
24 ride trucks that haul passengers around. And it's for

1 pleasure and amusement. And it has been determined by us
2 and I believe with -- I believe with everybody on the
3 board that it does qualify as an amusement ride.

4 Some of the board members had asked about the
5 licensing relative to the CDL portion of it and how we
6 should move forward and what requirements would be
7 appropriate for us to make. Instead of trying to say I
8 know anything about CDLs, which I do not, I have asked Mr.
9 Terry Montalbano if he would come forward.

10 Mr. Montalbano is the director of the CDL Division
11 for the Secretary of State. And he is going to do a
12 presentation and answer some of the questions that I think
13 that we have all had.

14 MR. MONTALBANO: Good morning, everyone.

15 DIRECTOR SHANNON: Morning.

16 MR. MONTALBANO: This issue on monster trucks is a
17 tough issue. It's kind of a hole in the donut. There is
18 really not -- it all goes back to the basics for a CDL.
19 Doug said you wanted to know -- that you wanted to know
20 what the requirements to a commercial driver's license
21 were. Well, it's kind of like building a house. You have
22 to build the basement before you put the foundation up and
23 before you put the roof on.

24 So, to start with, who needs a CDL? It has to be a

1 commercial vehicle. Commercial has got a broad
2 definition. It doesn't always have to be for money. It
3 could be for commercial purposes.

4 Second is the size of the vehicle. And, by the size,
5 we go by what we will call the GVWR, the gross vehicle
6 weight rating. And almost every vehicle -- well, not
7 most -- every vehicle has to have a data tag somewhere on
8 that vehicle to show the weight that the vehicle was
9 manufactured to carry.

10 Now I could go and buy a vehicle and modify it and
11 change it. That doesn't change anything. It goes by what
12 the vehicle was designed for. So, for example, if I have
13 a school bus and the school bus is designed to carry
14 passengers, but I take all of the seats out and make a
15 little apartment in that, it's still a commercial vehicle.
16 I can't change the intent of the manufacturing. Okay?

17 Then the third step is what is the weight. And the
18 weight starts at 26,001 pounds GVWR. That's the key. It
19 has to be 26,001 GVWR to put it in as a commercial
20 vehicle. Or if you haul hazardous material. Which
21 requires a placard. Or if you haul 16 passengers or more
22 including the driver.

23 Now a monster truck doesn't fit into that. I doubt
24 it fits into any of these categories. Maybe the weight.

1 Maybe the weight only. And that would be determined on
2 each vehicle.

3 The next question is is the vehicle roadworthy. In
4 everything that I could find and in everything in dealing
5 with the local police and the state police, I don't think
6 a monster truck will ever meet the definition of
7 roadworthy.

8 And, in the handouts that I gave you there is -- I
9 gave you all of the applicable laws that deal with what a
10 vehicle has to have. So off the top of my head tires
11 alone would make it a none roadworthy vehicle. The bumper
12 would make it a none roadworthy vehicle. Sometimes the
13 size of the engine. Sometimes the windshield. Sometimes
14 where the mirrors are at.

15 And I've made a copy of the actual law so you can
16 read the law at your own discretion, but that has every
17 single piece of any part of the law that would deal with a
18 vehicle on the road I've attached.

19 Now it comes to licensing. If you have -- and I
20 don't know all of the rules and regulations of the Monster
21 Truck Association, but I will give you an example of an
22 off-road vehicle. An off-road vehicle which is not
23 intended to be on the road is gonna' be at a festival or a
24 parade or an activity. And it's going to be in an

1 enclosed arena and not out on the roadway. Then that
2 association would deal with the rules and the regulations
3 of that local municipality and/or state agency depending
4 on what it is that would deal with that. There is no
5 requirement of the association that says that the person
6 has to have a driver's license to drive that vehicle in
7 that enclosed arena.

8 However, if you bring that vehicle out and let's say
9 it is a roadworthy vehicle -- let's say it's a race car.
10 Let's say for whatever reason they brought a race car in.
11 Which would in most cases meet the definition of a
12 roadworthy vehicle. While it's in, say, a convention
13 center having a show and somebody is just driving it
14 around a room, you don't need a driver's license.

15 That same vehicle, the minute you put it on the road
16 now you got to have a driver's license to drive it and
17 then you get into what type of license. Well, the regular
18 driver's license that most vehicles have is a D like David
19 license. And that's a license that allows you to drive
20 any vehicle up to 16,000 GVWR. So think of a car or less.
21 A pickup truck or less.

22 Then if you are going to drive a vehicle 16,000 to
23 26,000, you would need a Class C. So think of like a
24 bread truck or something of that size, a mail truck. Then

1 when you've got 26,001 or more, you've got to have a CDL.

2 And that gets into school buses.

3 So think of a single vehicle and a CDL when you drive
4 a vehicle with a gross vehicle weight rating of 26,000
5 pounds or more. You would need a CDL to drive a tractor
6 trailer. That's a commercial vehicle. When you have the
7 tractor and the trailer, the tow unit on a pulling unit
8 combined, you are way over 26,001 pounds with the pulling
9 unit weighing over 10,000 pounds.

10 So where does that fit in monster trucks? I don't
11 know what to tell you as far as where it fits. What I can
12 tell you is if you are going to look at school buses, for
13 example, not only do you have to have a CDL, but you also
14 have to have all kinds of licensing and requirements by
15 the Secretary of State.

16 You have to have a drug and alcohol test. You have
17 to have on file a medical report. And you have to have a
18 background check. There is all kinds of violations that
19 if you have committed that comes back on your fingerprint
20 check that you would not be allowed to drive a school bus.
21 If you have any break at all in your driver's license in
22 the last three years, you can't drive a school bus. And
23 there are several other safety factors that the Secretary
24 of State has imposed on a school bus. The reason it's

1 different is because of the cargo. They view it as
2 precious cargo. You are hauling children ranging from K
3 through 12.

4 The charter bus industry is where you've went out and
5 chartered a vehicle, not necessarily for K through 12 to
6 go from home to school and from school to home, but to
7 pick up whoever to go wherever. It's the same way with a
8 charter. You've got to have a CDL and several other
9 requirements. It's not quite as specific as for a school
10 bus, though.

11 For semitruck driver's that require a CDL you have to
12 have medicals, you have to have a drug and alcohol
13 program. So when you get back to this monster truck
14 issue, if you -- if you, as an association or a board or a
15 committee -- say they have to have a CDL -- and you have a
16 right to do that -- the fact that they have to have a CDL
17 now all of a sudden changes things.

18 It now puts them into the Department of
19 Transportation and also the Secretary of State. The
20 Secretary of State would deal with the licensing for the
21 driver of the plate for the vehicle. The Department of
22 Transportation now is required to audit that company, that
23 association, that entity or whatever you call it to make
24 sure that they have a drug and alcohol program and to make

1 sure that they have a random program and to also make sure
2 that all -- that anybody that drives that vehicle has a
3 medical.

4 Now you can't have one, but not the other. You have
5 to have both. And that's the thing. You can't say we are
6 going to make 'em have a CDL, but we don't want to go into
7 the drug and alcohol testing. You can't do that.

8 Now do they have to have a CDL? Again, it goes back
9 to there is no clear cut answer to say every monster truck
10 would have to have a CDL, but if you go to a monster truck
11 function -- well, I've seen 'em where I could walk right
12 under that vehicle and that vehicle is probably going to
13 be over 26,000 pounds.

14 I would be required by state law to have a CDL, but
15 there is an exception because that's not a roadworthy
16 vehicle. So if it's not a roadworthy vehicle, the
17 argument would be why do I need a CDL. You should not
18 allow that vehicle to -- to come out of that enclosed
19 arena.

20 Now there are things like parades and festivals,
21 things that the vehicle would come out for. Every local
22 municipality has the right and the authority to grant
23 that. They generally will grant that. And that
24 municipality then would check with the Secretary of State

1 to say we want to allow this vehicle to go out on a
2 parade, what do we have to have.

3 First, you have to have a licensed driver. Second,
4 you better have insurance. Third, you better get a waiver
5 from the local police. And I have included all of that in
6 your packet.

7 The minute that they intersect a state highway, it
8 takes it away from the local municipality and the
9 Department of Transportation takes over because they have
10 to be able to get those closed, the roadway and things
11 such as that.

12 That's it. That's kind of a quick down and dirty
13 scenario of -- you know it may not be totally the answer
14 that you want because the problem is that we get calls
15 every day and they say do I need a CDL for this or that.
16 All we can tell you is what the requirements are.

17 If you go out -- and generally on the data tag it
18 will tell you what the GVWR is. Now a monster truck 99
19 out of 100 times is not going to be the vehicle that it
20 was designed for. They've probably bought it, souped it
21 up and put all of the extras on there. Which puts them
22 into a category that would have to be looked at on an
23 individual basis because of the fact that, that vehicle
24 was never designed to do what they made it do. So,

1 therefore, that one exception may come into play.

2 So the bottom line is every law enforcement agency in
3 the state would ticket those vehicles if they were on the
4 road. And if they are going to ticket them for being on
5 the road that means that with the liability factors there
6 they should not have been on the road unless they had a
7 special permit and waiver.

8 And in order to get a permit I guarantee you that the
9 local municipality is going to say that they have to have
10 a valid driver's license and probably make them get a CDL
11 if they had any questions at all. Which they would then
12 be drug and alcohol tested and require a medical.

13 And a lot of drivers have a CDL for a second job that
14 they may have. I know that in this industry the FMCSA
15 regulates going from Point A to Point B. If you load all
16 of the vehicles up on a trailer and you go from Nebraska
17 to Illinois, that's all covered by the Federal Motor
18 Carrier Safety Administration. The state will take over
19 wherever you stop on looking over whatever the scenario of
20 that vehicle is.

21 If you shift over to, like, a farm -- and this is
22 where it gets confusing. If I'm a farmer, I'm not
23 required to have a CDL. I can drive every commercial
24 vehicle that a truck driver can and I don't need a CDL

1 that a trucker needs.

2 But there is a parameter within that. If they come
3 out of that parameter, then they are eligible to be
4 arrested and ticketed and fined. And the parameter is
5 that it's my vehicle that's used for my farm and it's
6 within 150 miles from my farm to the elevator wherever I'm
7 going to go.

8 And while I'm on the farm, there is no requirement.
9 I could have my ten-year old son driving my commercial
10 vehicle and not need a license. However, the minute I go
11 outside of that parameter, I no longer fall into that
12 hole.

13 So that's the -- so that is the only reason I brought
14 that up is to show you on a CDL that there is no clear cut
15 situation when this happens. This will always happen.
16 Every scenario is judged independently amongst what topic
17 you are looking at.

18 Are there any questions?

19 (No response.)

20 MR. MONTALBANO: I'm sure you probably have a lot of
21 'em.

22 MR. URBIK: Actually, it seems to me that the either
23 the Secretary of State regulates these things or we do and
24 not both. I don't see any reason for -- to the mandate a

1 CDL. I don't see where we get any additional safety as a
2 result of that.

3 MR. HAGGERTY: And if I could follow up on the board
4 member's question then.

5 What -- the fact that somebody has a CDL, how does
6 that -- what does that say about their preparedness or
7 their enhanced ability to be a better driver of that
8 vehicle than somebody else?

9 MR. MONTALBANO: Okay. Good question.

10 Okay. I brought -- I just handed to you -- I just
11 brought one. I can pass it around. It's called a CDL
12 Study Guide. This book is basically 132 Pages. In order
13 for me to get a CDL, the first thing I got to do is to
14 study this book. I have to be able to take a written
15 test.

16 This is a very in-depth, knowledge-oriented guideline
17 on what a person would need to know to operate vehicles.
18 It covers things with the brake system. It covers the
19 loading and the unloading of passengers. It covers other
20 laws that are in play today. It covers the proper way to
21 go up a hill and down a hill in good weather and bad
22 weather.

23 Once I pass the written test, then I have to go out
24 and do a road test. Which is the other key. I would have

1 to go out and have an inspection of my vehicle. I would
2 have to be able to show that I can maneuver that vehicle
3 on to a standing course and then ultimately go out on a
4 roadway. Where a person that doesn't have a CDL wouldn't
5 have to do any of these requirements. But also the fact
6 that once they get a CDL they have to get a medical and
7 drug and alcohol test on them. Where a none CDL driver
8 wouldn't.

9 The other scenario is once I get a CDL -- once I step
10 out of the car and get a CDL, my entire driving history
11 now gets reviewed and looked at by the state. Any
12 violations that I incur in my own car will now affect my
13 ability to drive under a CDL.

14 For example, if Doug has a car license only and he
15 goes out and he gets a speeding ticket tonight, he could
16 go into court and ask for supervision. In Illinois, as
17 long as he doesn't violate the supervision, that violation
18 won't occur on his record.

19 I have a CDL. The same ticket in my personal car.
20 I'm held to a higher standard by the state. And I cannot
21 do that. No matter what I do in my car it affects my
22 ability to operate my CDL. In a car, three tickets in 12
23 months would get you suspended. With a CDL, I can only
24 get two tickets in a three-year period. Which is major.

1 So when it comes to safety, a CDL driver is ten times
2 more safe of a driver than a car driver because of the
3 regulations and standards.

4 MR. RATHBUN: Is there an age limit of getting a CDL
5 license?

6 MR. MONTALBANO: It's 21-years old. To cross state
7 lines within Illinois, it's 18. So if you are going to
8 get a CDL to drive in Illinois intrastate only it's 18.
9 The minute that you cross state lines then it becomes 21.

10 UNIDENTIFIED SPEAKER: You said the Secretary of
11 State cannot require CDLs for drivers of monster trucks,
12 but this body could require drivers of monster trucks to
13 have a CDL?

14 MR. MONTALBANO: Absolutely.

15 UNIDENTIFIED SPEAKER: Which would then fall under
16 the state and fall under your jurisdiction? Is that what
17 this is about? Are you asking this body to do that?

18 DIRECTOR SHANNON: No. We invited him to come and
19 give us a presentation.

20 MR. MONTALBANO: I'm not asking them to do anything.
21 I was asked to come and explain this.

22 DIRECTOR SHANNON: We invited him.

23 When this was raised at the last board meeting, we
24 had a lot of questions. And we didn't understand what the

1 commercial requirements were. So we invited him to come
2 and give us a presentation.

3 UNIDENTIFIED SPEAKER: Okay. Is there a perceived
4 safety problem with these vehicles to where we feel like
5 this body needs to address that so that they do fall under
6 the jurisdiction of the Secretary of State?

7 MR. URBIK: We didn't know if it was appropriate that
8 the operators of these trucks should fall under the
9 jurisdiction of the Secretary of State. We weren't sure
10 about that. I'm still not sure about it.

11 I'm not sure it's appropriate for the Secretary of
12 State to be involved for a vehicle that's really not
13 licensed for road use. My personal opinion is that they
14 should not. I don't need a CDL to operate a roller
15 coaster or a ferris wheel. Why would I need one to
16 operate this particular amusement device?

17 So if we deem it as an amusement device, it should be
18 regulated by us then? If it's not an amusement device and
19 it's a vehicle, then it should be done by the Secretary of
20 State? Not both of us.

21 I'm told that there are three agencies involved --

22 MR. MONTALBANO: Correct.

23 MR. URBIK: -- or four.

24 DIRECTOR SHANNON: The whole issue came to be because

1 we are looking at what standards should apply to monster
2 trucks that are operated as amusement devices. So we are
3 aware of at least two that came to our attention. One
4 operates at the DuQuoin Fair and the other one is at one
5 of the -- I think it's an apple orchard.

6 Is that right, Matt?

7 MR. ROHMAN: (Nods affirmatively.)

8 DIRECTOR SHANNON: And they are -- you know what
9 standards should apply to these monster trucks that carry
10 passengers either in the bed of -- I guess mostly in the
11 bed of -- of the truck.

12 So that's how this whole issue came about. And we
13 thought that we needed more information before we could
14 decide whether or not we should require that they have a
15 commercial driver's license.

16 And, Doug, the Monster Truck Racing Association --
17 does that association require that they have a commercial
18 driver's license?

19 MR. RATHBUN: No. I was reading something the other
20 day -- and I actually called one of the staff at the Big
21 Foot Program who was also one of the monster truck
22 inspectors. A 16-year old can get in a monster truck and
23 haul your kids around. And -- and that's in the MTRA
24 regs.

1 Which I personally have a problem with. I would not
2 let my daughter in the back of a truck with a 16-year old
3 driving it. But that is legal under their regulations.

4 MR. URBIK: A 13-year old can drive your kids around
5 in a hayride on a tractor on a farm.

6 MR. RATHBUN: This is true.

7 And quite frankly if it were not specifically
8 excluded by the law -- which might be something that we
9 could consider.

10 MR. URBIK: It just seems pragmatic if I have to have
11 this since I can't drive my truck from Point A to Point B
12 and it's got to be on a trailer and it's got to be pulled
13 by something. If it's going to be pulled by something,
14 I'm going to be over 26,000 pounds and the driver of that
15 is gonna' have to have a CDL.

16 MR. RATHBUN: That's not necessarily an assumption
17 that just because my dad can take his monster truck to an
18 arena I can still drive the truck.

19 MR. URBIK: I think from a pragmatic point of view,
20 it's not the case. Is it possible? Certainly.

21 MR. RATHBUN: The Big Foot guy told me it happens.

22 DIRECTOR SHANNON: Do we know how they get their
23 monster trucks operated as rides?

24 MR. RATHBUN: I'm sure that they are hauling 'em

1 predominantly. I agree with you 100 percent.

2 DIRECTOR SHANNON: I have a question about the
3 commercial driver's license. If we made this a
4 requirement, would they even be able to get a commercial
5 driver's license?

6 MR. URBİK: They would probably have to road test it.

7 DIRECTOR SHANNON: How would they road test a monster
8 truck?

9 MR. MONTALBANO: We would have to road test it in
10 that vehicle.

11 DIRECTOR SHANNON: So they would have to bring the
12 vehicle to get road tested?

13 MR. URBİK: Which I can't do on the street.

14 MR. MONTALBANO: Or like a commercial vehicle.

15 MS. JOINER: They wouldn't have to actually get a
16 monster truck to get their CDL test?

17 MR. MONTALBANO: They wouldn't have to. A monster
18 truck would fit into what I would consider a CDL. They
19 would have to bring a truck with a GVWR of 26,001 pounds
20 or greater.

21 DIRECTOR SHANNON: Would it have to have the wheels
22 heightened and all of that?

23 UNIDENTIFIED SPEAKER: No. Just a dump truck would
24 work.

1 MR. MONTALBANO: A dump truck -- that's right. I
2 mean I personally don't -- I'm not sure that a monster
3 truck would fit into the CDL category, but it could
4 receive -- the issue is if it stays in the arena, it does
5 not.

6 But as Doug says -- let's say that you are at the
7 Illinois State Fair and you come out of that arena and you
8 are on any of those roads. Even though it's inside the
9 state fairgrounds that's a state road. They cannot be on
10 that road without a vehicle license.

11 I think that the police are going to say we are going
12 to give you a ticket because you can't be on the road.
13 Your point earlier is right related to are you going to
14 require somebody to be licensed for something that they
15 are not going to be able to do. If you are going to allow
16 somebody to do that, they need a license.

17 It's kind of like the chicken and the egg scenario.
18 The only thing it does is it gives you the other
19 requirement of the alcohol and drug testing and the
20 medical and the background check.

21 MR. BOYD: And the driving history.

22 MR. MONTALBANO: Exactly. That's it.

23 MR. BOYD: That would be the type of information
24 available to you.

1 MR. MONTALBANO: Well, when you get a CDL, your base
2 license is included in that like your car license you
3 know? It's \$30 for your license. And a CDL is \$60. But
4 that includes your -- because your license -- once you get
5 a CDL, you could have that CDL removed, but you could
6 still drive your car. If your car license goes, you can't
7 drive your CDL at all.

8 But yeah, all it does by putting you into -- into the
9 CDL is you are now monitored by the Secretary of State,
10 most likely the state police and probably the Department
11 of Revenue if they got into that issue. And then of
12 course the Federal Motor Carrier Safety Administration. A
13 none CDL driver doesn't get monitored by anybody other
14 than law enforcement and violations coming back on their
15 record.

16 MR. WRIGHT: If they do require a CDL and there were
17 incidents at a fair or a carnival, even though it's off
18 road, would that still -- would that incident go against
19 their license?

20 MR. MONTALBANO: Yes.

21 MR. WRIGHT: Okay.

22 DIRECTOR SHANNON: Just your -- what's the passage
23 rate on that and do you guys keep track of that?

24 MR. MONTALBANO: Oh, yeah. It depends on which test.

1 The core knowledge is the toughest test. That's the test
2 that's got all kinds of laws put into it. And the base
3 line is about 32 percent fail. Now with a car license I
4 think it is ten percent that the people fail. And that's
5 generally because they don't understand the signs. And
6 it -- and we are not looking at regulating them only in an
7 enclosed arena?

8 DIRECTOR SHANNON: On a fixed course, yeah. And
9 it -- and we don't care whether they go into a parade as
10 that's out of our jurisdiction. If they are out of that
11 enclosed course, we have no say so on what they are doing.

12 MR. URBIK: In a parade, it wouldn't be used as an
13 amusement device.

14 DIRECTOR SHANNON: Hopefully.

15 MS. SULLIVAN: Unless they are carrying people,
16 though.

17 MR. URBIK: In a parade?

18 MS. SULLIVAN: Well, if -- if it's a monster truck
19 and it's set up to have people in the back. If they are
20 in a parade, they may very well be having people in the
21 back. You know there may very well be people in it.

