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AMUSEMENT RIDE AND ATTRACTION SAFETY ADVISORY BOARD

ADVISORY BOARD MEETING)
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Record of proceedings in the
meeting of the above-entitled cause, at 100 West
Randolph Street, Second Floor, before the Advisory
Board, in the City of Chicago, County of Cook, State
of Illinois, before Victoria D. Rocks, CSR, Notary
Public, commencing at 2:00 o'clock p.m., on the 24th
day of October 2019, A.D.

1 APPEARANCES :

2

MR. MICHAEL KLEINIK

3

MS. PATRICIA SULLIVAN

MS. JESSICA YARD

4

MR. WESTON SPARKS

MR. BRADLEY BROWN

5

MR. DAVID BENNETT

MR. DANIEL SCHWABE

6

MR. THOMAS COE

MR. WILLIAM JENNINGS

7

MR. JOSEPH REDSHAW

MS. YOLANDA CARRERO

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MS. MARGARET VAUGHN

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Report of Proceedings: 4 - 88

1 MR. COE: We have three new Board members.

2 MR. KLEINIK: William Jennings is from Southern
3 Illinois, from Olney, Illinois, home of the white
4 squirrels.

5 MR. JENNINGS: I have been on my local County
6 Fair board since 1970. I was president for 40
7 years.

8 I have been on the Illinois Association of
9 Agriculture Board for 22, 23 years, and I have been
10 president of the Board, and I am a registered nurse
11 in the emergency room in my spare time.

12 MR. KLEINIK: We have Jessica Yard on the
13 phone. She is a public representative. Do you want
14 to give us a little bit on your background.

15 MS. YARD: Good afternoon. Sorry, it is a
16 little difficult to hear. My name is Jessica Yard.
17 And I am an assistant director of revenue cycles and
18 business intelligence. I'm not sure whether
19 information sharing is in there. If there is any
20 question you let me know.

21 MR. KLEINIK: We have Dave Bennett.

22 MR. BENNETT: My name is David Bennett. I am
23 an attorney in Chicago. I work for a law firm in
24 Chicago called Pretzel and Stouffer. It sounds like

1 a food company, but it is a firm.

2 I have been a lawyer for 30 years. I
3 represent the amusement industry throughout Illinois
4 and the Midwest. I represent family entertainment
5 centers and rides and carnivals and all that. I am
6 very happy to be a part of this.

7 MR. KLEINIK: The governor has reappointed
8 Joseph Redshaw to the Board.

9 MR. REDSHAW: I am Joseph Redshaw. I'm from
10 West Central Illinois, Rushville, Illinois. Redshaw
11 Insurance Agency I have owned for 23 years, and I
12 have been on the Fair Board 23 years.

13 I have been on the chairman of the carnival
14 committee, and this is my third year.

15 MR. KLEINIK: Then the governor's office is
16 going to reappoint Patty Sullivan. She's not here.
17 She will be down here soon.

18 She's waiting for some paperwork to get
19 through the system to make sure that everything is
20 okay and lined up. I will let you know that she is
21 joining you back on the Board too. For the other
22 ones, there's the dates on here.

23 My name is Mike Kleinik. I am the director
24 of the Department of Labor. I was appointed by

1 Governor Pritzker in January and confirmed by the
2 senate in May. Our chief legal counsel, Yolanda
3 Carrero, is here. And our policy advisor is Julie
4 Vahling. She will be helping the Board through any
5 kind of policies that you guys may see fit to take
6 care of.

7 And I know that reading some of the minutes
8 of the past meetings, there was some questions about
9 updating some stuff, and we could go from there.
10 But we have a policy advisor to help the Board at
11 your request and go forward with that.

12 I will let you know the division manager,
13 which was Bill Soletti, there was an issue that had
14 arisen about his temporary appointment and so,
15 therefore, there is no division manager. Tom and
16 myself have been kind of -- mostly Tom has taken
17 care of moving things forward, keeping things going
18 with the appointments.

19 We have a new procedure with CMS that has
20 been approved. It's called everything is done
21 online. You apply online, and you do the interview
22 online. And the carnival manager has been approved
23 for that. I am waiting for the date that we could
24 advertise that on our CMS and move forward with the

1 interview and hopefully by January we'll have
2 another division manager that could step in and do
3 this stuff.

4 So I want to give you a heads up of where
5 we're at on that. And that is all I have.
6 Generally we'll go around the room for the old
7 people that have been around.

8 MR. COE: I'm Tom Coe. I am the chief ride
9 inspector. I've been with the division, this is
10 going on my fourth year. So I am pretty new, pretty
11 young. Still learning.

12 MR. SPARKS: Weston Sparks with North American
13 Midway Entertainment. I've been in the industry all
14 my life.

15 MR. BROWN: I am Bradley Brown. I own Brown
16 Engineering Company. I've been on the Board three
17 years now.

18 MR. SCHWABE: I am Daniel Schwabe. I work at
19 Six Flags Great America. I have worked there since
20 I was 16 years old in high school, and I have done
21 maintenance for almost 40 years now.

22 MS. CARRERO: Yolanda Carrero, with the
23 Illinois Department of Labor.

24 MS. VAHLING: Julie Vahling, policy advisor.

1 MR. JOHNSON: Bill Johnson, Fantasy Amusement
2 Company, 34 years in business.

3 MRS. JOHNSON: Mary Johnson, ditto.

4 MRS. SPARKS: Bridget Sparks, North American
5 Midway Entertainment, 21 years.

6 MR. COE: Patty is not here yet. Hopefully,
7 she will show up quickly. The next step is approval
8 of the previous Board minutes. Do I hear a motion?

9 MR. SPARKS: I'll make a motion.

10 MR. COE: Second?

11 MR. BENNETT: I'll second it.

12 MR. COE: For the new Board members, the
13 January meeting was pretty in depth. There was a
14 lot of information that was covered that was
15 presented at that meeting.

16 I tried to send it out to you guys in an
17 e-mail so you could look it over real quick. I
18 don't know if we just want to go over it kind of in
19 a cursory review or is there more discussion. The
20 first one we have is the inflatable fee structure.

21 What that entailed is there are a couple of
22 companies that come into the state that have huge
23 inflatables. Insane 5K is one of them that has come
24 into the state continuously for the last couple of

1 years. These inflatables exceed 1500 square feet in
2 their footprints. They're huge. They're as big as
3 houses.

4 The other company that came into the state,
5 it's almost a mobile amusement park, it's 10,000
6 square feet of inflatables that are locked together
7 to form kind of a midway.

8 (Enter Patricia Sullivan.)

9 MR. COE: We kind of went through the
10 introduction of new Board members. If you want to
11 throw your two cents in.

12 MS. SULLIVAN: I am Patty Sullivan with Eli
13 Bridge Company in Jacksonville. And I don't think
14 that we have met yet.

15 I think you're the director?

16 MR. KLEINIK: Before you got here, the
17 Governor's office advised me that they are
18 reappointing you.

19 MS. SULLIVAN: I talked to Natalie on the way.
20 She was sending it down to the front desk for me to
21 go through and sign.