22 MS. JOINER: And they still could meet the
23 definition. The parade is a fixed course.

24 DIRECTOR SHANNON: It wouldn't be open to the public.

1 MS. JOINER: Well --

2 MR. URBIK: And they would not be going over a
3 course.

4 MS. JOINER: Most parades do.

5 MS. SULLIVAN: Yeah. Most parades have a course.

6 MR. URBIK: They have a route, not a course where you
7 are going over hills and things like that.

8 MS. SULLIVAN: Well, that's still a course for these
9 purposes.

10 MR. URBIK: From the standpoint that you are on a
11 roadway going through Main Street, USA. You are not going
12 over rocks and hills and --

13 MS. SULLIVAN: It's -- it's still considered a
14 course.

15 DIRECTOR SHANNON: Mr. Montalbano, you said that if
16 they are on a street like on a parade route --

17 MR. MONTALBANO: Uh-huh.

18 DIRECTOR SHANNON: -- they would either have to
19 get --

20 MR. URBIK: Permitted by the state.

21 MR. MONTALBANO: Yes. The local municipality would
22 then would be responsible to make them meet whatever
23 requirements that city attorney wants them to meet. Which
24 is generally a valid driver's license and proof of

1 liability insurance.

2 DIRECTOR SHANNON: So I don't know if we would
3 regulate that because that would be regulated by the
4 municipality; right? I mean I don't know. What do you
5 think?

6 MR. MONTALBANO: Another example to look at would
7 be --

8 MR. HAGGERTY: We do not look at that.

9 MR. MONTALBANO: -- in the law today -- we will shift
10 gears here for a second. There is a -- like a business
11 that's sort of like this. The law today says that if you
12 offer driver training for a fee you have to be licensed
13 and regulated by the Secretary of State. So if my Uncle
14 Joe teaches me to drive, no problem. If I go to any kind
15 of a school or any kind of a course where I pay money,
16 that course and the training and all of the vehicles and
17 all of that have to be approved by us.

18 Now in Joliet the Autobahn came in and they opened up
19 what I termed a -- it's like a country club race course
20 type of thing where they bring in -- and their selling
21 point is they have Maseratis and Mercedes. And they teach
22 defensive driving. When somebody comes in -- you can take
23 your 16 or 18-year old son or daughter there for a
24 weekend. I think it's \$500 bucks. You can drive 100

1 miles an hour if you want to.

2 There is nothing the state can do about that because
3 it's in an enclosed course. They are not offering driving
4 training. Those people already have a driver's license.
5 So if a child or somebody got hurt in that arena, that
6 would be up to that association and that town as long as
7 it was in that round race track.

8 The minute that vehicle comes out of there and goes
9 on to any road now they fall under a whole different set
10 of regulations. So in your scenario it's the same thing.
11 If it's in that arena, then that's totally up to you. If
12 it comes out of the arena and law enforcement stops them
13 for any violations, they are going to write 'em up.

14 Now whether or not you want to require them to have a
15 CDL -- what's your name, sir?

16 MR. URBIK: Tony.

17 MR. MONTALBANO: Tony here is exactly right. It's
18 really that simple. Either you require them to have a CDL
19 and we will handle it from there or you say they are not
20 required to have a CDL for that purpose and they don't
21 need one.

22 MR. URBIK: The Secretary of State does not consider
23 that as something under their jurisdiction?

24 MR. MONTALBANO: No, because it's not on a roadway.

1 MR. URBİK: Would you consider it an amusement ride?

2 MR. MONTALBANO: We don't consider it anything.

3 MS. SULLIVAN: If it's not on a road, they don't have
4 to consider it.

5 MR. MONTALBANO: Right. It has to be on -- it has to
6 be a motor vehicle and on the roadway. And that's the
7 key.

8 There are exceptions to that. Like farmers are
9 exceptions who would be on the roadway. Other than the
10 exceptions, it's not on the roadway. That's the key.
11 Like if NASCAR comes in and has a race. We are not
12 involved in that because it's not on a road.

13 All of these courses that do the defensive driving
14 courses -- a lot of times they do notify law enforcement.
15 We are not involved in it because it's not on a road. If
16 they come out on a roadway, they will fall into that --
17 into the Illinois Vehicle Code. And this (indicates) is
18 my Bible. This is the laws about driving and registering.
19 And there is info in here about what the cops could write
20 you tickets for. All of those passages --

21 As soon as a monster truck is on a road, a cop can
22 pull him over and say what are you doing on the road, your
23 bumpers are too high, your tires are too big, you don't
24 have the right mirror system. The officer could deem this

1 as, in his opinion, a none roadworthy vehicle and write
2 him up saying he can't be on the road.

3 That wouldn't go against the driver's license. Those
4 would be fines and penalties against that driver because
5 at that point the issue becomes did he need a driver's
6 license because he was out on the road. If the officer
7 writes him up for a 6101, which I included that, it says
8 you have to have a driver's license. Now it becomes a
9 court matter and you go before a judge.

10 The officer comes in to court and says by the nature
11 of you being on the road you have to have a driver's
12 license. So I wrote you up for a 6101. Ninety-nine
13 percent of the time the judge is going to rule with the
14 cop. The judge will say you need a license to be on the
15 road. Your vehicle wasn't roadworthy. You, as a driver,
16 needed to have a license to drive this motor vehicle onto
17 the road.

18 MS. SULLIVAN: All righty.

19 DIRECTOR SHANNON: Clear as mud.

20 MR. MONTALBANO: It's a tough issue. And it -- well,
21 back to the parade. A parade is not an enclosed course by
22 any means because we are saying that they have to be
23 behind a barrier and protected from the public. That does
24 not exist in a parade.

1 MR. RATHBUN: Our predominant focus is indeed those
2 trucks which are in an enclosed area. I mean this issue
3 came to us at the DuQuoin Fair where he was driving around
4 hauling passengers. And I think for the purposes of the
5 board and the discussion that we've had up until this
6 point has been our primary focus of those.

7 But also, you know, one could say that the individual
8 at the apple orchard -- I mean his truck is not
9 roadworthy. But he is hauling passengers as a commercial
10 venture in conjunction with the orchard. Now is his
11 property considered a fixed course and is the public
12 restricted from the area where he is running 'em? I have
13 not been there personally.

14 MR. URBIK: If it's a fixed course and it -- and --
15 are the public restricted from the -- from where the truck
16 is running?

17 MS. SULLIVAN: It's not a fixed arena. It's a road
18 where they go to pick their pumpkins and whatever. It's
19 not really blocked from the public, no.

20 MR. MONTALBANO: Now there has been some movement in
21 the state legislature to include off-road type vehicles to
22 affect your driver's license. A case in point is -- I
23 don't know if anybody is here from the Chicago area or
24 not, but there was a TV reporter named Randy Salerno. He

1 was a very popular, highly-rated newscaster. He was on
2 vacation up in Wisconsin with a friend of his. They were
3 on a snowmobile. They were drunk. His friend hit a tree
4 and killed him.

5 Well, you don't have to have a driver's license for a
6 snowmobile. You don't have to have a driver's license for
7 a boat or for a riding lawn mower. However, legislation
8 was passed and it is law today that now if you get an
9 alcohol offense on a snowmobile or a riding lawn mower or
10 a boat it will take away your driver's license.

11 So the Illinois legislature is starting to look at
12 vehicles that are not on the road to have an effect to
13 base your -- to base your driver's license. And I think
14 that the legislature said a motor vehicle is a motor
15 vehicle whether it's on the road or not. So if a guy gets
16 a DUI on the snowmobile, he will lose his car license as
17 if it happened in his car.

18 MS. SULLIVAN: Bummer.

19 UNIDENTIFIED SPEAKER: So now I can't drink while I'm
20 cutting my lawn?

21 DIRECTOR SHANNON: Does somebody regulate the NASCAR
22 and what -- what was it? The Autobahn?

23 MR. MONTALBANO: No. The NASCAR says that they are
24 regulated by their NASCAR Association. And the Autobahn

1 claims that they are regulated by their Autobahn
2 Association. And all of their associations have a set of
3 rules that say a vehicle has to be a certain thing for
4 insurance and all of that.

5 But it doesn't fall -- and that was the issue when
6 the Autobahn was ready to open up. We went in and we
7 thought that they needed to be licensed and regulated by
8 us. And they checked and said nope, your law says if we
9 teach somebody for driver training. We are not teaching
10 anybody. They have a license already. We are enhancing
11 their driving. We are doing defensive driving. And it
12 doesn't meet the definition. And our attorneys agreed.
13 And we backed off.

14 Now if they roll one of those vehicles and they kill
15 the children there, then that association is going to be
16 responsible. The association is responsible to provide
17 enough safeguards within their rules and regulations. The
18 state wouldn't.

19 DIRECTOR SHANNON: And I -- I think that the same is
20 true of the Monster Truck Racing Association for those
21 that compete and race. They are governed by a set of --

22 MR. RATHBUN: By law, they have many standards
23 which --

24 DIRECTOR SHANNON: Which is what we were considering

1 adopting for our safety regulations for those that give
2 passengers thrills and excitement.

3 MR. HAGGERTY: And they do require a CDL; correct?

4 DIRECTOR SHANNON: No. The Monster Truck Racing
5 Association? Do they require a CDL?

6 MR. RATHBUN: No, ma'am.

7 DIRECTOR SHANNON: I think that I asked that before.

8 MR. URBIK: I guess as a monster truck owner I am
9 required to join that association?

10 MR. RATHBUN: No. No, you are not. And there are,
11 as a matter of fact, several promoters that operate in
12 Illinois that do not necessarily fall under that.

13 DIRECTOR SHANNON: But in order to race at one of
14 their sponsored events -- who sponsors those?

15 MR. RATHBUN: The association is only for specific
16 events. Not all events. And there is -- I think there is
17 six in Illinois within the first three months.

18 UNIDENTIFIED SPEAKER: Is it like a national
19 association?

20 MR. RATHBUN: It is not.

21 UNIDENTIFIED SPEAKER: Is that the state or regional?

22 MR. RATHBUN: The way that I understand it is that
23 it's those drivers who want to join.

24 DIRECTOR SHANNON: But it is a national association?

1 MR. RATHBUN: It's not mandatory.

2 DIRECTOR SHANNON: But it is national across the
3 United States; right?

4 MR. RATHBUN: Well --

5 DIRECTOR SHANNON: Or not?

6 MR. RATHBUN: I think that it is to the extent that
7 this group will travel nationwide. But you can have
8 events all over the country that are not necessarily a
9 member of this association.

10 UNIDENTIFIED SPEAKER: It's not specific to Illinois?

11 MR. RATHBUN: Correct.

12 DIRECTOR SHANNON: It's bigger than Illinois?

13 MR. RATHBUN: It's bigger than Illinois.

14 MR. HAGGERTY: Can I ask you a question?

15 MR. MONTALBANO: Yes, sir.

16 MR. HAGGERTY: You've seen monster trucks because you
17 spoke about them initially. So, for example, if you had a
18 grandchild who was boarding a monster truck, would you
19 feel more comfortable with your grandchild boarding the
20 monster truck if you knew that the driver had a CDL or
21 that there was no regulations as to whether or not they
22 had to have any driver's license?

23 MR. MONTALBANO: Well, from a safety standpoint, I
24 would hope that they had a CDL. But if it's an enclosed

1 event and I allowed my grandchild to go there, it's a
2 two-edged coin.

3 MR. HAGGERTY: Because the same argument against
4 having a CDL could be the same argument for saying, well,
5 we shouldn't even step into the issue of whether or not
6 they even have to have any driver's license. Right?

7 MR. MONTALBANO: Exactly.

8 MR. HAGGERTY: So then I could go to any state fair
9 or any, you know, amusement venue and actually the person
10 operating the monster truck may have actually had his
11 license suspended yesterday --

12 MR. MONTALBANO: Absolutely.

13 MR. HAGGERTY: -- for driving under the influence of
14 alcohol.

15 MR. MONTALBANO: Absolutely.

16 DIRECTOR SHANNON: Or for driving recklessly.

17 MR. MONTALBANO: Absolutely.

18 MR. HAGGERTY: Or for vehicular homicide?

19 MR. MONTALBANO: Right. They have the -- there is no
20 law that says that they have to have one. So you are
21 right. They could have lost their license.

22 If that whole venue with the state fair, the DuQuoin
23 Fair, whatever it was says that we don't care if you have
24 a license as long as you stay within this arena, then, at

1 that point, children could be on this vehicle with
2 somebody that has just lost their driver's license. That
3 could happen.

4 DIRECTOR SHANNON: Does the Monster Truck Racing
5 Association, Doug, require that they have a driver's
6 license at all? Do you know?

7 MR. RATHBUN: I don't remember off the top of my
8 head.

9 DIRECTOR SHANNON: We could require that.

10 MR. HAGGERTY: We could also require a CDL.

11 DIRECTOR SHANNON: There are options. We could
12 require a regular driver's license or a CDL.

13 MR. RATHBUN: Actually, I don't think that they do,
14 Catherine. They were more concerned about the physical.

15 DIRECTOR SHANNON: They deal more with the
16 specifications of the truck?

17 MR. RATHBUN: Right. But they also -- like I said,
18 they care more about the driver's physical than they do
19 about the driver's license. They don't want somebody
20 passing out while they are driving.

21 DIRECTOR SHANNON: So they do have a medical
22 requirement?

23 MR. RATHBUN: Yes, ma'am.

24 We got into the question of a CDL or a CDL

1 equivalent, the medical. And the reason that they -- that
2 they said CDL was because they knew in having to have a
3 CDL they would also have to have a medical, but they do
4 not require a driver's license as I remember it.

5 MR. BOYD: It seems to me like the requirement of a
6 CDL license makes perfect sense for this ride if --
7 whether it's other state agencies are getting more teeth
8 into it. You are looking at information for alcohol and
9 drug testing and the driver history which you will most
10 definitely want.

11 UNIDENTIFIED SPEAKER: Number one, we're concerned
12 about this as they are carrying passengers in the back or
13 front seat, wherever they are riding. Number two, I
14 wouldn't care what age that the driver is. They could be
15 ten-years old or they could be 35-years old. Are they a
16 hot dogger or a safe driver? It doesn't matter.

17 I think that you are going to have to have something
18 that says that you are a safe driver behind the wheel in
19 those records because you don't want to be around people
20 when you start hot dogging. Too many things could happen.
21 I don't know. Or maybe they will just have to be 18
22 versus 17 on this application. You know at 18 you can hot
23 dog and at 25 you can hot dog.

24 UNIDENTIFIED SPEAKER: There are CDL drivers out

1 there that can't drive worth a lick. You see 'em on the
2 road all of the time.

3 UNIDENTIFIED SPEAKER: You see it all of the time.

4 UNIDENTIFIED SPEAKER: You can get behind a truck
5 that's weaving all over the road.

6 UNIDENTIFIED SPEAKER: You either can drive or you
7 can't.

8 DIRECTOR SHANNON: They are probably texting.

9 That's another thing. Are truck drivers -- are they
10 restricted from cell phone use?

11 MR. MONTALBANO: Yes.

12 DIRECTOR SHANNON: So, Margaret, there is another
13 profession that restricts cell phone use. Truck drivers
14 are restricted from cell phone use.

15 MR. HAGGERTY: Serving as an example.

16 MR. MONTALBANO: Anybody else?

17 DIRECTOR SHANNON: They can't text. How about the
18 use of a cell phone?

19 MR. MONTALBANO: You can't use the cell phone either.
20 They can get a blue tooth.

21 DIRECTOR SHANNON: They have to have a hands-free
22 device?

23 MR. MONTALBANO: Right.

24 DIRECTOR SHANNON: That's a little different.

1 MR. MONTALBANO: Right. Or they can -- there is a --
2 what we are trying to deal with now is that they have
3 the -- the call comes in to a computer -- well, it's like
4 a little computer on their vehicle. And if they are
5 reading that, then their eyes are not on the road. But
6 there are times that they get messages about you need to
7 go here next and here next. And, at this point, we
8 haven't been able to get that defined in the definition of
9 an electronic device.

10 UNIDENTIFIED SPEAKER: They can actually communicate?

11 MR. MONTALBANO: Yeah. Hands free.

12 UNIDENTIFIED SPEAKER: It would be ride operators,
13 restricting their ability to communicate. You would be
14 better off to have a policy and demand it.

15 UNIDENTIFIED SPEAKER: The trackless trains -- aren't
16 they something that you drive and don't you regulate
17 those?

18 MR. RATHBUN: Yes, ma'am.

19 UNIDENTIFIED SPEAKER: Which would carry people and
20 wouldn't necessarily fall underneath this category.

21 DIRECTOR SHANNON: A tram you mean?

22 UNIDENTIFIED SPEAKER: Yes. It looks like a device
23 to transport people and it actually has a driver with a
24 license and rules and regulations. Is this a new

1 category?

2 UNIDENTIFIED SPEAKER: If it hauls more than 16
3 people.

4 UNIDENTIFIED SPEAKER: Is that what the regulation
5 states?

6 MR. MONTALBANO: That wouldn't meet the definition of
7 a driver's license at all. You don't have to have a
8 driver's license to operate a train.

9 UNIDENTIFIED SPEAKER: That's my point. Why wouldn't
10 this fall underneath the same category?

11 MR. URBIK: A tram, a kiddie train is the same thing.

12 UNIDENTIFIED SPEAKER: What I'm saying is that it is
13 trackless. It's the same thing.

14 MR. MONTALBANO: Like an airplane pilot?

15 UNIDENTIFIED SPEAKER: Is there a driver's license
16 required for that either in the State of Illinois?

17 UNIDENTIFIED SPEAKER: No. It makes sense.

18 UNIDENTIFIED SPEAKER: If there is, it makes sense
19 that they should be.

20 DIRECTOR SHANNON: Some of those have license
21 requirements.

22 UNIDENTIFIED SPEAKER: I understand. But I mean you
23 could adopt them.

24 UNIDENTIFIED SPEAKER: Are there many -- what about

1 the other states? Are they doing anything on monster
2 trucks in other states?

3 DIRECTOR SHANNON: Some are and some are kind of just
4 looking the other way.

5 UNIDENTIFIED SPEAKER: Are they putting it in a
6 carnival or --

7 DIRECTOR SHANNON: Well, this board determined at
8 another meeting -- and we looked through this with our
9 legal counsel as well. If you would look at the
10 definition of an amusement ride or attraction.

11 MR. MONTALBANO: An amusement ride or attraction.

12 DIRECTOR SHANNON: If you look at the actual words as
13 to what an amusement ride is, there is no exception for
14 monster trucks. There are exceptions for things like hay
15 rack rides. But the definition of -- this is under 4 (e).

16 Doug and Mike, do either of you have it handy?

17 MR. HAGGERTY: An amusement ride means any mechanized
18 device or combination of devices, including electrical
19 equipment -- dadada, dadada -- which carries passengers
20 over a fixed or restricted course for the primary purpose
21 of giving its passengers amusement, pleasure, thrills or
22 excitement.

23 Clearly, it's a mechanized device. Its intention is
24 to give thrills or excitement. And it's over a fixed or

1 restricted course.

2 The board's concern is that it appears in other
3 jurisdictions that they are operating and people are
4 basically looking the other way because our understanding
5 is -- we discovered -- we as staff discovered that they
6 were operating and brought it to the board. The board
7 deliberated it. And the board's conclusion was that it
8 appears to meet our definition.

9 Given that they -- that no other agency in the state
10 appears to be regulating them, somebody needs to be
11 stepping up to the plate. Because we can't all say yeah,
12 we knew that they were operating, but, you know, nobody
13 did anything. So we are trying to do something.

14 The challenge is to -- the greatest challenge is that
15 it is a vehicle which is being utilized for a purpose.
16 It's been altered from its original manufacturing purpose.
17 So we can do three things. We can say we are not going to
18 regulate them and we are just going to stay away from
19 this. We can say you altered this vehicle. You bring us
20 the specifications because you have stepped into the shoes
21 of the manufacturer. Or we can say -- a middle ground is
22 that they are operating, how can we come up with some --
23 with some guidelines, some restrictions for whatever these
24 specifications are that will allow them to continue

1 operating, but specifications that are based in some fact.

2 And so that's why we looked to the Monster Truck

3 Association as a beginning. And then we got into the

4 discussion about CDLs.

5 MR. MONTALBANO: Right. I mean it's tough.

6 DIRECTOR SHANNON: And regulating them.

7 Right; Doug?

8 MR. RATHBUN: I think so. Yeah.

9 DIRECTOR SHANNON: Because contact --

10 MR. RATHBUN: Yeah. There were virtually none that

11 did, though. They have them in New Jersey running up

12 along the Jersey shore. They don't there.

13 MR. HAGGERTY: They don't what?

14 MR. RATHBUN: They don't regulate them.

15 MR. URBIK: Well, I think that the thing that really

16 brought this to our attention is -- I think it was you,

17 Doug, that saw one of these things operating. And it had

18 no roll cage for the passengers.

19 MR. RATHBUN: That is correct.

20 MR. HAGGERTY: No seat belts.

21 MR. URBIK: So the idea of self-regulation ain't

22 workin'?

23 MR. HAGGERTY: Right.

24 UNIDENTIFIED SPEAKER: We've got to have seat belts.

1 MR. HAGGERTY: But no roll bar, no seat belts -- and
2 there was a third thing.

3 MR. URBIK: No fire extinguisher?

4 DIRECTOR SHANNON: So we are just trying to be
5 reasonable. And you know we are trying to figure out what
6 it is that we should be requiring them to do because I
7 think that we have determined that they need to be
8 regulated.

9 MS. JOINER: (Indicates.)

10 DIRECTOR SHANNON: Marcia?

11 MS. JOINER: From an insurance standpoint, if I
12 bought a truck and I insured it as a truck, but then a few
13 months later I modified it into a monster truck and
14 started giving rides, do I have to have different
15 insurance?

16 MR. URBIK: You need commercial liability insurance
17 because it's no longer a motor vehicle and it becomes a
18 piece of mobile equipment.

19 MS. JOINER: That's the other issue. When we found
20 monster trucks and asked them to submit insurance, they
21 sent their proof of insurance in, but it didn't say what
22 it was being used for. And when we called them back and
23 said could you send in a certificate of insurance where it
24 specifically mentions this on the certificate about what

1 it's being used for, we never heard from 'em again.

2 MR. URBIK: They would not submit a certificate of
3 insurance for liability. They would submit a certificate
4 of insurance for commercial general liability.

5 MS. JOINER: They wouldn't send it to us.

6 MR. HAGGERTY: That's what they should do.

7 MR. URBIK: Yeah, they should because it's not a
8 motor vehicle.

9 MS. JOINER: Yeah. But when we asked them to produce
10 it, we never heard back from them. And that's another
11 concern.

12 MR. URBIK: And we have no recourse because we have
13 no regulations.

14 MS. JOINER: And that was another concern. Do they
15 have insurance.

16 DIRECTOR SHANNON: Under our regulations, they would
17 have to have liability insurance.

18 I don't want to keep you. I'm sure that you have
19 something else to do.

20 Do any board members have any further questions for
21 Terry?

22 MS. SULLIVAN: No, but we sure appreciate you coming.

23 MR. MONTALBANO: Yeah. It's tough I'm sure because
24 if you decide that they need a CDL, then you have to

1 have -- you have a right to do that and you have a right
2 to tell them that they have to have a CDL, but chances are
3 their vehicle they are going to be bringing in is not
4 going to be roadworthy. So then they would have to rent
5 or borrow another vehicle.

6 That's the flack that you are going to get from the
7 drivers' standpoint. You are making me get a CDL for
8 something that I'm never going to use. But if the purpose
9 is we want you to have a CDL because we want you to have
10 the regulations to go with this -- I'm thinking of a cab
11 driver. A cab driver drives a car, but a cab driver is
12 required to have all kinds of extra bells and whistles
13 that the average person doesn't because of the fact that
14 they haul passengers.

15 DIRECTOR SHANNON: So they have a different license?

16 MR. MONTALBANO: They have a car license, but then
17 they have to get a special cab license because that's
18 authorized by us.

19 DIRECTOR SHANNON: And we've all seen how they drive.

20 MR. MONTALBANO: And that's a problem because the cab
21 industry or the city can step in and override the cab
22 association. So like in Chicago -- Chicago can make their
23 own set of rules and say if you want to operate a cab in
24 Chicago, here is what you got to do. And one of the

1 requirements that we are going to make is that you will
2 have a background check and be fingerprinted and all of
3 the things that the average driver doesn't have to do. If
4 you don't want to do it, you don't have to, but you can't
5 drive a cab in Chicago. So, therefore, they brought them
6 in under our purview. They weren't required to, but
7 that's the same situation that you have here. They are
8 not required to have any type of license situation at all,
9 but if you choose that profession, that means that the cab
10 driver would have to have whatever license you deem
11 necessary. But the fact is that you can do that.

12 UNIDENTIFIED SPEAKER: Does anyone know about how
13 many of these monster trucks are in Illinois that need
14 regulated?

15 MR. RATHBUN: We know of two that are here
16 permanently. And then how aggressively we went to the
17 events -- like I said, I know that there are six monster
18 truck events in Illinois in the first three months of this
19 year. And that's based on their calendar that I can point
20 to.

21 DIRECTOR SHANNON: There is one that operates at the
22 fairgrounds. Isn't there a monster truck event at the
23 state fair?

24 MS. JOINER: Yes.

1 UNIDENTIFIED SPEAKER: That's where they are actually
2 giving people rides?

3 MR. RATHBUN: They more than likely do.

4 UNIDENTIFIED SPEAKER: But you wouldn't regulate the
5 ones that race?

6 MR. RATHBUN: No, ma'am. For the races, no. Just
7 for those carrying passengers.

8 DIRECTOR SHANNON: And our proposed regulation states
9 that. Not for racing or competitive events, but only
10 those that carry passengers.

11 Thank you very much.

12 MR. MONTALBANO: Okay.

13 (At which time, Mr. Montalbano
14 exits the board meeting.)

15 DIRECTOR SHANNON: So I don't know if we want to --

16 MR. URBIK: Is there a staff recommendation?

17 DIRECTOR SHANNON: It depends on which staff you talk
18 to. I know what Mike's recommendation is. I think that
19 he has made that pretty clear.

20 MR. HAGGERTY: Yeah.

21 DIRECTOR SHANNON: You know I just -- Doug, refresh
22 our memory of where we were with this. You've researched
23 the Monster Truck Racing Association standards. And we
24 went through in detail at -- wasn't it at the June

1 meeting?

2 MR. URBIAK: Yes.

3 MR. RATHBUN: Right.

4 We were looking at accepting those. The only
5 sticking point seemed to be was the -- the recommended rev
6 limit. Which, based on conversations that I had with the
7 driver of General Hazard, he said based on the way that --
8 based on the way his truck was built that was really
9 unrealistic because it was just a stock engine. And I
10 think that everybody, as I recall, seemed to say that
11 yeah, that made sense. The sticking point for the board
12 to not accept these standards as I remember was the issue
13 of a driver's license requirement. And that's why I
14 brought Terry in here.

15 DIRECTOR SHANNON: Because I think that we have had
16 some confusion. If you read the minutes, I think that,
17 that was clear in the minutes. So I think that the roll
18 bar and things like that we thought that -- that would be
19 acceptable if that was required by the Monster Truck
20 Racing Association.

21 MR. RATHBUN: Correct. And they have diagrams of how
22 to set your roll bar up. And the individual that didn't
23 have one -- he said that he would be more than willing too
24 put one on if we required it.

1 DIRECTOR SHANNON: What about seat belts? They would
2 be a requirement as well; correct?

3 MR. RATHBUN: Correct.

4 DIRECTOR SHANNON: I think the next step would be --
5 would be for us to again put these standards before the
6 board and you know with or without the commercial driver's
7 license, a regular driver's license and have the board
8 vote on that. We could review them at maybe the next
9 meeting. We would like to get them in place you know if
10 we are going to start regulating them.

11 MS. SULLIVAN: Before the next decade.

12 DIRECTOR SHANNON: They need some time to get into
13 compliance with these standards. I mean the one that we
14 knew of needs to get a roll bar. He will do it he said
15 gladly, but he will need a little time to get that in
16 place.

17 UNIDENTIFIED SPEAKER: But in that they shouldn't do
18 any stunts with passengers on board.

19 MR. RATHBUN: That's already in the standards.

20 DIRECTOR SHANNON: We all need to rereview it again
21 because it's been six months.

22 MS. SULLIVAN: We've slept since then.

23 UNIDENTIFIED SPEAKER: We will have to amend the
24 statute to clarify that.

1 DIRECTOR SHANNON: We actually think that they are
2 covered already under the definition of an amusement ride.
3 We thought that clarifying the statute would make it clear
4 to everybody, but we don't see any reason not to go ahead.
5 But for the sake of letting everybody know and giving
6 everybody an opportunity to you know -- you know if the
7 legislature tells us no, we don't think that you should be
8 doing this --

9 UNIDENTIFIED SPEAKER: The legislature -- always in
10 past years it wasn't an issue.

11 DIRECTOR SHANNON: Right. There are some things that
12 are -- that are specifically exempt. And monster trucks
13 is not one of 'em. After reading the definition, the
14 board agreed that it's hard to see how they are not
15 covered.

16 MR. URBIK: We tried to look the other way and we
17 couldn't.

18 UNIDENTIFIED SPEAKER: On the original pass, it went
19 around. So it probably needs clarification in fairness to
20 everyone.

21 DIRECTOR SHANNON: We would need to get the standards
22 in place and that would be through our rule adoption.
23 Which can take some time. The last rules took three or
24 four years, but hopefully this wouldn't take as long. So

1 I think that is what we will do at the next board meeting.
2 And that's an agenda item to put down on our agenda
3 further down. Maybe the board would like to weigh in on
4 whether we think that they should have a commercial
5 driver's license, a regular license or no license at all.
6 I don't know if there is any other options out there.

7 MS. SULLIVAN: Amazingly I have an opinion.

8 DIRECTOR SHANNON: Okay.

9 MS. SULLIVAN: I think that they should at least have
10 a driver's license, but I think that they should also --
11 since they are hauling passengers and children, they
12 should have the background check and all of the --
13 certainly all of the things that we require for an
14 operator, but also the insurance requirement.

15 What other requirement was there?

16 DIRECTOR SHANNON: Medical.

17 MS. SULLIVAN: And the medical.

18 DIRECTOR SHANNON: Well, the medical requirement.

19 MS. JOINER: By the CDL?

20 DIRECTOR SHANNON: By -- by the association.

21 Regardless of whether they have a CDL.

22 MS. JOINER: Oh. Okay.

23 MS. SULLIVAN: I like the idea about the CDL. I kind
24 of like the idea that they have to have that. They are

1 held to a higher standard. No safety buffer. I see
2 little reason why getting -- why going and getting that
3 CDL license and having to go and find something else to
4 drive -- learn to drive something else when what they are
5 going to be driving is the monster truck. I don't see the
6 point of that. We could impose the -- the same limits on
7 them as this association, you know, as an agency as the
8 CDL imposes I would think.

9 DIRECTOR SHANNON: You mean in terms of the other
10 things like the medicals and the drug testing and the
11 background checks?

12 MS. SULLIVAN: Yeah. All of those.

13 DIRECTOR SHANNON: And the one thing that they would
14 miss would be the training that they get from the CDL I
15 guess, the core information on how to load and unload
16 passengers because there is no -- there is no --

17 MS. JOINER: Manufacturer?

18 DIRECTOR SHANNON: Yeah. There is no manufacturer
19 requirements.

20 MS. JOINER: Unless you want to write 'em.

21 MS. SULLIVAN: (Nods head no.)

22 DIRECTOR SHANNON: So -- okay.

23 MS. SULLIVAN: But I think that those things are --
24 that those things should be a minimum of what they should

1 have.

2 And I guess for driving a big truck that's up and
3 down and around you know? Where they are -- especially
4 where there are inclines involved. I think that I would
5 like to see them be at least 18.

6 MR. RATHBUN: That actually -- well, no. It says 18
7 unless they have a letter from their parents. I know. I
8 know. I'm not lying.

9 MR. HAGGERTY: Explaining why they missed school?

10 MR. RATHBUN: Drivers must be 18-years old or
11 approved by the MTRA Board.

12 DIRECTOR SHANNON: But they would have to be approved
13 by the MTRA Board and have written permission by the
14 parent prior?

15 MR. RATHBUN: Correct.

16 MR. WRIGHT: I would definitely say as a board member
17 I like the idea of having the CDL. One of the main
18 reasons is for the extra accountability for driving
19 infractions. I don't like the fact that a person carrying
20 children or other adults in a truck could potentially have
21 other accidents or other infractions and it would be taken
22 off of their record and won't count against them.

23 But with the CDL not only do they have other extra
24 training, if they were to have infractions -- whether it

1 be DUI, speeding or whatever -- it would count against
2 them and make it invalid for them to drive a truck
3 carrying children. So that's a big sticking point in my
4 mind.

5 MS. SULLIVAN: Well, there is no reason -- no reason
6 we can't impose those as well.

7 DIRECTOR SHANNON: Although, I don't know whether we
8 would have access to such information you know?

9 MS. JOINER: No.

10 DIRECTOR SHANNON: If we are -- if we are the
11 regulating agency and they have traffic violations, I
12 don't know if we can be informed of that. Especially if
13 they get supervision because he was saying that they can't
14 even get supervision if they have a driving violation.

15 UNIDENTIFIED SPEAKER: Wouldn't they lose their CDL
16 license?

17 DIRECTOR SHANNON: If you don't have a CDL, we
18 wouldn't have any idea of knowing if it was something they
19 got supervision for.

20 Bill, do you have any thoughts on that?

21 MR. SPARKS: Yeah. If we are going to call it an
22 amusement device, an operator is 16-years old, so how are
23 you going to regulate that?

24 DIRECTOR SHANNON: Well, you could have a different

1 age.

2 MR. SPARKS: For this particular category?

3 DIRECTOR SHANNON: Yeah.

4 MR. SPARKS: I don't feel that the CDL -- a CDL is
5 information for driving on highways. I don't think that
6 you gain one bit of safety from a CDL. It's -- it's
7 totally no information for what they are doing on a closed
8 course. That's like saying you would have to have a CDL
9 to drive the Indy 500.

10 DIRECTOR SHANNON: Do you think that they should have
11 a regular driver's license or are you worried about
12 whether they have any license?

13 MR. SPARKS: I don't see whether a driver's license
14 pertains to it at all. It doesn't have any bearing.

15 MS. SULLIVAN: I think that they should have a
16 driver's license.

17 MS. JOINER: Yeah.

18 MS. SULLIVAN: Because they are driving a vehicle.

19 MR. URBIK: It's not a vehicle.

20 MR. SPARKS: They are not on the Illinois roads.

21 MS. SULLIVAN: But they are carrying children and
22 they are driving -- it would ostensibly be more difficult
23 to drive on that and roll because our roads don't have,
24 you know, the bumps and curves and our roads have to be,

1 you know, certain --

2 MR. SPARKS: An Illinois driver's license isn't going
3 to teach them anything about bumps. Do you see anything
4 in the Illinois driver's license test about bumps and
5 curves?

6 MS. SULLIVAN: That at least shows that they passed a
7 driving test because they have to have a certain number of
8 driving hours before they can pass the test or be or to
9 become licensed. And just putting somebody in there who
10 has no experience driving kind of scares me.

11 I just think -- I think that they -- because a ride
12 operator, for instance, that is to -- I mean you have to
13 know how to push the buttons and things like that, but you
14 are not loading 'em in your vehicle and taking them away.
15 There is -- even on a coaster. A tram --

16 MR. SPARKS: You are on a tram.

17 MS. SULLIVAN: Well, yes, you are, but I still think
18 that on a tram or a train -- but see, on a tram or a
19 train, they are still on a more flat I guess well laid out
20 course in terms of the land that they are traveling over.
21 Whereas the whole idea of this monster truck going out on
22 a farm and going up and down hills --

23 MR. URBIK: Maybe we should regulate that. They can
24 only travel on a flat surface.

1 MS. SULLIVAN: Well, then --

2 MR. URBIK: That would make 'em safe then.

3 MS. SULLIVAN: I would like to see them have some
4 experience driving you know?

5 MR. URBIK: Five years? Ten years? Twenty years?

6 MR. WRIGHT: The other thing, too, is if they weren't
7 required to have some kind of license how can you insure
8 them?

9 DIRECTOR SHANNON: Did you say insure them?

10 MR. WRIGHT: Yeah. Like if you have a person driving
11 a vehicle who was 13 or 14-years old, how could you insure
12 it as a motor vehicle for, like, if something happened to
13 'em and someone was injured?

14 MR. URBIK: It's not a motor vehicle.

15 DIRECTOR SHANNON: What would it be insured as?

16 MR. URBIK: As a commercial liability insurance
17 policy like a building would have. Just rate it for that
18 purpose.

19 DIRECTOR SHANNON: Okay.

20 MR. BOYD: Oh, I absolutely think that they need to
21 have a CDL license if for no other reason than to get
22 those other agencies involved. We just talked about
23 budgetary restraints. How is the Department of Labor you
24 know -- they are going to report that to you. If you

1 don't, you are going to have to do that. You are going to
2 have to have more staff.

3 DIRECTOR SHANNON: Tony?

4 MR. URBIK: It seems to me that we're over regulating
5 it. I don't think that they need a driver's license.

6 DIRECTOR SHANNON: You don't think that they need a
7 driver's license or a CDL?

8 MR. URBIK: No, not at all.

9 MS. SULLIVAN: We've all got different ideas.

10 UNIDENTIFIED SPEAKER: That's good. Everybody has
11 their own opinion.

12 UNIDENTIFIED SPEAKER: If they are over 16 and they
13 don't have a driver's license, there's something wrong
14 with that situation. I think everybody at 16 wants to
15 have a driver's license. Plus you would be assured that
16 they have a vision test.

17 MR. URBIK: As a state, we would have three different
18 agencies involved -- IDOT, the Department of Labor as well
19 as the Secretary of State's office. That seems to me that
20 it is an awful lot of regulations. We don't know what
21 their rules are and what their implications would be to
22 that person who has that one truck and does events. It
23 seems over regulated for six events.

24 MS. SULLIVAN: It's certainly protection for the

1 people.

2 MR. URBIK: Catherine --

3 DIRECTOR SHANNON: I would have to say that there is
4 no way that I would say that they don't have to have any
5 license. They have got to have a license. No way. It
6 gives them some time behind the wheel, training, a vision
7 test. There has got to be some amount of training even if
8 it's minimal.

9 UNIDENTIFIED SPEAKER: If they are 16 and if they
10 don't have a driver's license, I think that's true that
11 there is probably some problem that we might want to be
12 aware of. Maybe they drove when they were 14 and blew a
13 2.0 or something. There is some problem. Probably. I
14 mean maybe they don't have a driver's license because they
15 haven't gotten it yet. But I think at a minimum they
16 ought to have a driver's license you know?

17 The CDL -- I think it could be difficult for them to
18 actually take the test. But I would like to see more
19 training and more accountability before they are --

20 MR. URBIK: I would like to see them have first aid
21 training and defibrillators in the truck and all kinds of
22 things from a safety standpoint, but at some point in time
23 the operator has got to have some responsibility on his
24 own that we can't dictate that just common sense and human

1 nature would dictate. We can't regulate everything.

2 DIRECTOR SHANNON: No, but I don't think -- I don't
3 think anyone could say that just showing that you have a
4 veiled driver's license is over regulating.

5 MR. URBIK: Okay. I will give you the driver's
6 license.

7 UNIDENTIFIED SPEAKER: Are you going to adopt the
8 association's bylaws? Are you working with that
9 association?

10 DIRECTOR SHANNON: Well, what we are going to do is
11 have the board review those again and have Doug go over
12 them again. It's been awhile since we looked at them.
13 And that would get into the medical. The only thing is
14 that somebody asked -- and I don't know who -- but we have
15 an answer. I know Mike Haggerty, our legal counsel,
16 thinks it should be a commercial driver's license. Is
17 that correct?

18 MR. HAGGERTY: Yes.

19 DIRECTOR SHANNON: And I welcome the inspectors to
20 chime in, too. Do you have a feeling, Doug and the other
21 inspectors, as to having a CDL license or just a driver's
22 license?

23 MR. RATHBUN: I would say the majority of them
24 probably have a CDL anyway whether it needs mandated or

1 not.

2 MR. BOYD: Do you think that they should have drug
3 testing and that you should have access to their driving
4 history as well?

5 MR. RATHBUN: I don't know that we have access to
6 their driver history anyway.

7 DIRECTOR SHANNON: But we would know that they have a
8 driver history because they wouldn't have a CDL.

9 MR. RATHBUN: But by virtue of regulating them to
10 have a CDL, they would have a substance abuse policy.

11 DIRECTOR SHANNON: This would be mandatory under a
12 CDL. They have to have drug testing. It's not you will
13 be in a pool. You, yourself will be drug tested.

14 MR. URBIK: Does the roller coaster operator have to
15 be drug tested?

16 UNIDENTIFIED SPEAKER: The operator has to have a
17 drug policy.

18 MR. URBIK: And why would this amusement ride be
19 different than the roller coaster or a ferris wheel or --

20 MR. WRIGHT: Personally I understand what you are
21 saying. Like it is a ride. But I think that when you
22 have a vehicle that's independent of a track, you
23 literally are putting the lives and safety of an
24 individual driver with his experience, his history, his

1 own past actions as to putting those people in harms way.
2 And I think that's when it kind of changes. It's not like
3 he is just taking someone on a track. It's his judgment,
4 his experience which is putting other people's lives at
5 risk.

6 MR. URBIK: I'm not so sure that someone on coke
7 operating a Himalaya is all that safe either you know?

8 DIRECTOR SHANNON: So would you be for drug testing
9 all operators?

10 MR. URBIK: It just seems to me to be for one
11 particular ride versus all of the rides -- either we have
12 a policy that says that this is a good idea and that these
13 operators should be drug free or it's not a good idea and
14 it's up to the individual operator to enforce their own
15 policies. If we -- if we think that they are -- that the
16 operators are -- of these amusement devices are smart
17 enough to know that it's in their best interest to keep
18 their employees drug and alcohol free, then I don't see
19 why this one is different.

20 MS. SULLIVAN: I do. And here is why.

21 Any given ride out there has had a lot of engineering
22 going into what can happen, what can go wrong, how do we
23 mitigate any bad occurrence if something goes wrong.
24 There is so much engineering that has gone into trying to

1 make rides safe. Even despite the operator or despite the
2 patrons.