22 MR. KLEINIK: I wanted everybody to hear that
23 we are on top of it.

24 MR. COE: Do you want to introduce yourself?

1 MS. VAUGHN: I am Margaret Vaughn. I represent
2 the Illinois Association of Agriculture Affairs and
3 Outdoor Amusement Business Association.

4 MS. SULLIVAN: We did get here faster with her
5 driving. I wasn't lost in the maze underneath for
6 an hour.

7 MR. COE: We already approved the minutes. We
8 were getting into the inflatable fee structure that
9 we talked about at the last Board meeting.

10 The Board had given its okay. Basically an
11 inflatable that has a footprint over 1500 square
12 feet will be assessed a fee of \$130. The way it is
13 set up now those inflatables would come in under a
14 \$55 fee, and the time that we spend in that area for
15 those large inflatables justifies the fee increase.

16 The Board was okay with it. They wanted to
17 wait until the new director was appointed, and I
18 guess we could have a little discussion if you want
19 to okay that.

20 I don't think it would be able -- it may be
21 able to be implemented next year as far as the time
22 line goes.

23 MS. SULLIVAN: When it comes to getting for
24 more money I'll bet we could do it.

1 MR. COE: It will still have to go through
2 JCAR because it's an update to the rules to the fee
3 increase.

4 MS. SULLIVAN: Why?

5 MS. VAUGHN: The fees are set by rule.

6 MR. COE: So I don't know if we could get it
7 through that process in time for us to implement
8 before the opening of 2020.

9 MS. SULLIVAN: Well, we still have another
10 meeting between now and then.

11 MR. COE: Right. So we could take a vote and
12 start the process and move forward with the fee
13 increase.

14 MS. SULLIVAN: Make the motion.

15 MR. SPARKS: I'll make the motion.

16 MS. SULLIVAN: Second?

17 MR. BROWN: I second it.

18 MS. SULLIVAN: Is there any discussion? Then I
19 will call for a vote. All those in favor of raising
20 the fees for inflatables over --

21 MR. COE: 1500 square feet.

22 MS. SULLIVAN: From 35 to 130. Those in favor
23 say aye.

24 MR. SPARKS: Aye.

1 MR. BROWN: Aye.

2 MS. SULLIVAN: Those opposed say nay. Then
3 it's passed, and we will funnel that on up the line.
4 You don't mind more money come in, do you?

5 MR. COE: The next two bullet points under old
6 business is a discussion. We did hand out some
7 paperwork to the Board members.

8 Basically we looked into what it would take
9 the department to regulate all inflatables. The
10 analysis that we did, we do not have the manpower at
11 this time.

12 Seeing what happened this year, there's no
13 way we could take on that amount of work without I
14 would say probably another two people at least.

15 MS. SULLIVAN: Because what we were envisioning
16 for that would be to go right to the rental place
17 and do them all there?

18 MR. COE: Right.

19 MS. SULLIVAN: So they might only be part time
20 people because they will want to do that before the
21 season starts.

22 MR. COE: Two things. That is exactly what we
23 did when we looked at this is we went to our biggest
24 companies and said how many inflatables do you have.

1 How many do we actually inspect at this time.

2 And we inspected probably 30 to 40 percent of
3 those two companies or those five companies and just
4 those five companies would almost equate to a
5 full-time employee and the number of hours just to
6 get them because when you start talking about that
7 volume, it's laborious.

8 MS. SULLIVAN: Labor intensive.

9 MR. COE: They have to be set up and most
10 places can only set up five or six at a time. So
11 you're continually waiting there.

12 To do 15, 20 inflatables a day at a location,
13 is probably a pretty decent day of work.

14 MS. SULLIVAN: Really. I didn't envision an
15 inflatable taking that long. If you are saying they
16 have to set them up and take them down, move them
17 out of the way. Set them up.

18 MR. COE: There is maybe one company, but most
19 of them do not have the space where they could set
20 up 30 inflatables.

21 Usually what happens is we come. They'll have
22 five set up. As we move through --

23 MS. SULLIVAN: They're taking them down.

24 MR. COE: They're taking one down, going to the

1 warehouse getting another one and blowing them up,
2 but there's a lot of time lag in moving between
3 those.

4 MR. JENNINGS: What constitutes the start stop
5 point as this where you start inspecting inflatables
6 and don't inspect inflatables?

7 MR. COE: It's public use. If it's open to the
8 general public, then it has to be permitted. If you
9 have an inflatable, and you use it in your back yard
10 for a birthday party we have no business there.

11 MR. JENNINGS: But if a church social had an
12 inflatable, that would be inspected?

13 MR. COE: Yes, in most cases.

14 MS. SULLIVAN: If you just bought an inflatable
15 from Wal-Mart and it is in your back yard, that is
16 not.

17 But my issue with it kind of was I think the
18 inflatables that are inspected and licensed, are
19 usually run much more safely than the inflatables
20 that are rented according to the CPSC data that I
21 read. So it's these rental places that either don't
22 give enough information to the people renting them
23 or the people renting them just don't pay attention
24 to it and do it.

1 So they really kind of black the eyes of the
2 rest of the people who are doing the right thing. So
3 I felt like well, we should be able to find a way
4 that the people who are renting them are also doing
5 proper training with the people that put them in
6 their back yard or whatever because they rent to the
7 public.

8 If somebody owns their own, then we shouldn't
9 be involved, but when these companies that have so
10 many of them rent to the public I think we're still
11 kind of on the hook for public safety.

12 No matter how it reads in the regulations, I
13 think that we're still responsible for public
14 safety. And to me that would fall under -- the
15 biggest thing is making sure that the people are
16 properly trained who are operating. They let
17 anybody get in with anybody else, and they got high
18 school kids in with little three year olds, and
19 somebody's head gets hit.

20 So if we could help those people use them
21 more safely, that was my hope. But I will back down
22 if we don't think that.

23 MRS. SPARKS: If they're making money then they
24 should conform to that.

1 MS. SULLIVAN: They are making money off of
2 them. For them to let people come pick them up, and
3 those people know they got to plug the blower in and
4 plug it into electricity, and there you go.

5 I just think that we should find a way to be
6 sure that they have to be trained properly as well
7 as all the carnivals and all the parks that have
8 them have to be trained properly. How much time do
9 you spend training your employees, Bill?

10 MR. JENNINGS: Quite a lot. We actually have
11 weekly meetings that we talk about safety.
12 Obviously, everybody goes through different things,
13 how many years they have been there. Between the
14 videos and everything else.

15 Now we're doing it, we have a program through
16 the OABA that we have them trained before they get
17 here. So any new employee goes through training
18 through the OABA, and it has worked out pretty well.
19 Some of them like it, give me more to do. So it
20 worked out good.

21 I understand where Patty is coming from. I
22 brought it up at other Board meetings. And you have
23 rental companies that don't get inspected that have
24 mechanical rides, and they do a rental.