3 For that driver of a monster truck that engineering
4 isn't done for where he is going and what he is doing. It
5 may be done for his truck. But like on a ferris wheel,
6 where you are going to be going and what you are doing in
7 this circle, you are going to be -- you know there are
8 going to be a certain number of things that, you know, you
9 have clearances for. You have all of these things already
10 engineered out and -- and designed in for safety. Whereas
11 with this driver of the monster truck you don't. Yes, I
12 think that we should definitely have roll bars and seat
13 belts. But the course he is taking them over hasn't been
14 analyzed for what kind of G forces might develop going
15 down the side of a hill or any kind of --

16 MR. URBIK: Then we should ban 'em entirely --

17 MS. SULLIVAN: Well --

18 MR. URBIK: -- if they are that dangerous. Because
19 they are so under engineered then we should ban them
20 entirely because it's against public safety. I mean I'm
21 talking about the operator itself. If you are comfortable
22 having an operator of an amusement ride high on cocaine or
23 on something else, that's okay. But to say that this
24 particular ride has different standards than the rest of

1 the rides that we regulate does not make any sense to me.
2 When we start nitpicking like that as new technology comes
3 out and new devices come out, we will have different rules
4 for every single device that these guys have to deal with.

5 MS. SULLIVAN: But go carts have different rules than
6 a ferris wheel or a scrambler does. We are already doing
7 different rules for different devices that do different
8 things. And I think from that point of view a monster
9 truck -- and no, I am not okay with any operator operating
10 on cocaine. That's why we have the -- the drug and
11 alcohol abuse policy in place. And most owners do random
12 drug testing of their people. So their people know that,
13 you know, they may be tested on any given day. Some drug
14 test before they are even accepted as an employee. And so
15 they are already trying to deal with those things.

16 And I think -- but I think that this person like the
17 operator of a scrambler or a ferris wheel for instance
18 can't decide that -- that the scrambler is going to go
19 somewhere or you know be moved around. Whereas on a
20 monster truck the operator is in charge of moving it
21 around and -- and -- because there are an infinite number
22 of possibilities of how he can drive that and where those
23 actual passengers are -- are going to be in any given
24 parameter of Gs or -- or orientation on the ride.

1 And so I think yes, it's -- it is different and it
2 does require different rules. And I think -- I think
3 because we haven't heard of any accidents there is no
4 reason to feel like, well, they are so dangerous that they
5 just shouldn't be on the -- on a circuit or -- or
6 shouldn't run. But I think -- I think that they should be
7 imposed with some different and some higher standard rules
8 than the normal operator.

9 MR. SPARKS: Mat, what off roading and ramps and
10 hills do these things operate on?

11 MR. ROHMAN: The one up in my area is all flat
12 farmland.

13 DIRECTOR SHANNON: How about DuQuoin?

14 MR. RATHBUN: DuQuoin is a flat area. It's a flat
15 arena.

16 MR. SPARKS: I don't think that they are running on
17 hills and ramps.

18 MS. SULLIVAN: When you talk about being out in an
19 orchard --

20 MR. HAGGERTY: The potential exists.

21 MR. SPARKS: Well, then put a policy in place that
22 they have to be on a flat surface.

23 DIRECTOR SHANNON: For those inspectors that have
24 seen these in operation, do you have any thoughts

1 regarding the regular driver's license versus a commercial
2 driver's license?

3 MR. ROHMAN: The operator of the one in my area has
4 to haul it around by a semi. He's got a CDL. He operates
5 it himself. And he doesn't let kids drive it. It's all
6 flat farm ground where he operates it. So as long as they
7 have a remote kill switch for it and the attendant is
8 observing, I think that they are relatively safe. I
9 think. As long as they are operated that way.

10 DIRECTOR SHANNON: And so he has got a CDL based upon
11 his trailer or tractor that he carries it on. He didn't
12 have to get his monster truck there.

13 MR. ROHMAN: Yeah.

14 Bill, do you have anything?

15 MR. SZERLETICH: I haven't seen any in operation yet.

16 DIRECTOR SHANNON: Margaret?

17 MS. ROYER: I haven't seen one.

18 DIRECTOR SHANNON: Okay.

19 MR. SZERLETICH: We had monster trucks there one year
20 and I went on it. And they took all of the board members
21 on it and he operated it. He did a couple of circles and
22 figure 8s. Basically they are the same thing. They just
23 did a circle course around and then they unloaded.

24 So I mean in my opinion they were safe. I guess if

1 you want to stir the fire a little bit and say kind of
2 like the cell phone issue last night that they talked
3 about what are the policies and procedures that they have
4 in place to give these rides. The one I was on was safe
5 and good and everybody enjoyed it. There was no other
6 course.

7 DIRECTOR SHANNON: You don't happen to know if -- if
8 they had a commercial driver's license do you?

9 MR. SZERLETICH: I don't know. They all came in
10 semis.

11 DIRECTOR SHANNON: Was it the same driver of the semi
12 that drove the truck?

13 MR. SZERLETICH: I believe that they were all the
14 same. I only seen six guys with trucks lined up. Every
15 guy got out to unload the truck, put the big tires on and
16 brought 'em up to the course.

17 DIRECTOR SHANNON: Well, I think that there is a
18 consensus that they should have some license. I think
19 that there is a consensus on the board that there ought to
20 be a minimum of a driver's license. There is not
21 necessarily a consensus on whether or not they should have
22 a commercial driver's license.

23 I think what we will do is have Doug go back and put
24 something together for us to review on paper because I

1 think that we all need to refresh our memories with it --
2 with the Monster Truck Racing Association guidelines. And
3 then I think that maybe we could all just give this a
4 little more thought and decide on the issue of the
5 commercial driver's license or a regular driver's license
6 the next time we meet and try to make a decision at that
7 point.

8 And maybe we can all think about it, talk to people
9 we know. Maybe Doug can find out whether there are others
10 you know? And maybe the rest of the staff could find out
11 if there are other ones. And maybe we can get a feeling
12 as to whether or not they already have a commercial
13 driver's license. If they do, then I don't see any harm
14 in requiring that they have one. And maybe they all do
15 because they have to transport 'em anywhere. I think that
16 we need to revisit the -- that issue at the next board
17 meeting.

18 MS. SULLIVAN: If they have to have a CDL to drive
19 the truck that hauls them, I have no problem with just
20 saying that they've got to have a CDL. And then that
21 takes care of a lot of these issues that we are talking
22 about.

23 Doug had a comment.

24 UNIDENTIFIED SPEAKER: It seems that the most

1 dangerous part of this is the getting on an off. Is there
2 anything about that?

3 MS. SULLIVAN: The ASTM has specific guidelines for
4 that. If they are an amusement attraction, then there
5 certainly is.

6 DIRECTOR SHANNON: Well, and we could draft rules
7 that say what the training requirement is you know? I
8 don't know.

9 MS. SULLIVAN: Well, there are operator training
10 requirements that they have, too.

11 DIRECTOR SHANNON: So they would be covered by that?

12 MS. SULLIVAN: Yeah. And they have to have operator
13 training.

14 MR. RATHBUN: And they do.

15 MS. SULLIVAN: So I think -- I think that we've
16 covered that part of it. But I think if they already have
17 a CDL typically then we should just require that and keep
18 us out of the rest of it. And have the monster truck, you
19 know, guidelines.

20 DIRECTOR SHANNON: Because we are not the experts in
21 what a driver needs to possess. I mean I think that we
22 should leave that to the experts at the Secretary of
23 State.

24 MS. SULLIVAN: And when they were saying that they

1 were driving through orchards and -- you know I had
2 pictured in my mind kind of, you know, up and down and
3 around farm ground. And most farm ground that -- you know
4 the flat ground is planted in corn and beans. And the
5 rest of the ground you find on a farm that has not been
6 planted on is usually hilly and -- and where you would
7 have available to drive. Otherwise it's planted. So that
8 was what was pictured in my mind.

9 DIRECTOR SHANNON: Did you have a comment?

10 UNIDENTIFIED SPEAKER: I have a CDL and the training
11 that I have for a CDL would be no comparison to operating
12 that truck.

13 MS. SULLIVAN: We -- we agree with that, but the fact
14 that you are held to a higher standard in terms of DUIs,
15 speeding tickets and things like that -- things that would
16 indicate that you, at least on paper, are safer than, you
17 know, maybe some other people would be.

18 UNIDENTIFIED SPEAKER: If you've been drinking at
19 all, you shouldn't be operating that monster truck.
20 Period.

21 MS. SULLIVAN: We agree. And that's why there is a
22 drug and alcohol policy in force. Anyway I'm sure --
23 well, I don't know, but is there something from the
24 Monster Truck Racing Association that says that they can't

1 be drinking before driving?

2 MR. RATHBUN: Yes. Yes. It actually listed that
3 specifically.

4 MS. SULLIVAN: So you know -- and I'm sure that all
5 carnivals have rules that no person can drink and then go
6 operate a ride.

7 UNIDENTIFIED SPEAKER: The Department of Labor's
8 rules say that.

9 MS. SULLIVAN: I think that part of it is covered.

10 UNIDENTIFIED SPEAKER: If you have a CDL, it doesn't
11 necessarily mean that you are being drug tested or alcohol
12 tested unless you are employed by a trucking company
13 that's doing that. If you have a CDL, they are not drug
14 testing you.

15 MS. SULLIVAN: Well, if they have to drive a vehicle
16 to the venue --

17 UNIDENTIFIED SPEAKER: I have a CDL and I'm not
18 employed by a trucking company or a company that's drug
19 testing. I see what you are saying there. They are going
20 to have to be a part of a consortium because they are
21 driving their own vehicle going in. But if they hire
22 somebody to drive the truck that has a CDL, then I guess
23 they will have to be drug tested, too. Is that what you
24 are saying? Just because they have a CDL doesn't mean

1 that you are being tested if you are not employed by
2 someone.

3 MS. SULLIVAN: Well, don't you still have to get the
4 medical?

5 UNIDENTIFIED SPEAKER: No.

6 DIRECTOR SHANNON: The guy from the Secretary of
7 State said you did.

8 MS. SULLIVAN: You got to get a medical card.

9 UNIDENTIFIED SPEAKER: That doesn't include any drug
10 or alcohol screening?

11 UNIDENTIFIED SPEAKER: No, ma'am. Blood pressure and
12 physical.

13 DIRECTOR SHANNON: Well, which is a good thing.

14 MR. SPARKS: But doesn't it already say, Doug, that
15 they require that?

16 MR. RATHBUN: Yes, ma'am.

17 MR. SPARKS: It's already covered.

18 MR. RATHBUN: If we adopt these standards, they are.
19 They have mandatory drug testing number one. They can not
20 consume alcohol.

21 MS. SULLIVAN: Okay.

22 MR. RATHBUN: What was the other question?

23 They are required to have a physical.

24 MS. SULLIVAN: Uh-huh.

1 MR. RATHBUN: So I mean --

2 MS. SULLIVAN: Well, I think that we are pretty well
3 covered under that. If they have a CDL and they meet
4 those requirements, I can't see that we can -- I mean just
5 because -- the same as we can't be at every carnival
6 talking to every single individual every day that they are
7 in operation. I -- I think that this is the best that we
8 can do. Just like, you know, carnival owners try very
9 hard to be sure that their people are -- are sticking to
10 the rules when they are -- when they are running their
11 rides. So I think that that's as best as we can be
12 covered.

13 DIRECTOR SHANNON: So I think that we will revisit
14 this and have something before the board before the next
15 meeting.

16 Thanks everybody for the discussion. And thanks,
17 Doug.

18 Well, Doug, actually you are up now for the Division
19 Manager Report.

20 MR. RATHBUN: As far as the Planned Outreach
21 Activities, I actually went to AIMS, the Amusement
22 Industry Manufacturers and Suppliers convention. And did
23 classes while I was down there. I did basic ride
24 inspection, advanced ride inspections and big ride

1 inspection programs and inflatables.

2 We, also, in October had a co-training with the
3 Kankakee Fire Department. I think that was --

4 UNIDENTIFIED SPEAKER: Lockport

5 MR. RATHBUN: No. It was Lockport. Thank you.

6 With the Lockport Fire Department. The safety
7 director up there, Mr. Richard Berg (phonetic) was a good
8 instructor. And that was a good experience for everybody.

9 Right now there is -- I talked to a fireman at
10 Palatine and he talked about some training up there, but
11 that hasn't developed yet.

12 UNIDENTIFIED SPEAKER: Is that for the haunted house
13 specifically?

14 MR. RATHBUN: The training for Lockport was indeed
15 for the haunted house specifically.

16 The Palatine one is going to be more towards
17 amusement rides in general. So that's where that's at
18 now.

19 MS. SULLIVAN: But that's for inspectors or for whom?

20 MR. RATHBUN: That would be for the firemen in
21 Palatine.

22 MS. SULLIVAN: Okay.

23 MR. RATHBUN: Because that's one of the
24 municipalities that also does inspections as well.

1 MS. SULLIVAN: Okay. Okay.

2 UNIDENTIFIED SPEAKER: I know the guy that you are
3 talking about. He is dangerous. Extremely dangerous.

4 MR. RATHBUN: The accident report I gave last night.
5 Briefly we had 15 accidents. A few broken bones. A
6 broken arm. Broken ribs. A bloody nose. An amputation.
7 A broken arm. A bruised back. A broken wrist
8 tailbone/hip pain. Possible ankle fracture. Cut lip.
9 Chipped tooth. Broken arm. Smashed hand and fingers.
10 Busted and bloody head. And leg friction burn. I believe
11 that was all that we have.

12 MR. HAGGERTY: The amputation was the finger that was
13 attached and the bloody head was because somebody hit
14 their head on the ride and it drew blood; correct?

15 MR. RATHBUN: Correct.

16 MS. SULLIVAN: And I think that those things we
17 really -- other than patron training and ride safety
18 education for children, I don't think that we can do much
19 about those. So I think that that's pretty good.

20 MR. RATHBUN: Overall it was not a bad year.

21 UNIDENTIFIED SPEAKER: Two-thirds of all of 'em were
22 the fault of the patron.

23 UNIDENTIFIED SPEAKER: About 50 percent. Right?

24 MR. RATHBUN: Right.

1 Now the board has a picture -- this is for your
2 information. The board has a picture of a Kiddie Pedal
3 Car in their binder. This is getting into those rides
4 that we choose to regulate or not regulate. This falls
5 under that.

6 In our rules, it says that human powered amusement
7 devices are exempt. However, this particular one is on a
8 circuitous track according to -- let me give you a little
9 background. I'm sorry.

10 One of our operators called me and said, Doug, I'm
11 buying this ride. And then he called me back and said,
12 well, I bought the ride. Do you regulate it or not. And
13 he sent me the web site. And I -- my initial response was
14 I don't think so, but let me talk to legal and -- and
15 figure out where we are at before I give you a definitive
16 answer because he said human power.

17 And so Marcia and I were talking and he had
18 stipulated that it did require an operator. And so it was
19 also on a track. So that the possibility of one child
20 ramming another was there. And it will also be used right
21 next to inflatables and other amusement rides and
22 attractions.

23 So there has been no definitive answer given to that
24 gentleman at this point in time. You know, for him, he

1 said I will pay the \$35. It's not a big deal. It's just
2 one of those sort of gray areas of do we or do we not
3 questions that we've been kicking around and asking
4 ourselves.

5 MS. SULLIVAN: What did legal say?

6 MR. HAGGERTY: Well, Doug asked me the question
7 yesterday. And so the two questions that I had for Doug
8 was does it operate on a track. Now the pictures show it
9 operates on a track. But then this morning Marcia told me
10 that one operates on a track and then there is another one
11 right next to it that isn't on a track.

12 And the significance of it being on a track or not
13 being on the track relates back to the definition of
14 what's in an amusement ride. But the rule -- even so I
15 was hoping Doug's answer was going to be it's on a track
16 just like you will see in the picture. End of story.
17 Because then I would say, Doug, it's an amusement ride.
18 Proceed.

19 But then this is introduced that, well, it's really
20 not on the fixed track. So then we have to address what
21 about those instances where it's not on the track. And
22 you have -- you have in your rules or in your binders you
23 know -- our rules are there. It's one of the -- I forget
24 which tab it is.

1 DIRECTOR SHANNON: It's in its own binder actually.

2 What's the rule cite?

3 MR. HAGGERTY: It's 6000.20.

4 DIRECTOR SHANNON: Exceptions.

5 MR. HAGGERTY: It's 6000.20 c). These are all of the
6 things that are exempt. And if you go down to c), any
7 single passenger manually -- and I'm -- I will give people
8 a chance to find it. It's 6000.20 c).

9 DIRECTOR SHANNON: So 6000.20 c). Because I've
10 already said that my opinion would be if that train is
11 operating on that track, that little railroad track, yes,
12 it's covered. But now what about the one right next to it
13 that Marcia says it's her understanding it exists?

14 MS. JOINER: No, I said that there could be.

15 MR. HAGGERTY: All right. I'm sorry. Well, then we
16 will take it up.

17 But what about the one that wasn't on the track but
18 was free of the track. So we look at: The following
19 amusement rides or amusement attractions are exempt from
20 the provisions of this Act. Any single passenger
21 manually, mechanically, or electrically operated,
22 coin-actuated ride that is customarily placed singly, or
23 in groups, in a public location and that does not normally
24 require the supervision or services of an operator.

1 So I would think that either pursuant to the
2 specifications of that -- I would think that pursuant to
3 the specifications of the manufacturer of that thing that
4 we are looking at it would call for an operator to be
5 present. You wouldn't just say here, kids, have at it,
6 take your little car and go about your business.

7 So I would say -- I would expect that there is a
8 requirement that there be an operator and, therefore, it
9 would fail to meet the exemption cited at 6000.20 c) and
10 therefore be an amusement ride.

11 MR. URBIAK: Only if it's on a track?

12 MR. HAGGERTY: No. What I'm saying is I would
13 suspect that the manufacturer's specifications call for an
14 operator.

15 UNIDENTIFIED SPEAKER: Every attraction has to have
16 an operator. Even corn mazes have an operator to let
17 people in and out or to make sure that somebody is not
18 stuck in there all night long. You are probably talking
19 about the ride in there from Kiddie Land. It was licensed
20 prior to. It was sold. And why would it be ride licensed
21 after it was sold?

22 MR. RATHBUN: I'm not familiar with what you are
23 talking about. He called me --

24 UNIDENTIFIED SPEAKER: It's a crank car.

1 MR. RATHBUN: Uh-huh.

2 UNIDENTIFIED SPEAKER: You can't have it to where you
3 have a bunch of kids trying to jump in it at the same
4 time.

5 MR. HAGGERTY: Or crashing into one another.

6 UNIDENTIFIED SPEAKER: Or staying in the car and not
7 taking turns or whatever.

8 DIRECTOR SHANNON: Do any board members have any
9 thoughts on this?

10 MR. RATHBUN: Thoughts or comments?

11 MR. WRIGHT: I think that somebody has to be there.
12 You can't just -- that would be like a free for all.

13 DIRECTOR SHANNON: So, Mike, you think that it is
14 covered?

15 MR. HAGGERTY: And it isn't like I've given great
16 study to the issue. Doug stopped me in the hallway
17 yesterday and said, oh, I'm going to raise this question
18 tomorrow. So between last night or yesterday afternoon
19 and this morning, I've looked at it. I would expect it
20 would fail to meet the exemption under c).

21 MS. SULLIVAN: I think that it would fail to meet
22 these exemptions. So it would be covered.

23 DIRECTOR SHANNON: Well, again maybe this is a topic
24 that we can raise again at the next board meeting and do

1 some research as to whether other jurisdictions are
2 covering them.

3 MR. URBIK: I think Doug can tell us whether he needs
4 to buy a permit for this.

5 DIRECTOR SHANNON: We can tell him yes, because he is
6 on a track. We just wanted you to be aware of it. We
7 have to have further deliberation.

8 MR. RATHBUN: It sounds like it qualifies. Which we
9 can go ahead and sticker it.

10 DIRECTOR SHANNON: There are standards. It's not
11 like a monster truck. It's a manufactured product. So
12 it's not like something that's been --

13 MR. HAGGERTY: It's not like it's something where my
14 brother and I made it in the garage last night. So yeah.

15 MR. RATHBUN: And the NDT update. We went over that
16 last night. The list has not changed. It is expected
17 that anybody that has a ride with mandatory bolt
18 replacement will provide a copy of that invoice to the
19 Department of Labor to indicate that they have replaced
20 the bolts as required.

21 The haunted house -- we did start being more
22 aggressive in reaching out to the haunted house community.
23 It -- it is actually a very short season, but -- and
24 that's why we had the training with the Lockport Fire

1 Department. And we actually did -- did many inspections.

2 We're compiling a data base currently of all of the
3 haunted houses so we can actively reach out to them and
4 start inspecting them routinely. It gets tricky because a
5 lot of them are volunteer associations. So we're trying
6 to work with those that qualify for exemptions and get 'em
7 to where they need to be.

8 DIRECTOR SHANNON: Did you just want to briefly touch
9 upon, you know, just the Wacky Bikes? I mean we are
10 not --

11 MR. RATHBUN: I'm sorry. I didn't mean to skip over
12 that.

13 DIRECTOR SHANNON: Just for the board's information.

14 MR. RATHBUN: Thank you.

15 The Wacky Bike is a carnival --

16 DIRECTOR SHANNON: There is picture in your binder.

17 MR. RATHBUN: The Wacky Bikes are designed such
18 that -- if you turn the handle bars to the right on a
19 normal bicycle the tire would follow and go to the right.
20 On the Wacky Bike, the tire goes to the left. So you kind
21 of have to think backwards to operate them.