1 MS. SULLIVAN: I don't think that is
2 acceptable.

3 MR. JENNINGS: Well, they have done that, and
4 you are talking moonwalks. There's a company that
5 will rent a moonwalk for \$100, drop it off at your
6 house and here you go with no training whatsoever.
7 They don't have insurance, and you put it on your
8 homeowners. This is what people tell me when they
9 want to rent a moonwalk. I can't rent a moonwalk
10 for one hundred dollars. This is what they tell me.

11 Something as to be done with some of these
12 rental companies to try to alleviate that. Good
13 luck.

14 MS. SULLIVAN: The regulations specify what you
15 all have to carry in insurance.

16 MR. JENNINGS: Margaret came out to inspect me,
17 and she says you guys got moonwalks here, open to
18 the public. You don't have stickers. So she made
19 him do the paperwork to get the inspection done.

20 But to me, I can't operate without it. The
21 local jurisdiction is not going to do that because
22 it's a festival, and they know everybody.

23 MS. SULLIVAN: The good ol' boy thing.

24 MR. JENNINGS: There's a whole world of those

1 out there. There's a huge number that are renting
2 inflatables.

3 MS. SULLIVAN: Yes. And those are the ones who
4 pick up the numbers on injuries. And so our
5 industry gets a black eye from it. And you know as
6 far as I'm concerned those are preventable. A lot
7 of them are preventable.

8 And if we're here to promote the public
9 safety, then I kind of feel like we should be
10 pulling them into the fold.

11 MS. VAUGHN: The devices themselves, the
12 injuries are coming not so much because of the
13 device itself was not done properly.

14 MS. SULLIVAN: The lack of training.

15 MS. VAUGHN: Correct. By permitting them all
16 they could work properly, but that doesn't seem to
17 be addressing the heart of the issue.

18 The heart of the issue is the people
19 operating them, that is a different issue.

20 MS. SULLIVAN: When the inspectors go in they
21 check what do you use for training, where is your
22 training log and your training outline.

23 And because you guys can't have somebody run
24 a ride that doesn't have training. You keep logs of

1 that stuff, when they were trained and all that kind
2 of stuff. I think that they should be responsible
3 to do that too and have signoffs just like you do.

4 MR. BROWN: To pursue that further, what would
5 that look like for a rental agency that rents
6 inflatables. I know that there's a couple of local
7 ones by us. One is a hardware store.

8 There is another place that has an inflatable
9 business that you rent them and go set them up for
10 private parties and stuff. What would that look
11 like on their end, do you think?

12 MS. SULLIVAN: They would have to have operator
13 instructions, what the operators are supposed to do.
14 They would have to have signage out front like two
15 to four years old can bounce together and five to
16 seven years olds can bounce together or however that
17 is properly done.

18 I shouldn't open my big mouth on
19 inflatables. But ferris wheels I could talk about.
20 You would also have -- there should also be a manual
21 for the inflatables, how they should be maintained
22 and how they should stack them. How to properly set
23 them up.

24 That is the key because sometimes they just

1 drop them off, here it is. And so there's people
2 who have never done it before or maybe have done it
3 before, but they may have done it wrong the first
4 time too. They're just going off the seat of their
5 pants.

6 You guys are required to have manuals on
7 every single ride and operating instructions on
8 every single ride and a training program and sign
9 offs where each of the people who is trained have
10 signed off. And the instructor signs off.

11 And I don't know why they can't have that
12 too. If they're going to rent them out and make
13 money off of them, then I think that they should be
14 responsible for public safety or the safety of the
15 people that they are renting them to.

16 MR. KLEINIK: I believe the statute -- and I
17 could ask legal counsel, but I think the statute
18 allows to do that.

19 It's because it's for public safety. And
20 it's the smaller companies we're looking at, is that
21 correct?

22 MS. VAUGHN: Yes.

23 MS. SULLIVAN: And some of these companies are
24 pretty big. It's not a carnival, but it's still

1 somebody who is providing a rider device.

2 MS. VAHLING: One of the questions I had is are
3 there any thoughts on the control factor of it.

4 MS. SULLIVAN: I'm sorry?

5 MS. VAHLING: The control factor, the operator
6 that controls the insert whether it's a ride or in
7 this case the inflatable structures.

8 If it is a scenario where it's a company and
9 it's rented out. So it's going, and it's dropped
10 off at the location, but they're not actually
11 operating it. Maybe they set up, but nobody is back
12 there. Is that sufficient to meet the operating?

13 MS. SULLIVAN: Usually for a carnival or park
14 they own the equipment. They might book in somebody
15 else.

16 But if somebody else is booked in, they're
17 still required to do all of the same things that the
18 carnival company does with their employees and their
19 rides. So ideally then the rental companies would
20 be required to do the same thing with anybody they
21 rent to.

22 MS. VAHLING: So it would be to -- I guess the
23 question is in terms of that control is the fact
24 that they are renting it out.

1 Then it would be under their control, and
2 they are responsible for that safety and making sure
3 that it operates correctly even though they may not
4 be the ones that are onsite managing its use.

5 MS. SULLIVAN: But they're still responsible
6 for training the people who are going to run it
7 properly and realistically get the signoffs that
8 these people understand how to do it.

9 So you don't have real disparate sizes
10 jumping at the same time so the little kids can get
11 hurt. And I think that there are rules for most.

12 MR. BENNETT: I think that we want the
13 operator, the company to still keep control. Say
14 they are keeping control. They can't say I'm
15 renting it out, the church picnic is in control.
16 No, that is not sufficient.

17 The training and that it's set up proper and
18 and it operates properly, and their own employee
19 stay there or if not instruct someone how to do it
20 so you could keep control.

21 MR. JENNINGS: An obligation for education.

22 MS. SULLIVAN: Yes.

23 MR. COE: That is basically how we have it set
24 up under the rules. No matter where that inflatable

1 goes, the owner is responsible for any violation.
2 So I mean that is just kind of we have to move it
3 around a little bit.

4 Then we also have a process in place that we
5 call it volunteer training, which is just a piece of
6 paper that needs to be filled out, a signature that
7 the owner has trained this person to operate this
8 inflatable. We require that at some venues and that
9 somebody easily moved into an ultimate rental
10 training requirement that that would be the piece of
11 paper that the renter and the person they're renting
12 to would have to both sign off that they have been
13 properly trained.

14 MR. SCHWABE: Do the rules that govern this
15 draw a line between public and private?

16 MR. COE: You would have to have that changed.

17 MR. SCHWABE: Is that a current law of how it's
18 written in the rules that it draws a line between
19 public and private?

20 MS. VAUGHN: Yes, in charge of admission.

21 MR. COE: If we did this, there is a rule
22 change. I don't know if it's in the law or the
23 rules where there is something that would have to be
24 changed in the definition to cover that. So that is

1 something we would have to look into.

2 MS. SULLIVAN: I am not even sure that it would
3 have to be changed because the rental companies rent
4 to the public.

5 They're the ones taking in the money and
6 giving the amusement rider device to someone to use
7 for the pleasure of the people doing it. So I think
8 that it's no different than Bill selling tickets and
9 somebody riding their ride.

10 MS. VAUGHN: If I was renting a bounce house
11 for my grandson's birthday, by changing this process
12 if I went to the local Ace Hardware to rent a bounce
13 house would my process change? Would I receive
14 different training to rent it?

15 MS. SULLIVAN: You would have to receive the
16 proper training for that bounce house.

17 MS. VAUGHN: So it would be different than what
18 it is currently?

19 MS. SULLIVAN: Do you get a manual with it?

20 MR. BENNETT: It's private, but if it's a
21 school someone is charging.

22 MS. VAUGHN: Would this change that?

23 MS. SULLIVAN: Yes, because they should be
24 training you, giving you the operator instructions

1 to read over and then train you to be sure that you
2 understand how it is to be run. And you pay them,
3 of course.

4 And then you can invite your grandkids'
5 friends and family and what all. But I don't know
6 what they give you now, but they should even give
7 you a manual that you may need to return. But say
8 the blower stops, so you need a manual to know what
9 to look for to get it going again.

10 MR. BENNETT: The checklist is a good example
11 about the age. You don't want the kids, a five year
12 old kid with 15 year olds. That is where accidents
13 happen. That is an important factor.

14 MR. SOLETTI: Private, if you want to clarify,
15 private is if I buy one from Wal-Mart and it's set
16 up for my kids in the back yard, that is private.

17 If I have to go out rent it from somebody I
18 don't think that is private because I'm renting it
19 from a company to have it for a party or a picnic or
20 whatever. It wouldn't be me because I have one, but
21 the person who goes to Wal-Mart or Sam's, you could
22 buy one at Sam's for 500 bucks. That is up to you.

23 But unfortunately we could talk for hours on
24 moonwalks, and you guys really have to make a

1 decision on what to do as far as how to do this. It
2 is public safety, and anybody who rents any
3 equipment I think they should be responsible the
4 same as me owning a carnival.

5 MS. SULLIVAN: For public safety because even
6 if you have a bounce house in your back yard, you're
7 still the public, and it's important that none of
8 your grandkids get hurt on this.

9 MS. VAHLING: Yes.

10 MR. JENNINGS: You don't have grandkids.

11 MS. SULLIVAN: She said she's going to rent it
12 for her grandkids. She may not be old enough to
13 have grandkids, but when she does.

14 MS. VAUGHN: The legislation doesn't start
15 until January. There has to be regulations changed
16 and administrative rules because there is a specific
17 exemption spelled out for inflatables, whether
18 you're charging or not.

19 So there needs to be a change. Maybe the
20 best course of action would be for us to research
21 the law and bring it back in session in the January
22 meeting. If we do, if you guys decide to proceed
23 forward, there will be ample time to get it through.

24 MR. SOLETTI: I'll put a call in to a guy that

1 does rent a lot of moonwalks and other equipment,
2 but I believe he does everything by the law, and
3 everything is stickered. So he could probably fill
4 you in more on that.

5 So I will pick his brain a little to see
6 what he says. I think that every one he has he gets
7 stickered.

8 MS. SULLIVAN: Well, he's trying to do his due
9 diligence and his proper duty to the safety of the
10 public.

11 MR. COE: So we'll look into the rules and
12 regulations and leave it as an update for the
13 January meeting.

14 MS. SULLIVAN: Okay. Do you want to also do
15 some recommended language to make the change? If
16 you can't we will.

17 MR. COE: We'll look at it. I have no idea
18 what it says right now.

19 MR. KLEINIK: The department, we will look into
20 it and then we could work with JCAR and our attorney
21 to come up with some language and bring it back to
22 you for your consideration.

23 MS. SULLIVAN: That would be awesome.

24 MR. KLEINIK: For bounce houses over 1500

1 square feet and for the rentals.

2 MS. SULLIVAN: Any size, right.

3 MR. KLEINIK: We'll work on both.

4 MS. SULLIVAN: Thank you. Does anybody have
5 any other comments on that before we move on to the
6 ASTM standards update?

7 MR. COE: I just let that in there to review
8 it. At the last meeting we gave a brief overview of
9 four of the standards we had already reviewed
10 internally and didn't find too many issues with.

11 What was decided was we would put a group
12 together, and it was going to be Patty, Wes, and
13 myself. And we were going to discuss some of the
14 changes and how it was going to affect the industry.
15 The biggest one is 2291. That is the crusher of
16 standards.

17 MS. SULLIVAN: That is the engineering
18 standard. So that has a lot in it. Are you looking
19 at just the changes there?

20 MR. COE: What we were going to do is we're
21 proposing since the standards haven't been updated
22 in such a long time, most of them are 11 and 13, in
23 that time range, eleven and 13 years.

24 Due to the accidents that happened a little

1 while ago there was a huge, significant amount of
2 changes that were done to the standards. So what it
3 would be is how far did we want to go into
4 incorporating those changes and updating it into our
5 rules because we could either adopt it as a whole
6 and just say we're going to take this standard, and
7 this is what we're going to enforce.

8 Or the other part of it is we're going to
9 adopt the standard with these exceptions. And that
10 is where we need to go.

11 MS. SULLIVAN: If I may recommend something
12 while you are thinking about how much of it, there
13 are some places in there that say anything built
14 after such and such a date.

15 So my feeling is we shouldn't try to
16 grandfather older rides in because they met the
17 standards when they were designed and built. And if
18 someone is still using, building the same design
19 they had say back in 1953, then it was acceptable
20 then. The design hasn't changed. So that should
21 also be grandfathered because a lot of the newer
22 equipment it has a lot more electronics and things
23 like that.

24 And some of the newer standards require this

1 and this as far as electronic things. And those
2 rides don't have electronics. So we have to be
3 careful, and the newer NEC requirements, electrical
4 requirements. You don't want to force people to go
5 back and rewire complete rides because they'll leave
6 Illinois if they have to do that.

7 Just because it's a ride that was built to
8 the older standard doesn't mean it's not still just
9 as safe as the new one, but it was just a different
10 standard, and the technology wasn't as advanced like
11 the State owns a lot of buildings and are you
12 rewiring all those old buildings every year or every
13 time that the NEC comes up with an update. It
14 doesn't mean it's not still as safe as a new
15 building.

16 MR. COE: That is what we were going to discuss
17 in our special meeting.

18 MS. SULLIVAN: Works for me.

19 MR. COE: It never occurred.

20 MR. SOLETTI: Did you have a special meeting?

21 MR. COE: No.

22 MR. SOLETTI: I didn't think you have to have a
23 special meeting. You have to present it to the
24 public.

1 MR. COE: Correct.

2 MR. KLEINIK: Can you Board members look at it
3 and at the next public meeting bring up this is what
4 we discussed.

5 MR. SOLETTI: You got a good team there. I'm
6 just asking the question.

7 MR. KLEINIK: We have new members here that
8 need to be able to look at them too so everybody
9 understands what we're looking at before we start
10 changing it.

11 MR. COE: I could send that information out to
12 him. What I did is I did a study on our existing
13 code and then either on some of the smaller ones I
14 highlighted what was changed.

15 And some of the bigger ones I actually put a
16 table together that showed this is what it was.
17 This is what it was changed to. Except for the
18 inflatable standard.