22 DIRECTOR SHANNON: And we have -- we are seeing them
23 at fairs and at festivals.

24 Chuck, I think that you had it at one of yours.

1 MR. DRAGER: It was deemed as a game.

2 DIRECTOR SHANNON: It was on one of the lots that you
3 were on; right?

4 MR. DRAGER: Several years ago.

5 DIRECTOR SHANNON: And the issue came to our
6 attention.

7 MR. RATHBUN: Through an attorney. And the question
8 is do we or do we not permit it.

9 DIRECTOR SHANNON: And it was -- and -- and the
10 answer was?

11 MR. RATHBUN: And the answer was no.

12 UNIDENTIFIED SPEAKER: So you are going to inspect
13 the Wacky Bikes?

14 MR. RATHBUN: No.

15 DIRECTOR SHANNON: We don't think that they are
16 covered as an amusement ride or as an amusement
17 attraction. So we were just letting people know because
18 they are out there and we are seeing them on lots and at
19 fairs and festivals. So --

20 MS. SULLIVAN: Okay. Next?

21 MR. RATHBUN: Third party background checks. We had
22 an incident with an operator. They had a sex offender
23 operating a ride. They had relied on a third party to do
24 the background check.

1 DIRECTOR SHANNON: Like an employment agency.

2 MR. RATHBUN: Yeah, like an employment agency. It
3 was done in good faith. And the bottom line is the
4 employment agency dropped the ball and did not do the
5 appropriate checks. And, as such, there was a sex
6 offender on the midway.

7 So the reiteration that the Department of Labor came
8 up with is that it is ultimately the operator's
9 responsibility to ensure that those checks have been done.
10 And although they use third parties -- whether it's as a
11 background checker or the state police, they need to
12 ensure that those checks have been done. So -- and that
13 entity was fined \$500.

14 MS. SULLIVAN: The employment agency?

15 MR. RATHBUN: No. The operator. Because it was the
16 operator's responsibility. And I'm assuming that the
17 operator will take the case up with the employment agency.
18 But from our perspective, it is not our responsibility to
19 monitor the third parties. It is the operator's
20 responsibility to ensure that, that requirement has been
21 met.

22 MR. HAGGERTY: So be careful with whom you contract.

23 MR. RATHBUN: Yes.

24 MR. URBIK: And if it was the state police and they

1 missed it?

2 MR. RATHBUN: It was the fact that it was never done.

3 MR. URBIK: It was never performed? It wasn't a case
4 of mistaken identity or something?

5 MR. RATHBUN: No. No. No. It was just never done.

6 And I actually had talked to the background checkers
7 and they said we messed up, Doug. We are sorry. And I
8 said I still have to deal with the operator. We still
9 have to deal with the operator because even though you
10 messed up it's still his responsibility to make sure that
11 those checks have been properly performed. And the fact
12 that you never provided him with -- the fact that you
13 never provided those checks to him they should have known
14 and asked where are my background checks.

15 And so we -- we kind of backed away from the third
16 party and said, you know, it's not our job to deal with
17 you.

18 DIRECTOR SHANNON: We don't regulate third parties.

19 MR. RATHBUN: And those stipulations have been made
20 very clear that the background checks have been required.

21 MR. HAGGERTY: And the owner was very cooperative,
22 but -- and the owner had -- was of the belief that the
23 third party had done it, but they hadn't.

24 MS. SULLIVAN: Well, then why do we have to actually

1 fine them this time. Now that they are aware --

2 DIRECTOR SHANNON: We think that the fine that we
3 imposed was -- was reasonable given the circumstances. We
4 did take into account the mitigating factors. We could
5 have charged them --

6 MR. RATHBUN: A thousand dollars.

7 DIRECTOR SHANNON: -- a thousand dollars, but we
8 didn't because we felt that there were some mitigating
9 factors. But it is their responsibility. In 2-20, it
10 says that the department shall assess a penalty. It
11 doesn't say may. It says shall. So I think that we took
12 into consideration that he was cooperative and was -- you
13 know it was an honest mistake, but he needs to follow the
14 law.

15 MR. HAGGERTY: So again be careful with whom you
16 contract because ultimately we regulate the -- the
17 operator. And we try to be reasonable. We take into
18 consideration that which is mitigating, but at the same
19 time, we have a charge and a responsibility, too, you
20 know? Obviously we do. And we need to take this
21 seriously. And so it was you know -- as they say, it was
22 a teaching moment for the operator.

23 DIRECTOR SHANNON: And for the -- the third party
24 because now the third party is aware, too.

1 MR. HAGGERTY: And I think that everybody -- I think
2 that those in fault thought that the department acted
3 reasonably with them. And so --

4 DIRECTOR SHANNON: And in accordance with state law.

5 MR. URBIK: Why not \$50? Why not \$100? Why not \$75?
6 What was magic about the number \$500?

7 MR. HAGGERTY: Well, I think given, you know, the
8 circumstances -- which was that indeed this individual was
9 a sex offender, that the individual in question -- what we
10 were attempting to do was to impart to the owner the
11 seriousness of that. And fortunately, you know, it --
12 fortunately there wasn't any -- there wasn't any incident
13 associated with -- with his presence on the midway. But
14 we thought, you know, given the cooperation -- but given
15 the seriousness of it, it was a middle ground. So we made
16 a judgment.

17 DIRECTOR SHANNON: We reduced it by 50 percent.

18 MR. URBIK: But knowing that it was not the
19 operator's fault because the third party was supposed to
20 have done it and didn't. The operator's mistake was that
21 he didn't follow up with the third party to get the
22 paperwork to prove that it was done. It is a clerical
23 error. It just seems like 500 bucks -- to impose 500
24 bucks as opposed to \$100 or \$50. If we must charge him a

1 penalty, so be it. But \$500 is a lot of money to
2 somebody.

3 MS. SCHERER: It's a clerical error that resulted in
4 a sex offender being around children. Which is the whole
5 purpose of the law. And if it were a clerical error that
6 resulted in someone missing a bolt and it didn't result in
7 an injury, fine. I don't have a kid, but I wouldn't want
8 my kids around a sex offender and be told, well, it was a
9 clerical error, I'm sorry, I won't let it happen again.
10 It's a serious offense.

11 DIRECTOR SHANNON: This law has been on the books
12 since what? Since 2000 and --

13 MR. HAGGERTY: January 1 of 2000 and --

14 DIRECTOR SHANNON: Seven?

15 MR. HAGGERTY: Eight?

16 MS. SCHERER: Right.

17 DIRECTOR SHANNON: Since 2008.

18 And we have given people plenty of knowledge. We've
19 worked with people. We've given them lots of training,
20 outreach. We have things on our web site telling them
21 exactly what is expected. Marcia has spent hours on the
22 phone with people. We've given them their five days to
23 get in compliance. I think that we have been more than
24 reasonable in terms of getting people up to speed. So --

1 and working with them so that they can meet the
2 requirements. And you know we made a judgment as the
3 enforcement agency. And you know that was the penalty
4 amount that was accepted.

5 MR. URBIK: Okay.

6 DIRECTOR SHANNON: Let's take a brief break for five
7 or ten minutes.

8 (Short recess was taken.)

9 DIRECTOR SHANNON: Let's go back on the record.

10 The Carnival and Amusement Safety Board will come
11 back -- will resume.

12 And, Doug, I think that we left off with the third
13 party background checks. Could you just give a quick
14 update on the Venture rides?

15 MR. RATHBUN: Right.

16 Venture rides. We are mandating that the ten-year
17 overhaul be accomplished. A letter has been sent out to
18 all of the owners that we have on file of owning a Venture
19 ride. The overhaul can be done in house provided that the
20 individuals performing the overhaul have the requisite
21 skills in NDT and welding and whatever is required to
22 perform the overhaul on that ride.

23 Are there any questions?

24 DIRECTOR SHANNON: And this was a matter that we

1 discussed at great length I think at the last board
2 meeting. And so they've all been informed. When did that
3 letter go out, Doug?

4 MR. RATHBUN: Months ago.

5 DIRECTOR SHANNON: In October or September or
6 something?

7 MR. RATHBUN: Yeah. It's been awhile. And it will
8 take effect in 2011. So the next operating year is when
9 we will be requesting that information from the owners.

10 MS. SULLIVAN: So they have a year?

11 UNIDENTIFIED SPEAKER: Somebody said last night -- I
12 guess they didn't get a letter. I don't own any Venture
13 rides. They own two Venture rides. And they said it had
14 to go back to them.

15 MR. RATHBUN: No, ma'am.

16 DIRECTOR SHANNON: The letter didn't say that.

17 MR. RATHBUN: You need to talk to me afterwards.
18 Tell them to call me.

19 UNIDENTIFIED SPEAKER: I will. I will tell them to
20 call you people.

21 MR. RATHBUN: No, that's not true.

22 UNIDENTIFIED SPEAKER: I received that letter. I'm
23 sorry. I came back a few minutes late, but what do you
24 mean by certified? Can you clarify certified?

1 MR. RATHBUN: An individual that can do the NDT work
2 for you. And if there are any repairs to be made, a
3 certified welder to do the appropriate repairs.

4 UNIDENTIFIED SPEAKER: And you can hire a third
5 party?

6 MR. RATHBUN: That's correct.

7 UNIDENTIFIED SPEAKER: So if our staff wished to do
8 an overhaul, they can do it. And I don't own any Venture
9 rides. Let's say somebody has a Venture ride. They
10 overhaul it. And as long as they have a certified welder
11 doing the welding and they have a person qualified to
12 overhaul to do the NDT work, that's fine?

13 MR. RATHBUN: Uh-huh.

14 UNIDENTIFIED SPEAKER: There is no other
15 certification?

16 MR. RATHBUN: No. If -- if you look at the writing
17 in the manual, it specifies which items you must address
18 on your ride update. Any safety equipment, et cetera, et
19 cetera.

20 UNIDENTIFIED SPEAKER: That is my next question. I
21 know it says overhaul. Is that the wording that they use?

22 MR. RATHBUN: That is the word that they use.

23 UNIDENTIFIED SPEAKER: Okay. The word overhaul, can
24 you define that?

1 MR. RATHBUN: It is defined in the manual. You must
2 go through these things.

3 UNIDENTIFIED SPEAKER: I didn't see that in there. I
4 looked and I didn't see it.

5 MR. RATHBUN: I don't have a copy with me right now.

6 UNIDENTIFIED SPEAKER: To some people overhaul is a
7 paint job. Do you understand?

8 MS. SULLIVAN: Yeah. Just cover up that rust and put
9 a little body putty in there.

10 MR. RATHBUN: The manual is very explicit on which
11 areas you have to examine. And it will also specify NDT
12 safety critical areas to examine.

13 UNIDENTIFIED SPEAKER: You are saying the manual says
14 which areas to examine?

15 MR. RATHBUN: No, ma'am, it does not. That's why you
16 need get to get an NDT guy there to do that for you.

17 UNIDENTIFIED SPEAKER: So every ten years you have to
18 do this with NDT and look at what they stress?

19 MR. RATHBUN: Right. And we just felt that was a
20 better approach than just saying we are not going to do
21 this. And no, it does not list A, B, C, D. You will need
22 to go to the NDTs. So to that extent there is some -- a
23 little bit of a latitude based on the opinion of a Level 2
24 NDT inspector.

1 MS. SULLIVAN: Well, and if you have obvious rust
2 issues --

3 MR. RATHBUN: Sure.

4 MS. SULLIVAN: -- and metal getting thin.

5 MR. RATHBUN: Exactly.

6 Are there any other questions?

7 UNIDENTIFIED SPEAKER: (Indicates.)

8 MR. RATHBUN: Sir.

9 UNIDENTIFIED SPEAKER: Where do you get a manual
10 because it was just brought up to me that they are out of
11 business. There is nowhere to get a manual.

12 MR. RATHBUN: Call me and I can get you one.

13 UNIDENTIFIED SPEAKER: You will?

14 MR. RATHBUN: Uh-huh. I'm also president of CARES
15 (phonetic). So I deal with 25 different states, the
16 managers of those different states. So between all of us
17 we can probably get a manual for you.

18 That's all that I have.

19 MS. SULLIVAN: We will know somebody who has them.

20 DIRECTOR SHANNON: Okay. Thank you, Doug.

21 Well, Sara, I hope that you are not going to create a
22 lot of controversy again, but the next item on the agenda
23 is legislative proposal. And the -- the very none
24 controversial issue of the cell phones.

1 MS. SCHERER: Okay. We will try this again today.

2 DIRECTOR SHANNON: And I guess what we are looking
3 for is -- we are looking for the board's input on how or
4 where they think we should go with the legislative
5 proposal.

6 MS. SCHERER: So last night we had a good discussion
7 with a lot of input from our staff as well as the public
8 and all of the owners that are here. And everybody kind
9 of gave their input on how they felt about the cell phone
10 issue. And then this morning we discussed the monster
11 truck issue.

12 With our legislative proposal, if you turn to Tab 4,
13 it's the very first item on the first page. You should
14 have a one-page overview on what we are trying to change
15 in the act. If you flip to that page, you will find the
16 actual draft of our legislation that we are proposing.

17 The first item -- well, I will quickly go through the
18 Monster Truck Section 2-2, which is Definitions, Part G.
19 We've added this Part G. And it just clarifies that any
20 monster truck which carries passengers along, around, or
21 over a fixed or restricted course for the primary purpose
22 of giving its passengers amusement, pleasure, thrills, or
23 excitement excluding those used for racing or other
24 competition are included as an amusement ride.

1 We already discussed that earlier. And I think that
2 we all agreed that monster trucks should be covered as an
3 amusement ride. We are just trying to decide what
4 regulations to hold them to.

5 DIRECTOR SHANNON: And this is really more for
6 clarification. I mean we think that under the definition
7 it already is an amusement ride, but this would make it
8 very clear as we discussed earlier.

9 MS. SCHERER: Uh-huh.

10 And if you go right below that to Number 6.5, we
11 added a definition of a monster truck, which is pretty
12 general. You can read over that.

13 So those are the two monster truck --

14 MR. URBIK: If a monster truck can be modified to the
15 point where it's used for that purpose, but not invalidate
16 itself for being -- for being used on the road, then does
17 it cease to become an amusement ride?

18 DIRECTOR SHANNON: If it's not roadworthy, it's a
19 monster truck. If it's roadworthy --

20 MR. URBIK: And being used for the purpose along a
21 fixed course carrying passengers with a roll cage. Is
22 that a monster truck then? In other words, it's not --
23 it's a little monster truck.

24 MS. SCHERER: Like a regular pickup truck?

1 MR. URBIK: Like a regular pickup truck, but
2 modified.

3 MS. SCHERER: With seat belts?

4 MR. URBIK: Modified or --

5 DIRECTOR SHANNON: Is it on the road?

6 MR. URBIK: It can be. It has plates and it can be
7 used on the road.

8 DIRECTOR SHANNON: If it's regulated by the Secretary
9 of State, I don't think that it's regulated by us.

10 MR. URBIK: But then it goes on to a fixed course and
11 it carries passengers for hire over a fixed course.
12 That's what I'm wondering if the definition is broad
13 enough.

14 MS. SULLIVAN: Well, if we've already got -- well,
15 the state has to do it then because if it has passengers,
16 they all have to have seat belts and certain things.

17 MR. URBIK: Not on private property.

18 MS. SULLIVAN: But if it's on the road, they do.

19 MR. URBIK: They are not carrying passengers on the
20 road. It's a truck that's been modified for the purpose
21 of using it for an amusement ride still licensed for road
22 use. A dual purpose.

23 MS. SULLIVAN: If it's licensed for road use, we will
24 stay out of it.

1 DIRECTOR SHANNON: We don't regulate the roads, but I
2 think the way that the definition reads is -- Mike,
3 correct me if I'm wrong, but the way our definition
4 currently reads is a monster truck means a road vehicle,
5 frequently but not exclusively styled after pickup trucks,
6 that is modified or purposely built with extremely large
7 wheels and suspension to the extent that it is not legal
8 for on-the-road use.

9 Does that mean that this -- that if it's legal for
10 on-the-road use that it would not be a monster truck under
11 our definition?

12 MR. HAGGERTY: To the extent that -- I would say yes.
13 So maybe.

14 MR. URBIK: So even if it's used as an amusement
15 device at a fair or something like that, carrying
16 passengers and doing everything that the monster truck
17 would be doing as far as functionality is concerned, it's
18 just not as big, then we don't regulate it?

19 MR. HAGGERTY: So what you are asking is could a
20 truck have a dual identity?

21 MR. URBIK: Exactly.

22 MR. HAGGERTY: So on a road it could be roadworthy
23 and on a fixed course, we would not want to lose that
24 jurisdiction over them clearly, but it's roadworthy on the

1 road.

2 MR. URBIK: It doesn't have to have a roll cage or a
3 fire extinguisher. You only need seat belts when you have
4 passengers on the road.

5 DIRECTOR SHANNON: We did talk about taking the word
6 legal out and making it for on-road use.

7 MS. SULLIVAN: What if you ever have a wild animal
8 park safari truck or something like that?

9 MS. SCHERER: Are you thinking that would be a
10 monster truck, a safari truck?

11 MS. SULLIVAN: It would be a truck that somebody
12 would be riding in.

13 DIRECTOR SHANNON: But if it's regulated by the
14 Secretary of State, the Department of Labor would stand
15 down.

16 MS. SULLIVAN: But also if it's --

17 DIRECTOR SHANNON: By the definition.

18 MS. SULLIVAN: -- if it's carrying people, then don't
19 they have to have like the chauffeur license or ostensibly
20 the same as a taxi license or something where they are --

21 UNIDENTIFIED SPEAKER: They are doing it on a course
22 off road.

23 MR. URBIK: Private property.

24 UNIDENTIFIED SPEAKER: Something like that.

1 DIRECTOR SHANNON: If it's -- if it's a motorized
2 device which is licensed by the Secretary of State, it is,
3 I think under our definition, exempt from our regulations
4 Am I right, Mike?

5 MR. HAGGERTY: As it's written.

6 MS. SULLIVAN: Yeah.

7 DIRECTOR SHANNON: Well, I mean --

8 MR. URBIK: That's my question.

9 DIRECTOR SHANNON: In the current definition of what
10 an amusement ride is, it -- it says a motorized device
11 which is not licensed by the Secretary of State.

12 MR. HAGGERTY: Right.

13 MS. SULLIVAN: I suggest until that particular animal
14 appears let's just deal with the animal that we have at
15 hand.

16 DIRECTOR SHANNON: That's -- we will take another
17 look at that, but we are not aware of any, but it could
18 come up I guess. So we should probably reexamine that.
19 That was the none controversial part.

20 MR. URBIK: Yes. I had to bring something up just to
21 warm people up.

22 MS. SCHERER: So that's it for monster trucks.

23 If you move to the second page, we've also created a
24 definition for the wireless telephone. And this will be

1 used further on. This definition came from the cell phone
2 language or legislation that was passed for cars. Since
3 they've already come up with their definition, we thought
4 that we would use it. It says wireless telephone for
5 purposes of their act means a device that is capable of
6 transmitting or receiving telephonic communications
7 without a wire connecting the device to the telephone
8 network. It's pretty basic.

9 DIRECTOR SHANNON: That could include walkie-talkies
10 then?

11 MR. URBIK: What's a telephonic communication?

12 MS. SCHERER: I would say that would be any sort of
13 communication passed through a telephone. Whether it be a
14 text message or --

15 MR. URBIK: It would be a walkie-talkie as well?

16 MS. SULLIVAN: Yeah.

17 MS. SCHERER: Yeah.

18 MR. URBIK: Even hand-held walkie-talkies? Not even
19 one connected as a part of the phone?

20 MS. SULLIVAN: Yeah.

21 DIRECTOR SHANNON: And we got this definition -- just
22 so you know. We are not experts on wireless telephones.
23 It was from the law that recently went into effect that
24 bans the use of cell phones in certain areas like when you

1 are going through a school zone or a construction zone.

2 Right?

3 MS. SCHERER: Right.

4 UNIDENTIFIED SPEAKER: Cell phones are not used for
5 safety purposes I guess when you are driving a vehicle
6 unless you are reporting an accident. So you are serving
7 the public.

8 DIRECTOR SHANNON: That's just the definition of a
9 wireless telephone. You would have to read it in tandem
10 with the other provision. So let's go through that.

11 MS. SCHERER: Sure. I will skip to the Wireless
12 Telephone Prohibitions, Section 2-11.1. It says Wireless
13 Telephone Prohibitions. And it says any operator,
14 including an attendant, assistant or volunteer, shall not
15 use a wireless telephone while operating or assisting in
16 the operation of an amusement ride or amusement
17 attraction.

18 And then we go on to say this section does not apply
19 to an operator using a wireless telephone for emergency
20 purposes. So if you do have a safety situation on your
21 ride, you are able to use your telephone or your Nextel
22 walkie-talkie or whatever it is to call somebody over for
23 help or assistance or whatever you need.

24 MS. SULLIVAN: You know after all of the discussion

1 last night I'm more in favor of saying let's don't even
2 regulate this. If the department wants to recommend that
3 all carnivals have cell phone policies or walkie-talkie
4 policies or whatever it is, I think that that's good.