19 MS. SULLIVAN: It's a whole new standard.

20 MR. COE: You have to read it because it went
21 from like three pages to 20 pages, 23 pages.

22 MS. SULLIVAN: As they find out things that go
23 wrong, and we try to put something in the standard
24 to guide people to do the right thing, which is

1 good.

2 MR. KLEINIK: And I did talk to JCAR, how this
3 comes out, how they wanted us to roll it out to
4 them.

5 They said first of all let us know how much
6 you want changed. Are we going to do it in pieces
7 or all at once. Once you guys make the decision,
8 then I take it to them and say here's what we got.

9 MS. SULLIVAN: Here is another thing we can do.
10 So it would still be an open meeting with several
11 members of the Board. All of the Board would be
12 invited, and the public would be invited. Well, no,
13 because then it is still an open meeting. We don't
14 break the rules of the Open Meeting Act, but we were
15 told before that three of us could not meet
16 together.

17 MR. COE: Right, in private.

18 MS. SULLIVAN: In private. So then anybody on
19 the Board who just wanted to come learn or come and
20 have a say in what gets changed, those of us who are
21 in the industry working with it knows some of the
22 pitfalls that could happen by saying let's bring it
23 all in and just incorporate it.

24 MR. COE: Right.

1 MS. SULLIVAN: Because fortunately Wes is very
2 well schooled on all this stuff.

3 MR. SPARKS: Thanks for the reminder.

4 MR. KLEINIK: I think that as long as -- the
5 people can correct me, but I think that as long as
6 there's not a quorum of Board members you could have
7 a phone call, have a discussion about it. Is that
8 correct?

9 MR. COE: We were told we couldn't do it.

10 MS. SULLIVAN: We were told in no uncertain
11 terms that we could not do that.

12 MS. VAHLING: Did they reference specifically?

13 MS. SULLIVAN: The Open Meetings Act.

14 MR. COE: They said we have to go through the
15 Open Meetings Act.

16 MS. SULLIVAN: They were very specific about
17 that. I don't see the problem with it because if
18 you have a Board, then why not get subcommittees to
19 get some work done on what the Board needs to do.

20 Then we bring it to the Board because it's
21 nothing that is going to pass without the whole
22 board involved.

23 MR. KLEINIK: In my past experience in
24 government with the Sheriff and other departments,

1 we all had committees to bring it back.

2 MS. SULLIVAN: And we all agree with that.

3 MR. COE: I completely agree the committee
4 portion of it was because it took me four and a half
5 or five months to come up to speed on everything.
6 And I don't know if I remember it all now.

7 MS. SULLIVAN: No, you won't. There's too
8 much.

9 MR. COE: For us to have a meeting like this if
10 you didn't have a couple of months to review the
11 information, there's so much of it in there.

12 MS. SULLIVAN: And some of our newer Board
13 members may not know the workings of a ride or all
14 those things, and they may want to come and just
15 listen and learn.

16 MR. COE: Right.

17 MS. SULLIVAN: We're not trying to hide
18 anything from them. But you have to have the people
19 there who know well, and Brad is an engineer, and
20 Dan works at a park. So he is around rides.

21 Especially if we get the people who work with
22 rides and all these things at the meeting, then
23 we'll have the best chance of coming up with good
24 recommendations. And it's not like that is how it's

1 going to be. They are going to make recommendations
2 so that the whole Board can understand what we're
3 doing.

4 MR. COE: So we'll get that meeting, look into
5 it and get it planned and get it set up.

6 MS. SULLIVAN: She's not looking happy.

7 MR. COE: She's researching.

8 MS. CARRERO: I'm researching.

9 MS. SULLIVAN: We're happy to have a different
10 opinion on that.

11 MS. CARRERO: A formal opinion will come after.
12 As long as there's no quorum that is meeting. So
13 it's a smaller group than five in this case, then I
14 think it may be okay, but we will follow up.

15 MR. SOLETTI: And open to the public or you
16 don't have to have it open.

17 MS. CARRERO: They are not going to make
18 decisions at that point. We will look into whether
19 that's a possibility.

20 MS. SULLIVAN: I would be happy to have it open
21 to the public because Bill works with these every
22 day. I only build what I build, and somebody else
23 might have some better ideas.

24 Or if they're just interested in how is this

1 going and why aren't we just bringing in the whole
2 thing, oh, my gosh. I would have had to change all
3 my rides.

4 MR. SOLETTI: That is why Dan is here, and I
5 don't know how many people are familiar with ASTM.
6 The OABA has people on the ASTM that attend the ASTM
7 meetings, and Patty used to all the time, and we had
8 another man that always attended it.

9 I attended one time possibly, and I can't do
10 it. There's so much going on and a lot of times I
11 ask Patty for her opinion. She can't tell me how to
12 vote, but I want her opinion.

13 I think that everybody should be a member of
14 the ASTM because you never know what they are going
15 to come up with. So it's an idea that the OABA on a
16 board or past chairman. My wife is on the Board.
17 We always tell people to be a member so you could be
18 involved in it.

19 Unfortunately, I get ten emails a week from
20 ASTM.

21 MS. SULLIVAN: And if it's on parasailing, you
22 just vote abstain. You don't have to know all about
23 parasailing.

24 MR. SOLETTI: Right. So some people should

1 look at ASTM as far as joining.

2 MR. BROWN: I agree. I belong to the committee,
3 and it's hard to keep up with all that stuff. I try
4 to make an effort on it, but you're right.

5 It's ten emails a week, and there's a fair
6 amount of depth to them.

7 MS. SULLIVAN: And the ballots are sometimes
8 very difficult to follow sometimes. I'm sure that
9 Tom has found that too.

10 MR. COE: I'll be truthful. I just kind of
11 ignored the recent ASTM stuff.

12 MS. SULLIVAN: It's a lot. You could make that
13 your job.

14 MR. COE: It would be a full time job to keep
15 ahead.

16 MS. SULLIVAN: You won't get anything else
17 done.

18 MR. JENNINGS: The OABA is looking for people
19 to attend those meetings if you are interested.

20 MR. COE: I wouldn't volunteer.

21 MR. JENNINGS: One of our past chairmen, he is
22 like 82 years old, and he tries to make it a point
23 to always go to them, and I said good luck.

24 MS. SULLIVAN: God love him. He's a fountain

1 of information.

2 MR. JENNINGS: He's trying to pass the
3 something.

4 MS. SULLIVAN: So what we are deciding with
5 this if I am understanding correctly is, and I
6 apologize. I don't know your name.

7 MS. CARRERO: Yolanda.

8 MS. SULLIVAN: Yolanda is going to check on the
9 legal part of it and what we can and can't do with
10 the subcommittee, and they will let the director
11 know. And he will have Tim call us together or say
12 no, we can't do that. And we will go from there. I
13 think that it does need to be done.

14 We did hash through all of the changes at the
15 January meeting one time, and we were there until --
16 I think it started 8:00 or 9:00, maybe 10:00. We
17 were still hashing through it at 4:00 or 5:00 in
18 The afternoon. And that maybe what we have to do if
19 we can't have the smaller group --

20 MR. COE: When we have the committee meeting,
21 it may not be necessary to do all four. There are
22 some of the smaller standards. There's just minor,
23 very minor changes.

24 MS. SULLIVAN: We may have to pick and choose

1 how much of a bite we want to take.

2 MR. COE: 2291 is a big bite.

3 MS. SULLIVAN: It's a mouthful.

4 MR. COE: We'll check on the meeting, and I
5 will get something set up with that so we could move
6 forward on some of the updates. With the new
7 business we're going to hold off on, Board Chairman.

8 MS. SULLIVAN: Why?

9 MR. COE: Elections.

10 MS. SULLIVAN: We could go ahead and do that if
11 you want. I have a nomination.

12 MR. COE: We were going to nominate you.

13 MS. SULLIVAN: Well, I don't have to still sit
14 here. I am more than happy to do this, but there are
15 other people on here who could handle it as well.

16 MR. KLEINIK: Here is the reason why I want to
17 hold off.

18 MS. SULLIVAN: I understand. So January is a
19 better time.

20 MR. COE: Yes.

21 MS. SULLIVAN: So we won't do that. Other new
22 business?

23 MR. COE: Again, we called it new business, but
24 this did occur at the last meeting. Last year we

1 had two terrible incidents.

2 We had one death and one severe injury. The
3 death occurred at a daycare at an illegally operated
4 zip line. The severe injury occurred at an aerial
5 adventure course, an indoor course. The teenager
6 fell 25 feet, and she was accidentally not clipped
7 into the carriage. Amazingly, she survived with
8 fairly minor injuries.

9 MS. SULLIVAN: But it was still horrible.

10 MR. COE: That was completely amazing that she
11 lived through that. Under the rules as they exist
12 now we have no jurisdiction over the indoor courses,
13 what we're calling aerial adventure courses.

14 The courses that we have been to, the only
15 reason we've been there is because usually those
16 courses are attached to a zip line. We could make
17 recommendations to things that are directly related
18 to the zip line, but on the outdoor course is where
19 we have been.

20 We don't have jurisdiction over all the
21 jungle gym type stuff that leads up to the zip
22 lines.

23 MS. SULLIVAN: Could I ask a question. As far
24 as the zip line indoor, do we specifically say it's

1 an outdoor zip line that we are responsible for?

2 MR. COE: The zip line definition basically it
3 has to be a cable with a height differential.

4 How far you want to get into it, there was an
5 exclusion for playground equipment.

6 MS. SULLIVAN: That is not really playground
7 equipment.

8 MR. COE: That would be like a legal
9 interpretation of how far we could go, but this one
10 was definitely -- it was set up. It was very small.

11 MS. SULLIVAN: And it was open to the public?

12 MR. COE: Well, it was in a learning center.
13 So it was basically a paid daycare, but they did
14 open it to parties.

15 MS. SULLIVAN: So open to the public?

16 MR. COE: Well, our legal department at that
17 time did not view it that way.

18 MS. SULLIVAN: Somebody got hurt badly.

19 MR. COE: The child died.

20 MS. SULLIVAN: Yes, and wasn't there another
21 child who got hurt badly?

22 MR. COE: That was the one on the indoor
23 adventure course that ran on a tract. It's a zip
24 line, but it runs on a trolley, on a track is

1 basically what it is. And our rules exclude a pipe
2 or channel type line.

3 So the question is do we move forward with
4 bringing them into regulation.

5 MR. SOLETTI: Yes.

6 MS. SULLIVAN: I think if it's going to make it
7 safer for the public, and these do come under
8 amusement rides and devices, then I think that we
9 have a duty to the public to try to -- I mean the
10 parents of the child who died.

11 Everybody has got to be thinking how could
12 this have happened. How could this have been
13 allowed to happen.

14 MR. COE: We did inspect that zip line, and we
15 would never have permitted it. It would not have
16 been allowed to operate.

17 MS. SULLIVAN: So it could have saved the
18 child's life?

19 MR. JENNINGS: Right.

20 MR. COE: Yes.

21 MS. SULLIVAN: Why would we not want to bring
22 that into the fold?

23 MR. JENNINGS: Remember the slide incident?
24 Because you guys weren't inspecting slides under

1 20 feet because of the parks that have the
2 playgrounds that have slides. And they had a big
3 accident on that.

4 MS. SULLIVAN: A girl got hurt very badly. So
5 we brought those in.

6 MR. JENNINGS: Forget the playground, worry
7 about public safety. That is what we're all talking
8 about.

9 MR. COE: The biggest point on the adventure
10 course is there is no regulation, period. The
11 building inspectors, the fire department they don't
12 care. It's not their business.

13 They don't want anything to do with it. So
14 that was why the parent came to the Board is he
15 could get no answers.

16 MS. SULLIVAN: He wanted somebody to care about
17 this.

18 MR. COE: Yes. Something to have some
19 oversight or somebody who was responsible for
20 overseeing how these were operated and installed.

21 MR. BENNETT: Is there an ASTM guideline on
22 these?

23 MR. BROWN: Yes.

24 MR. COE: Other states. It varies. Some of

1 them do. Some of them don't. One of the reasons we
2 research other states for a different reason, one of
3 the states basically said the rule was very simple.
4 If you are 4 feet off the ground, that piece of
5 equipment is inspected.

6 MS. SULLIVAN: That would be a lot of
7 playground equipment.

8 MR. COE: I believe in our rules or in the law
9 the playground equipment is specifically exempted.
10 I would have to check that.

11 MS. SULLIVAN: I think it is, but they're
12 getting more and more bold these days with
13 playground equipment.

14 MR. COE: Yes. We have seen parks. We have a
15 park down south that has a zip line in them. It's
16 just there.

17 MR. SOLETTI: The playground, the park?

18 MR. COE: Yes.

19 MR. SOLETTI: They don't have a supervisor
20 there. They have somebody running it.

21 MR. COE: They do only have it open at certain
22 times, and we do permit it. But that just existed
23 in just the park. Somebody got an idea they wanted
24 to put one in, it's 50 feet long.

1 MS. SULLIVAN: I think that it's incumbent on
2 us to do as much as we can for public safety.

3 MR. BENNETT: I am new to the Board, but I
4 agree, it's a big part of the industry. We
5 definitely should be involved in this.

6 MR. COE: One of the biggest things, and I am
7 bringing this up. I am kind of biased. But we have
8 dealt with a couple of them. The stuff comes from
9 Yugoslavia. Do I need to say more?

10 MS. SULLIVAN: No. It's less than wonderful.

11 MR. COE: Yes. I have actually had to deal
12 with an engineering issue on their actually
13 constructing a go cart track.

14 MS. SULLIVAN: Do they have any engineers on
15 some of that stuff -- probably not.

16 MR. COE: We require them -- well, specifically
17 for these new companies that came in, they will have
18 go carts and bumper cars and aerial adventure course
19 games and things. It is a package deal.