5 But you know we've heard from our operators how
6 opposed they are to having even cell phones, but when they
7 have supervisors out there, you know, giving breaks and
8 things like that and if they just have to call back to the
9 office and -- and -- you know which may not be an
10 emergency, but it may be legitimate business, I -- I think
11 it's better to leave this in the show's hands and just if
12 the department wants to recommend.

13 But I don't think that we need to do any more
14 legislation on cell phones. I think that it's -- I think
15 that there is -- we can't -- we won't be able to clearly
16 enough define what should and shouldn't be allowed.
17 Where, you know, maybe if -- if somebody with a cell phone
18 is saying, hey, there is -- you know there is trash on the
19 ground that you need to get picked up or you know if you
20 are calling in to the office to say we need to get
21 somebody over here to pick it up or somebody just threw
22 up. Those things are still legitimate business uses.
23 Where -- but they are not necessarily emergencies.

24 And I think -- I think that you heard from all of the

1 operators that -- that they don't even want their people
2 to have cell phones, but if they are supervisors or
3 managers out giving breaks and things like that on a ride,
4 they are -- you know it's -- it may be brief, but they may
5 have other legitimate uses for using a cell phone or a
6 Nextel or something like that. Something like that that's
7 used as opposed to a walkie-talkie.

8 MR. URBIK: I think for the first time this morning I
9 agree with Patty.

10 MR. SPARKS: I will second that.

11 MS. SULLIVAN: Oh, my God.

12 DIRECTOR SHANNON: Okay. Are there any other
13 comments?

14 MR. BOYD: I would agree with it. I think one thing
15 that I would add is that if they all have these policies
16 then annually they submit that policy to you guys, what
17 your policy is. I think that's fair.

18 DIRECTOR SHANNON: So would you rather see
19 legislation that says --

20 MR. BOYD: I want to see your policy.

21 DIRECTOR SHANNON: Just like a substance abuse
22 policy. They would have to provide documentation that
23 they have a cell phone policy, a wireless restriction
24 policy in place. We won't say what it has to say, but

1 something along the lines that it, you know, requires
2 something about you -- that you know so that the operator
3 is not distracted or something along those lines, but that
4 the department is provided --

5 MS. SULLIVAN: Right.

6 DIRECTOR SHANNON: James, do you have any questions?

7 MR. WRIGHT: I agree with it.

8 DIRECTOR SHANNON: You know honestly we, I think,
9 have bent over backwards in terms of hearing about this.
10 And I can give you one more opportunity. We heard a lot
11 from the operators last night. And this is actually a
12 board meeting and not a public meeting. I think that what
13 we will do as an agency is to go back and look at
14 redrafting it along the lines of what the board has set
15 out. And we do have a deadline in terms of bill
16 introduction to meet. So I think that what we will do is
17 probably just fax or e-mail it out to you all.

18 MR. URBIK: That's fine.

19 DIRECTOR SHANNON: Maybe next week.

20 MS. SCHERER: Sure.

21 DIRECTOR SHANNON: And handle it that way.

22 Mike, do you think that is an acceptable manner to
23 deal with it?

24 MR. HAGGERTY: Yeah. So something -- so, if I

1 understand correctly then, the consensus of the board
2 would be more acceptable to something along the lines of
3 annually -- like with the substance abuse policy -- that
4 operators, you know, shall demonstrate that they have in
5 place the substance abuse and the telephone policy or
6 whatever it is, the wireless telephone policy.

7 DIRECTOR SHANNON: A prohibition policy.

8 MR. HAGGERTY: A policy for operator distraction.

9 DIRECTOR SHANNON: Limitation.

10 MR. HAGGERTY: Yes.

11 MS. SCHERER: The final issue --

12 MS. SULLIVAN: Before we go on, I would like to hear
13 him (indicates). Did you have something that you wanted
14 to say?

15 UNIDENTIFIED SPEAKER: I was more or less just going
16 to agree with you.

17 DIRECTOR SHANNON: Well, thank you.

18 MS. SULLIVAN: Okay. That's fine.

19 UNIDENTIFIED SPEAKER: And what we do is just --
20 well, for example, we have our policies in place and each
21 and every operator has to sign off on that policy. That
22 way you know they know.

23 DIRECTOR SHANNON: So you shouldn't have any problem
24 complying with this?

1 UNIDENTIFIED SPEAKER: Do you understand what I'm
2 saying? That the inspectors can look and see that we have
3 them in place.

4 MS. SULLIVAN: And we could just make another check
5 box on the form.

6 UNIDENTIFIED SPEAKER: That's what I was going to
7 say. All you need is a check box on the application.
8 Instead of everybody sending you a form, you just make it
9 a part of the form and it can be checked off.

10 MS. SULLIVAN: Because Marcia needs more work.

11 MS. JOINER: Yeah, I do.

12 UNIDENTIFIED SPEAKER: One check box on the form is
13 all you would need.

14 DIRECTOR SHANNON: Do you have something, Marcia?

15 MS. JOINER: Well, if we are going to have them
16 implement their own individual cell phone policies, it
17 would be real interesting to see some that they've already
18 got in place. I would just like to see some of them. I'm
19 just curious.

20 DIRECTOR SHANNON: Maybe somebody could send us a
21 copy.

22 MS. JOINER: Would you mind?

23 DIRECTOR SHANNON: Because we do have people that say
24 do you have a model.

1 MS. JOINER: Can we model you?

2 UNIDENTIFIED SPEAKER: Sure.

3 DIRECTOR SHANNON: People are asking Marcia where do
4 I get the substance abuse policy. It would be nice if we
5 can help them with a model that they can follow.

6 UNIDENTIFIED SPEAKER: Our policy covers cell phones
7 and electronic devices.

8 DIRECTOR SHANNON: Great. That might be better. If
9 you could send that to Marcia, we would appreciate that.

10 UNIDENTIFIED SPEAKER: I will e-mail it to Marcia
11 because there are a lot more distractions than just
12 telephones. It has to all be covered.

13 DIRECTOR SHANNON: Right. Okay.

14 MS. SCHERER: Okay. So if you go back up to this
15 next section, I did briefly touch on this last night. But
16 Section 2-10 we've added some language to that says the
17 permits shall remain the property of the State of Illinois
18 and shall be surrendered to the department upon the sale
19 of the ride or attraction or immediately upon request by
20 the director.

21 And this is added in here basically because we've had
22 some situations where we needed to get a permit for a ride
23 and we weren't able to get it.

24 DIRECTOR SHANNON: Surrender doesn't mean you have to

1 give it back to us. It doesn't mean that you have to
2 figure out a way to get it off of the ride in whole.
3 Surrender could be just that it's destroyed.

4 MS. SULLIVAN: With a magic marker or paint over it.

5 MS. SCHERER: Or giving us access so that we can get
6 it off.

7 UNIDENTIFIED SPEAKER: Basically so the Department of
8 Labor can check so the carnival owner doesn't have to peel
9 it off and mail it in.

10 DIRECTOR SHANNON: We would like to verify that it is
11 removed. So we will take on that burden.

12 UNIDENTIFIED SPEAKER: Okay.

13 DIRECTOR SHANNON: You know we need proof that it was
14 removed. We can't just rely on somebody telling us that.

15 MS. JOINER: Yeah.

16 DIRECTOR SHANNON: So that was the issue where we
17 were trying to get out to a ride --

18 UNIDENTIFIED SPEAKER: So this basically enables you
19 to get to a ride?

20 MS. SULLIVAN: I am sure they don't want somebody
21 running around with their tag either.

22 MR. RATHBUN: Exactly.

23 DIRECTOR SHANNON: It's not a problem usually.

24 MR. URBIK: Two things. Can we surrender it by way

1 of an affidavit?

2 MS. SULLIVAN: Well, she just said that they are
3 going to be responsible.

4 MR. URBIK: But there may not be access to the ride
5 for whatever reason. Maybe it's been sold and moved out
6 of state before the sticker has been removed.

7 DIRECTOR SHANNON: Well, they shouldn't be selling it
8 with the sticker on it.

9 MR. RATHBUN: That's the point.

10 MR. URBIK: So they remove the sticker and it's
11 destroyed. And the device is now sitting in California.
12 How can we verify that?

13 MS. SULLIVAN: Well, actually all they would have to
14 do is use a cell phone and take a picture.

15 UNIDENTIFIED SPEAKER: It does disintegrate when you
16 remove it.

17 MS. SULLIVAN: Oh, yeah.

18 UNIDENTIFIED SPEAKER: It's a lot different than a
19 sticker for a truck.

20 MS. JOINER: A perfect example of that is we had a
21 ride that we wanted to permit. The ride was in Missouri.
22 We have no jurisdiction in Missouri.

23 MR. URBIK: Right.

24 MS. JOINER: We contacted Missouri. They would not

1 help us. That permit -- we never did get it back.

2 MR. URBIK: I understand that.

3 MS. JOINER: It was a valid permit.

4 DIRECTOR SHANNON: And that might be something that
5 we look at when we draft the rules in terms of how we
6 implement it.

7 MR. URBIK: Okay. And if I don't comply?

8 MS. SULLIVAN: Well, then --

9 DIRECTOR SHANNON: Well, then we can fine you.

10 MR. URBIK: Okay.

11 MR. HAGGERTY: It's a violation of the act.

12 MR. URBIK: There is nothing specifically for that?

13 DIRECTOR SHANNON: No. It's a violation of the act
14 punishable by \$20,000 or \$2,500; wasn't it?

15 MS. SULLIVAN: They really want to get that paid
16 down.

17 MR. BOYD: They can't just remove it.

18 MS. SULLIVAN: Can I ask a quick question? How much
19 of a problem for you show owners is it if you are trying
20 to pull it off kind of using a knife to defile it to just
21 take a quick picture of it and e-mail it in or something?
22 I mean does that work for you?

23 UNIDENTIFIED SPEAKER: I don't think anybody here
24 wants a ride going out with an Illinois sticker on it. I

1 don't.

2 MS. SULLIVAN: Because it's under your name.

3 UNIDENTIFIED SPEAKER: It's under my name.

4 UNIDENTIFIED SPEAKER: We will take 'em off. If we
5 ever sell 'em, we take 'em off.

6 DIRECTOR SHANNON: But not everybody does.

7 UNIDENTIFIED SPEAKER: I understand.

8 DIRECTOR SHANNON: Do any of the inspectors -- are
9 the stickers removable?

10 UNIDENTIFIED SPEAKER: No, not without destroying
11 them.

12 MS. ROYER: How would you know that if it's been
13 destroyed? How would you know that?

14 UNIDENTIFIED SPEAKER: Right.

15 UNIDENTIFIED SPEAKER: Take a before and after
16 picture.

17 DIRECTOR SHANNON: We will have to figure out the
18 logistics. The problem is that we need the sticker taken
19 off so that it doesn't say that it has been -- that it has
20 been approved for operation in Illinois where it really
21 hasn't been. Where we can physically do that, we will.
22 And we have in the past. But we wanted it spelled out
23 that it must be surrendered to the department.

24 UNIDENTIFIED SPEAKER: Should it clarify that we

1 request it automatically when they sell a ride? Should
2 they peel it off and give it to you or --

3 DIRECTOR SHANNON: A permit is not transferable.
4 When you sell it, the sticker is no longer valid.

5 UNIDENTIFIED SPEAKER: So it's just a reminder to
6 take it off?

7 MS. SULLIVAN: It should just be defiled.

8 DIRECTOR SHANNON: Okay.

9 UNIDENTIFIED SPEAKER: Not disagreeing, but I'm
10 saying there is semantics with language.

11 DIRECTOR SHANNON: Maybe we will look at it.

12 MS. SCHERER: Well, that's the legislative proposal.

13 MS. SULLIVAN: Thank you, Sara.

14 MS. SCHERER: You're welcome.

15 DIRECTOR SHANNON: Thank you.

16 So the next item on the agenda under New Business is
17 the issue of our shortfall in terms of our carnival
18 revenues and the costs for the program. And I guess you
19 know the board -- the board saw the Power Point last
20 night. It is -- the shortfall is \$444,115.

21 There were a couple of options that were presented,
22 but those are not -- you know there is other options that,
23 you know, certainly the board members could discuss or
24 recommend. But you know there is a problem. We have --

1 we have an inspector from Southern Illinois who has
2 retired. And, at this point, you know we do not have the
3 resources to fill that position. And we will not get
4 approval to fill that position from the Office of
5 Management and Budget.

6 And we don't -- you know we think that clearly we
7 need to somehow come up with revenue so that we can have a
8 program and that the cost of our program better match how
9 much we -- the revenues that we take in. So just as a
10 refresher, currently we charge \$85 for an adult ride and
11 \$35 for a kiddie ride or an inflatable ride. Which last
12 year in FY09 or calendar year '09 resulted in \$138,600 in
13 revenue. The cost of our program last year with five
14 inspectors and a manager and travel and other operational
15 costs was \$582,715. The options are in the Power Point on
16 Page 12. But also in your board packet under Fee Increase
17 Proposal under Section 4 is the -- is basically the same
18 information.

19 MR. URBIK: Is there any other source of revenue
20 other than the permitting fees that the -- that the
21 Department of Labor, Carnival and Amusement Board gets?

22 DIRECTOR SHANNON: Well, right now it's funded by the
23 General Revenue Fund. I mean we are --

24 MS. SULLIVAN: And is it still being --

1 DIRECTOR SHANNON: We are spending \$582,000 on our
2 Carnival Division Program. And it's through the General
3 Revenue Fund, which is more than 12 billion dollars in the
4 hole.

5 MR. URBIK: I understand. And -- okay. The -- the
6 stickers are placed on every amusement game in the state.
7 There is a state sticker that -- that is applied. Do we
8 get any part of that?

9 DIRECTOR SHANNON: No.

10 MR. URBIK: That goes to the General Revenue Fund?

11 MS. JOINER: That goes to the Department of Revenue.
12 All payments.

13 MR. URBIK: And is the funding shortcoming in our
14 fund?

15 DIRECTOR SHANNON: The General Revenue Fund is a big
16 pot of money. Revenue has responsibility for the
17 enforcement of the amusement coin operated games. So I
18 mean you could argue it's funding their administration --
19 administrative and enforcement staff. I don't know. We
20 are not getting it.

21 MR. URBIK: Okay.

22 MS. SULLIVAN: Well, I think we discussed a lot of
23 different things that we could do. And I think that --
24 that maybe you could use a combination of them and that

1 would be -- you know that would be our best, most
2 palatable thing.

3 And the first thing that I would say is when you have
4 rides like coasters, the big coasters that they be charged
5 more because it's going to take the inspectors much longer
6 to inspect those. And if you have -- you know if a train
7 has a relatively long track, I'm assuming that the
8 inspectors have to walk every bit of the track. So that's
9 going to take longer than most typical rides.

10 So the fees -- the fees on those should be
11 commensurate with how much longer it takes. If it takes
12 four times longer to inspect them, then -- especially if
13 you have to climb up and around a big coaster. Then their
14 fee should be four times more than a major ride. I know
15 that there aren't that many, but -- but still that's --
16 that's -- if that takes up a big portion, then that would
17 be one thing to add some revenue.

18 And the idea that some places are year round -- this
19 might come into play. And the fact that they are open a
20 little longer you know? If they are getting revenue for
21 more of the year, then perhaps a little bit of a kick on
22 what their -- on what their rides are permitted for might
23 be fair.

24 Also, I know that you are looking into haunted

1 houses, which should be an additional revenue stream.

2 And then one of the -- one of the -- one of the

3 things that sounded like would maybe balance the

4 inspectors' workload would be the 12-month inspection.

5 And it doesn't have to be May to May, but whenever, you

6 know, they -- they start out or at some certain point in

7 time of the year and -- and have them during the season or

8 even ahead of the season where an inspector could go into

9 their winter quarters like with the Missouri -- with the

10 Missouri tags that they were talking about that were good

11 for a year. And even if they pay their fees in, say,

12 April or May, then their inspection comes into play in

13 July or August or whatever which would help -- which would

14 help level the whole workload.

15 But also then I thought that the suggestion of --

16 especially with some of the larger shows which would you

17 know -- which would, you know, take longer and -- and they

18 already often have someone on staff who's a Level 3

19 Inspector. Let them fill out all of the forms and do the

20 inspections. And maybe Illinois only goes in once every

21 five years to -- to maybe back up those inspections.

22 But if they are a Level 3 inspector or if they have a

23 third party inspector come in and just send the results in

24 to -- to the department, which would, you know, save --

1 save I would think some significant time and travel.
2 Which would help on both the budgeting issues and
3 manpower. Because we don't have enough -- we don't have
4 enough inspectors to cover everything easily. And -- and
5 that might even, you know, loosen up the schedule a little
6 bit.

7 But if they are a Level 3, you know, they have to
8 keep their Level 3 current. But I would think that if
9 they are a Level 3 inspector why not make use of them if
10 the show -- if the show is already paying for them or a
11 third party. For instance, when an insurance inspector
12 comes in. I know several of the insurance inspectors who
13 come in and they are very careful about their inspections.
14 And -- and I'm sure that they would be happy to provide,
15 you know, a faxed copy to the department which would --
16 which could qualify for an inspection. And that's being
17 done anyway. So it would be -- you know it would help to
18 decrease the travel and the time taken for the inspectors
19 to do this because it's going to be an issue with only
20 four inspectors.

21 DIRECTOR SHANNON: Well, I'm hoping we won't have
22 only four inspectors. I'm hoping that we will have five
23 inspectors.

24 MS. SULLIVAN: Yeah.

1 DIRECTOR SHANNON: I'm not for -- I will just say
2 that I'm not for -- if we want to eliminate the
3 department's regulations of rides completely, then I guess
4 that's something that the legislature could take up. But
5 I don't think it's advisable to go down that path. I
6 think that there is a reason that the authority was vested
7 with the Department of Labor. And I think that they are a
8 very objective, neutral party and they are holding
9 everybody to the same standards. And I, for one, would
10 not be for privatizing that function to the entities
11 themselves or the insurance companies. But that's just my
12 opinion. You are entitled to yours.

13 MS. SULLIVAN: They shouldn't have to pay more
14 because as you said when it started out that's what was
15 intended and it was supposed to be, you know, funded by
16 the state.

17 DIRECTOR SHANNON: I didn't say that because it's
18 been subsidized by the state and I'm sure it will continue
19 to be subsidized by the state.

20 MS. SULLIVAN: And was intended to for the first
21 place. And so if you are asking for people to come up
22 with or if you are needing people to come up with a way to
23 decrease costs and still have viable inspections done, I'm
24 saying that's one way to do it.

1 I -- I think, you know, we are going to have to do a
2 number of different things besides just raise -- just
3 raising revenue to get to where we need to go because if
4 you raise it to \$200 for a kiddie ride and \$300 for an
5 adult ride, you are going to put 'em out of business. I
6 mean even what was recommended is almost twice as much.
7 And they are certainly not making twice as much revenue.
8 Their revenue stream isn't going up right now. And
9 putting them out of business doesn't -- you know it
10 doesn't -- it isn't a good thing for the state because
11 then --

12 UNIDENTIFIED SPEAKER: Because then you get no
13 revenue.

14 MS. SULLIVAN: -- because the total revenue is gone
15 for them.

16 DIRECTOR SHANNON: At some point, this does need to
17 be a board meeting and not a public meeting. Okay? I
18 mean we had a long discussion about this last night I
19 think. And I think everyone had plenty of opportunity to
20 speak. I think that we spent maybe an hour and a half on
21 this. So I mean at some point we have to have some
22 decorum for the board to consider different decisions.
23 And they are the ones that are vested with, you know, the
24 power to increase or to not increase the fees. So I mean

1 we need to get into a total decision-making mode more
2 than, you know, a public comment period. There will be a
3 public hearing if there is one and you know --

4 UNIDENTIFIED SPEAKER: If we would go to a special
5 legislation at one point could the general revenue money
6 be used to go back to the carnivals?

7 DIRECTOR SHANNON: We would have to have a special
8 legislative change to go to a special fund. That's a fair
9 question. It does not now. It goes to a General Revenue
10 Fund. The fees that the department collects, like, for
11 temporary services that go to that dedicated fund that can
12 only be used for enforcement purposes of the department
13 and that can only be used for that -- for the enforcement
14 of that law. It could be pursued for that.

15 MR. BOYD: I have one question that I want to be
16 clear on. On these various options is that with the
17 intention of five inspectors or four?

18 MR. URBIK: Yeah.

19 MR. BOYD: It is with five; correct?

20 DIRECTOR SHANNON: Well, the cost of our program with
21 the 582 is assuming that we have five inspectors and one
22 manager.

23 MR. BOYD: Right. I understand that.

24 DIRECTOR SHANNON: Whatever this board does I will

1 take to OMB and say, you know, the board increased our
2 fees, you know, and we now are generating whatever amount
3 of money it is. If we did increase fees you know --
4 whether it's 100,000, 200,000 or 300,000 -- and you know
5 we want approval and the board actually stated that they
6 are increasing these fees with the intention that we hire
7 a fifth inspector, I would take that to OMB. And I
8 will -- you know I will fight and I will continue to fight
9 for having a fifth inspector regardless of what happens.
10 But I think that -- I think that we are in a better
11 position to make it happen if we can say that there is
12 some additional revenue that isn't going to add to the
13 deficit that already exists.