20 We do require them for the rides that we have
21 jurisdiction over with bumper cars, and the go carts
22 that they do have an engineer sign off on the design
23 that it meet ASTM standards, which is the minimum
24 requirement. I mean -- yes, in a way they have

1 engineering. Is it stamped by a U.S. engineer which
2 we require when it comes over, no.

3 MS. SULLIVAN: Are they a registered
4 professional engineer?

5 MR. COE: As a secondary inspection, that's
6 what we require, that they have a U.S. registered
7 engineer review all of the documents and stamp a
8 letter that says yes, and it complies.

9 MS. SULLIVAN: Good, because I am not sure that
10 Yugoslavia or some other countries have the same
11 requirements of their engineers that we do for a PE.

12 MR. COE: Their designs are general references.

13 MS. SULLIVAN: Like designed it in the back
14 yard and built it.

15 MR. COE: Occasionally, there are some pretty
16 descent drawings that come with them. Without that
17 stamp, it's a drawing. There is nothing to go back
18 on.

19 MR. BROWN: I agree with David's comment. If
20 there is nobody that is covering these units and
21 there's a severe risk of injury and death, which has
22 already been exhibited.

23 MS. SULLIVAN: I agree. And realistically for
24 your inspectors, we may have to bring some of them

1 in bit by bit so that they know what things they're
2 looking for.

3 MR. COE: We could look into the rules on how
4 we do it, but we could run it one of two ways. We
5 could do us as a department as the fully responsible
6 inspections or we could do like we do with ski lifts
7 where we have a trained professional as a third
8 party come in and give their review.

9 And we could out and kind of double check
10 things that we want to look at.

11 MS. SULLIVAN: I am good with that too because
12 I think that there's some things that we should be
13 expecting of our inspectors because they haven't had
14 the training and sometimes it gets to be a lot.

15 MS. VAHLING: Is there a study being done to
16 see what entities this would cover in Illinois? Do
17 we know how much?

18 MR. COE: There's not a huge amount. I would
19 say that there's probably under 15 of the -- well,
20 the problem is that some of the smaller stuff you
21 are not going to know about.

22 There are some like I won't pick on him, but
23 gymnastics places. And in the past we have had a
24 couple of those that have had equipment in there

1 that would come under our purview and how much of
2 that just piece of equipment here and there is out
3 there, I don't know, but for the large companies,
4 the large indoor franchises, I would say in the
5 ballpark there's 15 companies.

6 MS. SULLIVAN: And growing.

7 MR. COE: We have one that is going to open up
8 here shortly and another one following it.

9 MS. SULLIVAN: Well, a new way to make money.

10 MR. COE: They have a signature flaw in their
11 designs. They fly people over the go carts, and we
12 don't allow that.

13 MS. SULLIVAN: So I think that we should be
14 bringing this into the fold to protect the public.

15 MR. COE: We want to do an official vote as far
16 as everybody in agreement to move forward to look at
17 regulations?

18 MS. SULLIVAN: Yes.

19 MR. COE: Put something together for that.

20 MR. KLEINIK: Who wants to make that?

21 MR. BROWN: I will make the recommendation that
22 we look at the rules and regulations to move them
23 forward.

24 MR. JENNINGS: Seconded.

1 MS. SULLIVAN: Good. Is there any more
2 discussion? Then I will call for the vote. Those
3 in favor say aye. Those opposed, nay.

4 MR. BROWN: Aye.

5 MR. BENNETT: Aye.

6 MR. REDSHAW: Aye.

7 MR. SPARKS: Aye.

8 MS. SULLIVAN: The ayes have it and that
9 passes. We thank you for your work on that because
10 we know how much there is, and you could use it to
11 probably go to sleep sometimes.

12 MR. COE: It's a good read.

13 MS. SULLIVAN: It is a good read, but there's a
14 lot of technical stuff in there, and it's not always
15 easy.

16 MR. COE: Our next meeting date will be as we
17 did last year, right before the IAAF convention. So
18 it will be January 17, 2020.

19 MS. SULLIVAN: This says 16.

20 MR. COE: Sixteenth, all right.

21 MR. JENNINGS: January 16, 2020.

22 MR. SOLETTI: Is that at the Crown Plaza?

23 MR. COE: Yes, the same room. The winter
24 garden room by the pool.

1 That's the best attendance that we've had at
2 any meetings, and it was good because we went over a
3 lot of stuff. This has the front end of the ASTM
4 update. I don't think anybody wants to go through
5 that.

6 MS. SULLIVAN: Look at that. Who did that?

7 MR. COE: I can't take credit for that. I
8 copied it off of something.

9 MS. SULLIVAN: One of Bill's things.

10 MR. COE: Statistics, we ran this to date so
11 it's basically 10-23. We're on course to have a
12 typical year.

13 For those of you who don't know, last year
14 was very difficult. We had one inspector that was
15 out for the entire year. He had just came back in
16 time for the fair and the 1st of August. And we had
17 another inspector that had some family issues that
18 really didn't take a lot of time off and thank God
19 he didn't.

20 MS. SULLIVAN: Bless his heart.

21 MS. VAHLING: We were under a huge crunch,
22 which means we were down 20 percent on our
23 employees. We only have five. So when you lose
24 one. That is why the follow-up inspections kind of

1 severely dropped off because we were covered the
2 initial inspections, and there wasn't a lot of time
3 in that opening season period until about the end of
4 June. We were pretty much solid.

5 MS. SULLIVAN: Slam dunked. The 575 is way
6 less than all of these. Did that mean that maybe
7 there weren't as many things that needed to be
8 followed up on?

9 MR. COE: No, follow-up inspections are just
10 done. They should remain fairly constant from year
11 to year except in this case because basically we had
12 two inspectors covering and another inspector's
13 entire territory.

14 So those two had no opportunity to do a
15 visit. He's up in Chicago when he should have been
16 in Quincy.

17 MS. SULLIVAN: So are followups done when there
18 was something that was found lacking or was
19 something shut down?

20 MR. COE: I don't know.

21 MS. SULLIVAN: Did that accident cause anything
22 to be shut down?

23 MR. COE: Right. We typically will have
24 follow-up inspections if we have to come back in a

1 ready is not ready, and we have to come back that
2 will show up in the system as a followup inspection.
3 Generally speaking, we look at the show dates if we
4 don't have an initial permit inspection on that
5 date.

6 We will go to one of the companies in another
7 location, just to give him a quick once over. And
8 you will see in the following slide we have also
9 expanded that into doing followups on Friday nights
10 and Saturdays on the weekends.

11 We found that to be very helpful. Like I
12 said, those numbers right now do not include the
13 yearly operators which those inspections are going
14 to start coming, usually it's after Thanksgiving.
15 So from Thanksgiving to December 31st, we do a bunch
16 of inspections for the year round.