14 MS. SULLIVAN: I'm not arguing about the additional
15 revenue, but I would argue that the Proposal Number 2 and
16 3 -- I just -- I think that we are getting to the point
17 where, number one, it practically doubles both for the
18 kiddie rides -- well, for the kiddie rides, it more than
19 doubles. It goes from 35 to 75. For the adult rides, you
20 are going from 85 to 150. That just a little less than
21 doubles it. And that's a huge additional expense as it
22 is. And that was with the -- the least cost. It adds --
23 it almost -- well, yeah, it almost doubles the revenue,
24 the current revenue.

1 DIRECTOR SHANNON: Uh-huh.

2 MS. SULLIVAN: And I would -- my recommendation and
3 my vote would be for certainly not over the 75 and the 150
4 because I think that that's -- as it is that is a huge
5 burden on them when they are already being burdened
6 significantly just with the economy and -- and not being
7 able to -- they can't raise their prices. They are at the
8 top of this economic environment. They will lose revenue
9 if they raise prices. People just won't ride for more.
10 I've been out on the, you know, lots enough to see that
11 they are not as full lots of times as they used to be now.
12 So -- so I think that we need to look at a multipoint
13 option for helping to decrease the amount of work that
14 they have to do and to increase the amount of revenue
15 that's coming in.

16 MR. URBIK: Would Option 3 cover the cost of the
17 fifth inspector?

18 DIRECTOR SHANNON: Option 3 or Option 1?

19 MS. SULLIVAN: Option 1 would cover the cost.

20 MS. JOINER: Okay. They are looking at two different
21 things.

22 DIRECTOR SHANNON: Oh, hold on. The Power Point?

23 MR. URBIK: Yeah.

24 DIRECTOR SHANNON: I'm sorry.

1 MR. BOYD: This (indicates)?

2 MS. SULLIVAN: Here it is.

3 Would Option 3 that raises \$262,125? Well, surely
4 yes. An inspector doesn't make that much money.

5 MR. URBIK: But there is other costs involved. There
6 is travel, lodging and things like that.

7 DIRECTOR SHANNON: Right.

8 MR. URBIK: Which the travel and lodging would
9 probably go down because the inspector would be in that
10 area.

11 DIRECTOR SHANNON: There would be less miles and
12 there would be less overtime because if you have to drive
13 three hours to inspect an attraction and depending on how
14 many rides you have it could be a very long day with six
15 hours on the road and -- or seven hours on the road and
16 with inspection time, it could be a 13 or 15-hour day.
17 It's a safety issue, too.

18 UNIDENTIFIED SPEAKER: Can I ask a quick question?
19 Are the inspectors allowed to travel out of the state
20 of Illinois into another state and do an inspection and
21 put stickers on?

22 DIRECTOR SHANNON: We have an out-of-state travel
23 restriction because of the budget deficit. So nobody is
24 allowed to travel out of state without the specific

1 approval from the office of OMB. And you have to
2 demonstrate that it's -- there are hurdles that you have
3 to overcome. We can't send four inspectors this year to
4 NAARSO or AIMS for training.

5 UNIDENTIFIED SPEAKER: Okay. I just thought it might
6 be a way to lighten the load.

7 DIRECTOR SHANNON: You have to show it was required
8 by federal grants, which would not be applicable in this
9 case. So not currently.

10 UNIDENTIFIED SPEAKER: Okay.

11 MS. SULLIVAN: Well, I think that there is -- that
12 the fact that lots of people seem amenable to -- to try
13 to -- to get their equipment set up even in the winter
14 quarters to make it easier for inspectors to come and
15 inspect before the big season starts -- which would --
16 which would help some, too.

17 UNIDENTIFIED SPEAKER: Or even earlier in the spring
18 before you get into your full fair season where everybody
19 is trying to get inspected at the same time. It just
20 makes sense to me.

21 MS. SULLIVAN: Exactly.

22 DIRECTOR SHANNON: Yeah. Sometimes it might not be
23 that many miles that -- you would travel more miles within
24 the State of Illinois than going across the board.

1 UNIDENTIFIED SPEAKER: Even at the owner's expense?
2 If I need an inspector here, I will pay his way down here.
3 It's a way to get my things done and not get down to the
4 wire time wise.

5 DIRECTOR SHANNON: I just think that you get into all
6 sorts of ethical issues. I think, Mike, we would probably
7 be prohibited unfortunately from doing that. I appreciate
8 the thought, but at this point in time I don't think that
9 we could do that.

10 MS. SULLIVAN: I'm sure that they will commit to
11 doing whatever they can to make it easier to make the fees
12 from going up more than necessary.

13 MR. URBIK: There is two separate issues that we
14 should talk about. The shortfall one is one. And the
15 second one is the annual inspection. I think that we
16 should keep those separate because that one has nothing to
17 do with the shortfall.

18 MS. JOINER: Yes, it does.

19 MS. SULLIVAN: Well, other than the scheduling of the
20 time available because you are going to have inspectors --
21 you may have inspectors traveling more.

22 MR. URBIK: You will have inspectors traveling more.

23 MS. SULLIVAN: And you may have inspectors that are
24 short of time. And if they can't get some place to

1 inspect, then that show is not going to be able to run
2 those rides. Which is going to be very bad you know? It
3 will have a bad effect on them.

4 DIRECTOR SHANNON: Well, you know it's --

5 MS. SULLIVAN: So I think that everybody wants to
6 help everybody be as efficient as possible.

7 DIRECTOR SHANNON: Now I don't think that we've ever
8 told a show -- maybe I'm wrong. Have we ever just said
9 I'm sorry, but you are just not going to be able to
10 operate because we don't have the resources to get an
11 inspector in?

12 MS. JOINER: No, not to my knowledge.

13 DIRECTOR SHANNON: Do any of the inspectors know of
14 that happening?

15 MR. ROHMAN: They've had maybe like one ride, but not
16 a whole show.

17 DIRECTOR SHANNON: You couldn't get it done the day
18 of or you couldn't get it done for the entire show?

19 MR. ROHMAN: I had one that couldn't operate for a
20 weekend just because I couldn't get back there. But it
21 was only one ride. It was not the whole show.

22 MS. JOINER: But how far in advance were you
23 notified?

24 DIRECTOR SHANNON: About the inspection.

1 MR. ROHMAN: It was like a week maybe.

2 DIRECTOR SHANNON: A last minute sort of thing.

3 MR. ROHMAN: Yeah.

4 MS. SULLIVAN: So there is still going to be some of
5 those cases where somebody just receives a new ride or
6 just buys a ride where that's going to be problematic, but
7 anytime they can have 'em done in winter quarters ahead of
8 time that certainly helps the workload scheduling.

9 DIRECTOR SHANNON: Uh-huh.

10 MR. WRIGHT: What's the likelihood of, like, Option 3
11 with another added part that if the deadline -- that if
12 they needed something done at the last minute, you could
13 increase the fees or double the fees for the last minute
14 inspections? Is that something that's possible?

15 MR. URBIK: So incorporate Option 3 and 2 together?

16 DIRECTOR SHANNON: Like that would be a penalty fee?

17 MR. HAGGERTY: Like a premium.

18 MR. URBIK: That becomes Option 2 if you are late.

19 MS. JOINER: We actually briefly discussed
20 considering an expedited service fee.

21 DIRECTOR SHANNON: Like an expedited inspection fee
22 would be more than the average inspection fee.

23 MR. WRIGHT: Right.

24 MS. JOINER: More like actual expenses.

1 MR. WRIGHT: Uh-huh.

2 DIRECTOR SHANNON: Uh-huh. But do some states do
3 that?

4 MR. SPARKS: Quite a few do 'em.

5 DIRECTOR SHANNON: Where you pay more if it's short
6 notice?

7 MR. SPARKS: Right. There is a certain amount of
8 time where you have to request an inspection where if you
9 don't get it in in time they have to honor the inspection,
10 but there is an expedited fee.

11 UNIDENTIFIED SPEAKER: If you are going to have this
12 expedited fee and you don't have the manpower to get it
13 done, how is that going to get done?

14 MR. URBIK: The difference is you will have more time
15 for scheduling. If we are putting out an incentive to let
16 you guys know early that the rides are available for
17 inspection as opposed to three days from now to get it
18 done two weeks from now.

19 DIRECTOR SHANNON: It doesn't guarantee I guess that
20 they will get done, but it puts the burden on them if they
21 wait until the last minute. So it kind of rewards the
22 people who get it in in a reasonable time.

23 MR. URBIK: And it allows you to schedule yourself
24 out there.

1 DIRECTOR SHANNON: We wouldn't guarantee the fee.

2 MS. JOINER: Well, we are hoping that the 30-day
3 notice that's required this year will help us a lot
4 because this is the first year that we are going to hold
5 'em to that 30 days.

6 MS. SULLIVAN: I think that should make things more
7 efficient certainly. Which -- which you know if you can
8 plan -- plan everybody on that particular route and plan
9 more people, then that's less traveling that you would
10 have to do.

11 MS. JOINER: And if they can give us a bigger
12 window -- and I realize that a lot of operators -- that
13 they can't get on that lot until, say, like Friday morning
14 and we understand that.

15 MS. SULLIVAN: Right. But where you can --

16 MS. JOINER: Yeah.

17 MS. SULLIVAN: Yeah.

18 DIRECTOR SHANNON: Is there any further discussion?

19 (No response.)

20 MR. URBIK: What happens if I don't give a 30-days
21 notice? There is a venue and the operator who was
22 scheduled for that venue pulls out for whatever reason and
23 that venue now goes to another carnival operator.

24 MS. JOINER: Well, it's first come first serve this

1 year.

2 DIRECTOR SHANNON: There is no guarantee that you
3 will get the inspection.

4 MS. JOINER: I hope that the vendor finds a company
5 that's already got their permits.

6 DIRECTOR SHANNON: I mean you know as we have always
7 done we will work with the operators to try to do our best
8 to get those inspections done in time for their show,
9 but --

10 MS. JOINER: Uh-huh.

11 DIRECTOR SHANNON: -- there is no guarantee that we
12 will be able to do that.

13 MS. JOINER: We are going to have a big calendar with
14 a big eraser and a pencil.

15 MS. SULLIVAN: A dry board, huh?

16 DIRECTOR SHANNON: But you know I will just say I
17 mean I don't want to operate -- and I don't think that
18 Doug wants to operate with one less inspector this year.
19 None of us do.

20 MS. SULLIVAN: Uh-huh.

21 DIRECTOR SHANNON: And you know we, as all agencies
22 were, were directed to try to find ways to help with the
23 overall budget shortfall and specifically with the
24 programs that we are mandated to enforce. I mean you know

1 one of the options that the legislature has I guess can
2 be -- I don't think it's likely -- but to repeal the
3 Carnival & Amusement Safety Ride Act. I think that the
4 legislature is looking at repealing some of these laws.
5 They pass new laws every year with no new money. We get
6 new programs every year that we are required to enforce
7 and there is no money for us to do that with. And we are
8 supposed to do it with fewer people each year.

9 So I think that the legislature is going to have to
10 start rethinking that. And there could be a proposal to
11 start repealing certain laws. And I think that Carnival &
12 Safety will be up there as one of those very important
13 laws that the legislature is not likely to repeal. But
14 there may be some other conditions that they may impose.
15 They may say it would be nice if we could do this, but
16 we don't have the resources to do it.

17 But I think that we have a better chance of getting
18 the fifth inspector hired if we can show that we have more
19 resources being brought in to do so. And it wouldn't --
20 it would be effective in Calendar Year '11. Which would
21 be -- you know it wouldn't help us this year, but the
22 fiscal year is such that it would actually help in Fiscal
23 Year '11 because the money starts coming in in December.

24 I mean the '11 permits -- you know the applications

1 will go out in October. So you know I mean the time -- if
2 we are going to do this, we do need to make a decision on
3 it fairly soon. We will need to have a public hearing.
4 We will need to get our rules drafted and hopefully get
5 our rules adopted before our applications go out next --
6 is it October or November? They actually go out -- they
7 are mailed November the 1st, but we start doing them
8 October the 1st. So everything needs to be in place so
9 the new information is with the application.

10 UNIDENTIFIED SPEAKER: So the worst case scenario
11 would be -- if you are not able to hire this fifth
12 inspector, would Doug be able to pick up some of the slack
13 then and do some inspections?

14 DIRECTOR SHANNON: Doug will be having to do
15 inspections this year without a fifth inspector, yes. And
16 we've already discussed that. So he is aware of that.

17 MS. JOINER: Just so the board is aware of this.
18 Patty brought up two points. And I just wanted to mention
19 this. You know the year round operator charge is more and
20 the staggering of the permits -- they are very good ideas,
21 but I want to point out that our current data base will
22 not handle that. So there will be an added expense there
23 if that were to be considered.

24 DIRECTOR SHANNON: Have the permits always been for

1 calendar years?

2 MS. JOINER: Yes. Correct me if I'm wrong, but --

3 DIRECTOR SHANNON: It's always been --

4 MS. JOINER: Yeah. And I don't know what that would
5 cost.

6 DIRECTOR SHANNON: And the other thing is the
7 issue -- I don't know how we would do the issue of
8 charging more based on how many days of operation --

9 MS. JOINER: Yeah.

10 DIRECTOR SHANNON: I don't know how we would
11 implement that.

12 MS. JOINER: Well, with all of these other things you
13 are considering, you would consider hiring more clerical,
14 too; wouldn't you?

15 DIRECTOR SHANNON: Well, Marcia doesn't even work for
16 the Carnival Division.

17 MS. JOINER: I mean do you want clerical help or do
18 you want inspectors? Because you are going to have to
19 have one or the other.

20 DIRECTOR SHANNON: I do understand why some people
21 think that it would be a fairer system to have those who
22 operate more calendar days pay more, but are you basing it
23 on their representation of how many days that they are
24 operating? Because I would suspect that people would be

1 saying they are going to operate four days if we start
2 charging them based on the number of days that they
3 operate. And I don't know how you verify that. It's a
4 good idea.

5 MS. SULLIVAN: Well, let's forego that one right now
6 since it's problematic. And let's say for coasters for
7 instance -- you know let's say raising coasters and trains
8 certainly.

9 DIRECTOR SHANNON: I don't know. I mean the
10 coasters -- we have seen what the other states charge.
11 And with the ski lifts being more extensive. They are
12 very time consuming. And we only have five or six.

13 MS. JOINER: Five.

14 MS. SULLIVAN: How much is a ski lift at this point?

15 DIRECTOR SHANNON: It's currently \$85.

16 MS. SULLIVAN: Then let's go back to how much longer
17 does it take to inspect them and let's raise that.

18 MS. JOINER: There is five ski lifts.

19 DIRECTOR SHANNON: Bill did the research. Bill, did
20 you see anything with trams that were more? Sometimes
21 bungies were more.

22 MR. SZERLETICH: Yeah. Bungies were more. Trains I
23 don't think so.

24 MS. SULLIVAN: I'm looking at what takes longer to

1 inspect -- significantly longer to inspect.

2 MR. SZERLETICH: The two big ones that you just
3 mentioned.

4 MR. RATHBUN: The coasters and the lifts?

5 MR. SZERLETICH: The ski lifts and the roller
6 coasters.

7 DIRECTOR SHANNON: Those were the ones that typically
8 had higher fees. The inspectors -- and Doug can speak to
9 this. A roller coaster takes a lot more time.

10 MS. ROYER: It depends on how bad the ride is figured
11 out. And look I won't say that a carousel or if I go out
12 and look at a train or whatever and it is a bad ride, it
13 can take me a long time.

14 DIRECTOR SHANNON: But in a typical situation would a
15 roller coaster take longer?

16 MS. ROYER: Absolutely.

17 DIRECTOR SHANNON: Three times as long? Twice as
18 long?

19 MS. ROYER: It can take me a whole day to do a whole
20 roller coaster weather permitting.

21 DIRECTOR SHANNON: That's true I guess for everybody.

22 UNIDENTIFIED SPEAKER: There are different sizes of
23 roller coasters, too.

24 DIRECTOR SHANNON: Yeah.

1 MS. SULLIVAN: So typically how many major rides
2 could you do in a day?

3 MS. ROYER: To use Six Flags as a good example. With
4 two inspectors, at least four weeks. And that's weather
5 permitting and everything going smoothly. Sometimes --

6 UNIDENTIFIED SPEAKER: Five days a weeks for four
7 weeks? How many rides are there?

8 MS. ROYER: There is 53 or 54.

9 UNIDENTIFIED SPEAKER: How long does it generally
10 take to inspect a 15 ride show?

11 MS. ROYER: A day.

12 UNIDENTIFIED SPEAKER: A day.

13 MS. ROYER: A day.

14 DIRECTOR SHANNON: And there is --

15 MS. ROYER: And I should add like a county fair where
16 you typically have much more bigger rides, probably two
17 days. Yeah. But a regular ride, a show that has had, you
18 know, four or five, six majors and a couple of kiddie
19 rides, maybe a day.

20 MS. SULLIVAN: Well, then, you know, it sounds like
21 that the coasters and the ski lifts take five times as
22 much time.

23 DIRECTOR SHANNON: Now in South Carolina, just for
24 example, they charge \$100 for a major and \$250 for a fixed

1 mobile or a fixed coaster. So two and a half times.

2 MS. SULLIVAN: Okay.

3 DIRECTOR SHANNON: I don't see any that are five
4 times. Now Kentucky charges 150 for a major ride and 300
5 for -- well, 200 for a steel roller coaster and 400 for a
6 wooden one. They have all of these different ones.

7 MS. SULLIVAN: Yeah. Well, I would say if we are
8 going to go up to 150 for a major ride, then I would think
9 300 for a coaster or a ski lift certainly is -- is within
10 the bounds of fair for the amount of time that it takes to
11 inspect them.

12 DIRECTOR SHANNON: So is that a proposal that you are
13 putting on the table?

14 MR. URBIK: You are talking about \$750 of revenue on
15 a ski lift. There is only three ski lifts in Illinois.

16 MR. RATHBUN: Five resort lifts to clarify that.

17 MR. URBIK: It's per lift not resort?

18 MR. RATHBUN: Correct.

19 Chestnut has I think six.

20 MS. JOINER: I think that's right.

21 MR. RATHBUN: Villa we don't do.

22 UNIDENTIFIED SPEAKER: Those aren't ski ropes. Most
23 of 'em are tow ropes.

24 UNIDENTIFIED SPEAKER: Four Lakes has one chair lift.

1 MR. RODRIGUEZ: So even if they had chair lifts, it's
2 not going to be a huge increase?

3 UNIDENTIFIED SPEAKER: Not at all.

4 MS. ROYER: Something else to point out is that ski
5 lifts potentially get -- well, two inspections a year.
6 The year-round operators typically get one inspection a
7 year. And your mobile carnivals can be looked at any
8 where from one to ten times a year. So now you are paying
9 \$100 for your ferris wheel and it gets looked at ten times
10 in a year. But the guy that paid \$300 for his roller
11 coaster only gets looked at once. That's something else
12 to consider.

13 DIRECTOR SHANNON: Well, that would be why charging
14 more for the year round wouldn't necessarily be the
15 most -- the fairest way to do it because they don't get --

16 UNIDENTIFIED SPEAKER: They don't get the revenue.

17 MS. SULLIVAN: Well, but --

18 DIRECTOR SHANNON: But they are not using up the time
19 and resources of the agency as often as some of the others
20 are.

21 California charges by the hour. It's \$125 per hour.
22 So every time you get inspected you are getting assessed.
23 Illinois does not charge inspection fees.

24 UNIDENTIFIED SPEAKER: It will take a little longer,

1 too.

2 DIRECTOR SHANNON: So do any other board members have
3 anything else to say?

4 MR. BOYD: I will go along with that, Option 3.

5 DIRECTOR SHANNON: Do any other board members want to
6 say anything?

7 (No response.)

8 DIRECTOR SHANNON: So you are saying \$150 for the
9 adult rides and \$75 for kiddie rides and inflatables and
10 \$300 for a coaster and chair lifts the same as an adult
11 ride?

12 MR. HAGGERTY: Did you mean a tow rope?

13 DIRECTOR SHANNON: They are different. I did not see
14 tow ropes. Is Bill in the room?

15 MS. JOINER: Where did Bill go?

16 MR. RATHBUN: A chair lift.

17 DIRECTOR SHANNON: A chair lift would be -- a tow
18 rope would be the same as an adult major ride, the \$150
19 fee. They haven't treated tow ropes separately just
20 because of the nature of them.

21 MR. RATHBUN: Correct.

22 MS. SULLIVAN: They are not that long.

23 MR. RATHBUN: But they are ground level. Usually you
24 don't have to do any tower climbing or anything like you

1 do with ski lifts. You have to send somebody twice
2 because they like to look at the pedestals prior to the
3 snow hitting and hit it again and possibly a third time
4 because we are going to start being there when they do
5 their grip slip tests.

6 MS. SULLIVAN: So we are talking about going back two
7 and three times for ski lifts?

8 MR. RATHBUN: You can, yeah.

9 MS. ROYER: In the case of the big park roller
10 coaster versus a small carnival roller coaster that you
11 pay each time for a ride, if you raise it for the small
12 carnival owners they won't be able to afford it.

13 MS. SULLIVAN: They won't come to Illinois.

14 MS. ROYER: Right.

15 DIRECTOR SHANNON: Well, I do think in looking
16 through the list of the other states -- I mean we are
17 not -- we are one of the lowest states that actually has
18 inspectors. Sure there is lower states or states where
19 they don't even regulate their carnival rides, but when
20 you do look at the states that do regulate it and have
21 state inspectors that do the inspections -- even our
22 neighboring states because Missouri doesn't have
23 inspectors you know? Kentucky -- we would be equivalent
24 with Kentucky actually under this scenario.

1 MS. SULLIVAN: Not with the number of inspectors that
2 they have.

3 DIRECTOR SHANNON: In terms of the fees being
4 assessed. Their inspectors aren't full time. What do
5 they inspect?

6 MR. RATHBUN: Weights and measures. Gas pumps.
7 Scale standardization.

8 MS. SULLIVAN: Weights and measures.

9 DIRECTOR SHANNON: And they have twice as many
10 inspectors.

11 MR. RATHBUN: I think that they have seven full-time
12 inspectors. But they've got the luxury of being able to
13 pull in other people as needed.

14 MS. SULLIVAN: Yeah. They have more resources. And
15 I know for a fact that, like, New Jersey has at least 20
16 because I have been there to train. And there were --
17 there were more than 20 people at that training. So --

18 MS. JOINER: Yeah. But look at what they charge.

19 DIRECTOR SHANNON: They charge 500 you know. Six
20 hundred dollars. Adults are \$500 just for the permit fee
21 and \$250 for the inspection fee. So that's like \$750.

22 MS. SULLIVAN: Oh, I know, but they are outrageous
23 all of the way around. New Jersey is the worst state for
24 anybody to go to. And California is quickly coming up

1 close behind them. I don't even want to sell a ride to
2 New Jersey quite frankly.

3 UNIDENTIFIED SPEAKER: Two things. You got to
4 specify the size of the coaster because a little coaster
5 shouldn't pay what a coaster at Six Flags pays. You got
6 to specify things by -- I don't know -- maybe by square
7 foot.

8 MR. RATHBUN: By the size of the lift?

9 MS. SULLIVAN: I mean the Dragon Wagon is not a
10 roller coaster.

11 MR. SPARKS: Some states regulate it for how long it
12 takes to set up for that reason.

13 DIRECTOR SHANNON: I do think that we need to keep in
14 mind the amount of revenue that we are talking about
15 generating and then we get to the point of, well, is it
16 even worth charging more.

17 MR. RATHBUN: Your point is well taken. We can
18 specify that the lift hill has to be so tall. You know
19 what I mean? A Dragon Wagon or an Orient Express -- I
20 mean that's not what we are looking at.

21 UNIDENTIFIED SPEAKER: What about the Wacky Wagon?

22 MS. SULLIVAN: Typically you are looking at coasters
23 that are in one place. They are static.

24 MS. JOINER: So it wouldn't apply to anybody, but Six

1 Flags?

2 UNIDENTIFIED SPEAKER: How do we get a copy of that
3 list on what the different states charge?

4 (Pause.)

5 UNIDENTIFIED SPEAKER: Do you have a list?

6 DIRECTOR SHANNON: Yeah. We did some research and we
7 have a list. I think that we could share it.

8 MR. HAGGERTY: Sure.

9 MR. SPARKS: Do we have an agreement on the fees?

10 MS. SULLIVAN: No.

11 MR. SPARKS: And I just want to go on the record that
12 I am against them.

13 DIRECTOR SHANNON: You are against any increase?

14 MR. SPARKS: Yes.

15 DIRECTOR SHANNON: Maybe we should go ahead and call
16 it for a vote.

17 MS. SULLIVAN: Okay. A vote on what?

18 DIRECTOR SHANNON: Well, I think I will make the
19 motion if nobody else wants to. The motion to --

20 MS. SULLIVAN: As the chair, I don't think that you
21 can --

22 DIRECTOR SHANNON: Well, will somebody else make a
23 motion?

24 MS. SULLIVAN: -- if we are doing Robert's Rules.

1 DIRECTOR SHANNON: Does somebody want to make a
2 motion?

3 MS. SULLIVAN: I would make a motion. And I think in
4 looking at the increase in the revenue that the 75 and
5 150 -- I think that -- obviously that generates more than
6 another inspector would cost. And -- and to try to
7 get -- -- to get them all at one time -- I would rather
8 see us going to go to -- if we are going to do increases,
9 to go to \$50 for a kiddie ride and \$110 for a major ride
10 and that's kind of boosting it incrementally and then
11 going to \$250 for a coaster or a ski lift.

12 MR. URBIK: So then the operators could expect an
13 increase in fees every year?

14 MS. SULLIVAN: No. I think that we go to this.

15 MR. URBIK: If you do it incrementally, that's what
16 it means.

17 MS. SULLIVAN: Well, I -- I am saying that I don't
18 think that -- in going straight to the increases to the
19 Option 3 that we are showing here with the 75 and 150, I
20 just think that that's way too much money to increase the
21 fees for our operators. Especially in this economic
22 climate. I just don't think that's a fair thing. They
23 are pressed to stay in business right now.

24 MR. SPARKS: That's right.

1 MS. ROYER: Would the fees have to go to a special
2 fund then?

3 DIRECTOR SHANNON: It would require a legislative
4 change not to.

5 MS. SULLIVAN: Okay. Well, the one thing Catherine
6 said is she's going to try to -- to justify getting
7 another inspector. Then let's look at something that may
8 bring in enough money to fund one more inspector because
9 this -- this -- what they are showing now funds an
10 inspector now. But -- okay.

11 If she needs -- if -- but if they are frozen on being
12 able to hire, if we give her something to go with to say,
13 look, we are generating more funds into the General Fund.
14 So we need to be free to hire the fifth inspector back.
15 And that's an increase, but not -- you know it's not a big
16 increase. It's not doubling it.

17 MR. WRIGHT: What were you recommending in increases
18 again?

19 MS. SULLIVAN: Well, \$50 for a kiddie ride and \$110
20 for an adult ride and \$250 for a ski lift or a major
21 coaster.

22 MS. ROYER: And that goes into a General Fund?

23 UNIDENTIFIED SPEAKER: The funds can be swept.

24 DIRECTOR SHANNON: Any fund can be swept.

1 MS. ROYER: But it isn't a special fund. It will
2 just go to the General Fund?

3 DIRECTOR SHANNON: You are right. That would take a
4 legislative proposal. That's nothing that we could do by
5 rule making. Which is what we are hoping to determine
6 now. And that would have to be something that gets
7 followed up on.

8 MS. ROYER: Right. I'm saying that maybe we should
9 be handing them -- if you are going to raise the fees,
10 make sure that it's at least going to the Special Fund so
11 that you have a better chance of getting it.

12 MS. SULLIVAN: Well, if Catherine has got to go and
13 argue for that fifth person and we allow a raise of fees
14 that's approximately the additional cost of an extra
15 inspector, she has got some power to do that. It gives
16 all of the -- of the ride owners a better chance of having
17 an operator or an inspector being able to come when they
18 need them as they have in the past.

19 And you know it's -- it's gonna' be painful for
20 everybody. I don't care what we do. We can't -- you know
21 I -- I don't see that -- we can't put operators out of
22 business. If they lose money too many times banks aren't,
23 you know, wanting to loan 'em more money. So I think that
24 we have to be very careful about the additional onus that

1 we put on operators because then we won't even need the
2 Carnival and Safety Department if we put everybody out of
3 business. And this is a smaller increase, but it is an
4 increase.

5 And I appreciate your comment, Bill. I know you guys
6 can't afford any more.

7 MR. SPARKS: We cannot. We will go out of business.

8 MS. SULLIVAN: But you know Illinois has gotten
9 itself into a position where they -- they -- they are
10 going to start cutting things. And -- and better a little
11 bit of an increase and still get that fifth inspector.

12 MR. SPARKS: They are still being subsidized.

13 MS. SULLIVAN: Yes.

14 MR. SPARKS: And they still need to work smarter.
15 I'm sorry.

16 MS. SULLIVAN: Well, I think with everybody's
17 cooperation they will be able to work smarter and more
18 efficiently.

19 MR. RODRIGUEZ: And I think we do have to look
20 internally to see how we can work smarter and use our
21 resources better. But at the end of the day that is a
22 shortfall. So we can't lose sight of that as well.

23 MR. SPARKS: But the carnival owners didn't create
24 that.

1 MS. SULLIVAN: You are absolutely right.

2 MR. SPARKS: Exactly.

3 MS. SULLIVAN: The state created it's own problems.

4 MR. BOYD: Is that your motion?

5 MS. SULLIVAN: That was my motion.

6 DIRECTOR SHANNON: Just to repeat it, it will -- it
7 will be the \$50 -- Option 4, \$50 for kiddie rides, \$110
8 for adult rides and \$250 for big roller coasters or ski
9 lifts.

10 Is there a second?

11 MR. WRIGHT: Second.

12 DIRECTOR SHANNON: Discussion?

13 (No response.)

14 DIRECTOR SHANNON: Are there any members that wish to
15 discuss this?

16 MR. URBIK: If, in fact, this motion passes, do you
17 feel that you will be able to sell a fifth inspector?

18 DIRECTOR SHANNON: I can't guarantee anything, but I
19 think that I can make a very strong case that we are
20 funding the fifth inspector. It's not going to cost the
21 state any more money.

22 MR. BOYD: With this increase?

23 DIRECTOR SHANNON: Yes.

24 MR. URBIK: And would that change or make that

1 stronger if you went to Option 3 versus Option 4?

2 DIRECTOR SHANNON: Option 3 is the option that funds
3 the position. I don't think that Patty's option to fund
4 the position -- because on Option 4 -- we've just done
5 some -- Bert has done some rough calculations. And the
6 difference between what we are taking in now and what
7 Option 4 would provide is what, Bert?

8 MR. RODRIGUEZ: And that is without looking at the
9 coaster part of it, but it would be a \$47,000 increase
10 from what the current revenues are.

11 MS. SULLIVAN: But when you add coasters in and the
12 haunted houses we just talked about, the additional
13 revenue stream from haunted houses last night -- and --
14 and they are following up. That's something that
15 everybody is going to be following up on this year I'm
16 assuming in the department.

17 DIRECTOR SHANNON: Yes.

18 MS. SULLIVAN: And so that would be in addition. And
19 the coaster and the ski lift is in addition.

20 MR. RODRIGUEZ: Yeah. We would have to separate out
21 what the coaster and chair lift would be. I mean that
22 would be incremental slightly since we are collecting
23 that.

24 DIRECTOR SHANNON: To answer your question, I don't

1 think that I can go in there to be honest and say that we
2 are covering your cost. So if they ask if we are covering
3 our costs with this, I would have to say not completely.
4 You know we are three quarters of the way there perhaps,
5 but not fully. So --

6 MS. SULLIVAN: But the owners didn't cause the
7 problem in the first place. The state did.

8 DIRECTOR SHANNON: The owners are paying a lot less
9 in Illinois than they are in any of the other states that
10 have an inspection program.

11 MR. SPARKS: Not any state.

12 DIRECTOR SHANNON: That has a state funded inspection
13 program.

14 MR. SPARKS: I thought you were talking about the
15 permit fee.

16 DIRECTOR SHANNON: The permit and state inspection
17 fee combined.

18 MR. SPARKS: And what about Missouri?

19 DIRECTOR SHANNON: Missouri does not have state
20 inspectors.

21 MR. SPARKS: Yes, ma'am, they do.

22 DIRECTOR SHANNON: The county of St. Louis --

23 MR. SPARKS: Not the county. The state of Missouri
24 has inspections. They have one state inspector. They

1 rely on third party independent inspectors.

2 DIRECTOR SHANNON: But that's not the state
3 inspector. They have one state inspector. They don't do
4 the inspections that the state of Illinois does.

5 MR. SPARKS: No.

6 DIRECTOR SHANNON: The inspections can be performed
7 by third parties; right?

8 MR. SPARKS: Correct.

9 UNIDENTIFIED SPEAKER: For the sticker permit, you
10 are correct. But they do have inspectors.

11 MR. SPARKS: The State of Missouri even actually
12 exempts rides. Any ride that is not motorized is exempt
13 from its permit.

14 UNIDENTIFIED SPEAKER: So does Indiana.

15 MR. SPARKS: What?

16 UNIDENTIFIED SPEAKER: So does Indiana.

17 UNIDENTIFIED SPEAKER: Anything that doesn't have
18 mechanical moving parts.

19 MR. SPARKS: Correct.

20 MS. SULLIVAN: Is he making a motion to amend?

21 MR. WRIGHT: Well, I was just asking her about the --
22 we talked about, like, 110 or whatever. We could do that
23 for the small carnivals or whatever. But the amount of
24 time -- and they have to sometimes have an inspection more

1 than one time a year; right?

2 DIRECTOR SHANNON: The mobiles do.

3 MR. WRIGHT: If you have, like, a Six Flags, I would
4 like to see that at around 300 if possible for a major
5 coaster.

6 MS. SULLIVAN: And the ski lift.

7 MR. WRIGHT: Right. And the ski lift.

8 DIRECTOR SHANNON: Instead of 250?

9 MR. WRIGHT: Yes.

10 DIRECTOR SHANNON: So you are substituting \$300 for
11 the \$250 --

12 MR. WRIGHT: Yes.

13 DIRECTOR SHANNON: -- but keeping the kiddie and the
14 adults the same? What did you say? Was it 110 and 50 and
15 300 for the major coaster or ski lift?

16 MR. WRIGHT: Yes.

17 DIRECTOR SHANNON: Is there is a second for the
18 amended motion?

19 MS. SULLIVAN: I will second it.

20 MR. BOYD: Is that all the change was?

21 DIRECTOR SHANNON: It's a \$50 change for the major
22 coasters and ski lifts from 250 to 300.

23 You seconded it?

24 MS. SULLIVAN: Yeah.

1 DIRECTOR SHANNON: Is there any further discussion?

2 (No response.)

3 DIRECTOR SHANNON: Well, again, I would just say
4 that -- that the 300 isn't going to make much of a
5 difference in terms of our revenues. It's probably going
6 to be in the very low under 5,000 category. But -- but I
7 still think that, you know, in my opinion, Option 3 is the
8 one that gives me the best -- the most effective argument
9 to make with the Office of Management and Budget in terms
10 of us getting our fifth inspector.

11 MS. SULLIVAN: But we've added a manager on top of
12 the inspectors, which we didn't have for a number of
13 years. So that wasn't taking state money for a number of
14 years. We've added a manager into the mix. And if we can
15 add a manager at more money than the inspector, I am
16 assuming -- I could go to the state and look that up, but
17 I am assuming that it's more. Then I think that we should
18 still fund that inspector with -- with -- I don't think --
19 I don't think that the carnivals should have to fund the
20 whole inspector, but I think that it comes real darned
21 close when we add the fees on that schedule. Or go
22 without a manager again.

23 DIRECTOR SHANNON: So there has been a motion and a
24 second. Is there any further discussion?

1 (No response.)

2 DIRECTOR SHANNON: Bill?

3 MR. SPARKS: Opposed.

4 DIRECTOR SHANNON: James?

5 MR. WRIGHT: I'm for it.

6 DIRECTOR SHANNON: Patty?

7 MS. SULLIVAN: I'm for it, too.

8 DIRECTOR SHANNON: And Tony?

9 MR. URBIK: Opposed.

10 DIRECTOR SHANNON: Rick?

11 MR. BOYD: Yes.

12 DIRECTOR SHANNON: And we need four votes to pass
13 this?

14 MR. HAGGERTY: Yes.

15 DIRECTOR SHANNON: Well, I will vote yes. I hope
16 that this is enough to get us --

17 MS. SULLIVAN: Are we doing Robert's rules? Because
18 you can't vote unless there is a tie according to Robert's
19 rules.

20 MR. HAGGERTY: We can take the vote again.

21 DIRECTOR SHANNON: I want everyone to vote again.
22 Bill?

23 MR. SPARKS: No.

24 DIRECTOR SHANNON: James?

1 MR. WRIGHT: Yes.

2 DIRECTOR SHANNON: Patty?

3 MS. SULLIVAN: I'm a yes.

4 DIRECTOR SHANNON: Tony?

5 MR. URBIK: No.

6 DIRECTOR SHANNON: Rick?

7 MR. BOYD: Yes.

8 DIRECTOR SHANNON: Okay. Well, then the motion
9 fails.

10 Okay. Is there any other business --

11 MR. BOYD: I will make the motion to try Option 3
12 then as proposed -- the 150 and 75.

13 DIRECTOR SHANNON: Is there a second?

14 MR. WRIGHT: Second.

15 MS. SULLIVAN: Are you going to do anything with
16 coasters and ski lifts?

17 MR. BOYD: No.

18 UNIDENTIFIED SPEAKER: I don't understand --

19 DIRECTOR SHANNON: No, stop. We are in the middle of
20 a motion. I don't think that we can entertain anything.

21 MR. HAGGERTY: It's the board meeting.

22 MR. WRIGHT: Did someone second the motion?

23 DIRECTOR SHANNON: I thought you did. Wait. You
24 made the motion?

1 MR. BOYD: I made a motion for Option 3.

2 DIRECTOR SHANNON: I didn't hear the second by James.

3 MS. SULLIVAN: He actually seconded it.

4 DIRECTOR SHANNON: The motion has been made and
5 seconded.

6 Is there any discussion?

7 MS. SULLIVAN: I just think that the fees are too
8 high. I don't think that they are -- I think that -- you
9 know that's almost completely doubling the fees. It's
10 just too much.

11 MR. URBIK: The fees haven't been raised since what?
12 '85?

13 DIRECTOR SHANNON: No. They were raised -- Marcia --
14 they were raised \$5 and something last time.

15 MS. JOINER: It was five and \$10.

16 MS. SCHERER: Two years ago.

17 MR. URBIK: What I heard at the meeting last night is
18 that -- is that we have to have a fifth inspector. I
19 heard some of the operators say loud and clear that we are
20 going to have to have another person in order to get this
21 done. If your feeling is that there is a high probability
22 of getting that fifth inspector with Option 3, I think
23 that means that's what the next motion needs to be.

24 MR. WRIGHT: I agree.

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1 DIRECTOR SHANNON: Is there any further discussion?

2 (No response.)

3 DIRECTOR SHANNON: Seeing none I will call roll.

4 Bill?

5 MR. SPARKS: No.

6 DIRECTOR SHANNON: James?

7 MR. WRIGHT: Yes.

8 DIRECTOR SHANNON: Patty?

9 MS. SULLIVAN: No.

10 DIRECTOR SHANNON: Tony?

11 MR. URBIAK: Yes.

12 DIRECTOR SHANNON: Rick?

13 MR. BOYD: Yes.

14 DIRECTOR SHANNON: Okay. There are three yes votes
15 and two no votes. So we need four to approve. So the
16 motion fails.

17 Is there anything further on this?

18 (No response.)

19 DIRECTOR SHANNON: Okay. Well, the only other item
20 is to schedule the next board meeting. And, Marcia, did
21 we have a -- did we have a thought on when we were
22 thinking about doing that or --

23 MS. JOINER: Well, are we going to have a public
24 hearing?

1 DIRECTOR SHANNON: Well, there is nothing to have a
2 public hearing about.

3 MS. JOINER: So we might as well go to June like
4 we -- like we normally do?

5 DIRECTOR SHANNON: I think --

6 MS. JOINER: And that will be in Springfield; is that
7 correct?

8 DIRECTOR SHANNON: I think so.

9 MR. BOYD: Springfield is better for me.

10 DIRECTOR SHANNON: Why don't we do this. Why don't
11 we just -- I don't know that everybody has their calendars
12 with them. We will look at trying to schedule a meeting
13 in June. And how about if we just e-mail all of you?

14 MS. SULLIVAN: That would be good.

15 MS. JOINER: Are there any times that you don't work
16 in June?

17 MR. BOYD: The last week of June and the first week
18 of July doesn't work for me. I'm on the county board and
19 that's our fair.

20 DIRECTOR SHANNON: Does anybody have an objection to
21 the first week of June?

22 MR. WRIGHT: The only bad week is the last week of
23 June.

24 DIRECTOR SHANNON: Okay.

1 MS. JOINER: Same with him.

2 DIRECTOR SHANNON: Bill, is June good for you?

3 MR. SPARKS: June is not good for me.

4 MS. JOINER: Patty?

5 MS. SULLIVAN: As far as I know, anytime in June is
6 okay.

7 DIRECTOR SHANNON: And maybe we will look at a
8 different month if we need to.

9 So is there any other discussion or is there any
10 other business to come before the board?

11 (No response.)

12 DIRECTOR SHANNON: Is there a motion to adjourn the
13 meeting?

14 MR. URBIK: I make a motion to adjourn the meeting.

15 MS. SULLIVAN: Second.

16 DIRECTOR SHANNON: All those in favor?

17 (Group response.)

18 DIRECTOR SHANNON: All those opposed?

19 (No response.)

20 DIRECTOR SHANNON: This board meeting is adjourned.

21 Thank you.

22 (Proceedings concluded

23 at 12:15 P.M.)

24

1 STATE OF ILLINOIS)

2) SS.

3 COUNTY OF SANGAMON)

4

5 I, CYNTHIA M. SMITH, do hereby certify that I am
6 a Certified Shorthand Reporter and Notary Public in and
7 for the County of Sangamon and State of Illinois, and that
8 I reported in shorthand the proceedings had in connection
9 with the above-entitled cause on January 15, 2010, and
10 that the foregoing is a true and accurate translation of
11 my shorthand notes so taken.

12 Given under my hand and seal this 10th day of
13 February, A.D., 2010.

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Certified Shorthand Reporter

20

and Notary Public

21

CSR #084-003540

22

23 My commission expires: June 27, 2010.

24