17 MS. SULLIVAN: For the following year?

18 MR. COE: For the following year, 2020, but
19 there are still some 2019s.

20 MS. SULLIVAN: The number, the total companies
21 is down significantly.

22 MR. COE: Yes. We had two large companies down
23 south that went out of business this year.

24 MS. SULLIVAN: That went --

1 MR. COE: They went out of business this year.

2 MS. SULLIVAN: Folded?

3 MR. COE: They just had enough.

4 MS. SULLIVAN: I could understand that.

5 MR. COE: And a lot of looking through our
6 database, there's a lot of smaller companies that I
7 don't know whether they went out of business or they
8 just changed their business profile and don't
9 have --

10 MS. SULLIVAN: Dad wanted to retire, and the
11 kids didn't want to take it over?

12 MR. COE: Right.

13 MS. SULLIVAN: I think it's excellent for being
14 first down.

15 MR. COE: 2019. So officially that number
16 should be 12. I double counted one, and one was not
17 reportable even though it came in. And for everyone
18 to know, a reportable incident requires a hospital
19 visit or a ride in an ambulance.

20 So if someone is injured and they leave, that
21 doesn't count or in some of the bigger parks you
22 have in house medics. If they see the in house
23 people and they walk off, that is not in that
24 number. These are strictly ones that have gone to

1 the doctor and take an ambulance ride. So there's
2 officially 12 reportable.

3 MS. SULLIVAN: That is pretty good.

4 MR. COE: They were all classified as non-
5 mechanical.

6 MS. SULLIVAN: So we're not using operator or
7 patron or mechanical anymore?

8 MR. COE: It's just in the past we have lumped
9 it into mechanical or nonmechanical.

10 MS. SULLIVAN: That was only since a couple of
11 years ago.

12 MR. COE: I didn't know any better, but we
13 could go back. The list will tell you what
14 happened.

15 MR. BENNETT: You could make a judgment call
16 from that.

17 MR. COE: Make your judgment call there.

18 MS. SULLIVAN: Well, I mean nonmechanical is
19 pretty nonspecific.

20 MR. COE: Nonmechanical is going to fall under
21 it's the patron's fault or the operator's fault.

22 MS. SULLIVAN: I think it would be beneficial
23 to know those things and are we requiring, was
24 somebody not doing their due diligence on training

1 their employees?

2 MR. COE: In cases where we see an accident
3 come in where definitely where we know it was
4 operator error, that it was a huge error we'll send
5 an inspector out and revisit them and make sure that
6 retraining is part of the procedure.

7 MS. SULLIVAN: Because if it's nonspecific I am
8 not sure we're doing our job.

9 MR. COE: It is in the list.

10 MS. SULLIVAN: Go ahead. I'll ask questions.

11 MR. COE: It definitely defines each one, what
12 happened. There's a description of accidents. You
13 could make -- like Wes said, you could make the
14 call.

15 MS. SULLIVAN: For instance, the third one down
16 seizure during the ride cycle. That is pretty hard
17 to identify whether -- I mean if the parents or the
18 child did not know that this was going to cause a
19 seizure, although a lot of times the parents should
20 have known.

21 MR. COE: I will just tell you in that case,
22 yes, they knew she had seizures. And yes, they did
23 put her on the ride even though the sign said not
24 to.

1 MS. SULLIVAN: In that case, I think that is
2 definitely a patron error.

3 MR. COE: Correct.

4 MS. SULLIVAN: And it should be assigned as a
5 patron error.

6 MR. COE: I didn't know there was a policy one
7 way or another. We were just following what was
8 done in the past.

9 MS. SULLIVAN: For most of the years since this
10 Board has been active, there have always been
11 three options, patron error, operator error or
12 mechanical error.

13 It wasn't until just a couple of years ago
14 that that got changed.

15 MR. COE: It got narrowed down.

16 MS. SULLIVAN: Yes, it was due to a specific
17 troublemaker.

18 MS. SULLIVAN: Did I phrase that okay?

19 MR. SOLETTI: Yes.

20 MR. BENNETT: Sometimes it's just an accident.
21 It doesn't mean that it was someone's fault.

22 MR. COE: I agree if we can't determine the
23 cause.

24 MR. BENNETT: One of the reasons I just read

1 the bottom one, climbing through obstacle course
2 and felt a pop in the shoulder. That doesn't mean
3 it's someone's fault.

4 MS. VAHLING: If you read the file, you will
5 know that she had dislocated her shoulder a year
6 before and should have known better.

7 MR. JENNINGS: That is patron error.

8 MS. SULLIVAN: Yes, but I think you have a good
9 point where it could just be an accident because
10 accidents happen.

11 Just because I trip over something doesn't
12 mean that it was somebody's fault. It's like some
13 of us are just clumsy. I think that we should go
14 back to that. That is only my opinion. I don't
15 know what the rest of the Board thinks.

16 MR. BROWN: I like the incident idea. A patron
17 gets struck by a tree branch because it rained or
18 the wind blew it hard. How would you categorize
19 that?

20 MR. COE: If it wasn't associated with the
21 ride?

22 MS. SULLIVAN: Act of God.

23 MR. BROWN: In the process of the ride being
24 struck by a tree branch.

1 MR. BENNETT: I don't think you have to assign
2 fault, I think three categories at least. Sometimes
3 it's just an accident happened.

4 MS. SULLIVAN: That just happened.

5 MR. BENNETT: In cases it's an accident
6 sometimes.

7 MR. JENNINGS: There's four categories.

8 MS. SULLIVAN: Four categories. Accidents
9 happen.

10 MR. BENNETT: Due to unknown.

11 MR. COE: Unknown or?

12 MR. SOLETTI: Some of them you wouldn't know,
13 like that adventure in Western Springs, a broken
14 ankle. You don't know who is at fault on that.
15 It's an accident. You don't know how did they break
16 it, what did they do.

17 MR. COE: Well, if you will read the report,
18 the lady had broke her ankle the year before.

19 MR. SOLETTI: Yes.

20 MR. COE: And then went on the ride.

21 MR. SOLETTI: It's all about lawsuits. They
22 have to figure out a way to get the ankle taken care
23 of.

24 MS. SULLIVAN: Well, you can't fix stupid.

1 MR. COE: That is definitely patron error. She
2 should have heeded the warnings on the ride.

3 MS. SULLIVAN: Those signs are not free. You
4 go through a lot of trouble to put them out there to
5 help people discern what they should and should not
6 do.

7 MR. REDSHAW: We are also told we didn't come
8 to read. You should tell us.

9 MS. SULLIVAN: Do we need to read to you. I
10 think that, you know, there still has to be some
11 personal responsibility.

12 MR. JENNINGS: That is hard to sell.

13 MR. SOLETTI: I agree.

14 MS. SULLIVAN: Well, that is just because of
15 trial lawyers. I didn't really say that. Are we
16 ready to go on to the next one?

17 MR. COE: That is it.

18 MS. SULLIVAN: That is all?

19 MR. COE: Yes.

20 MS. SULLIVAN: How is a car derailment
21 nonmechanical, can you explain that to me?

22 MR. COE: The car left the track because either
23 not proper installation or not proper setup. It was
24 one of those two scenarios.

1 MS. SULLIVAN: Okay.

2 MR. COE: So it truly wasn't a mechanical
3 failure.

4 MS. SULLIVAN: It was a failure to read the
5 manual and put it together right, perhaps?

6 MR. COE: Perhaps. And if you notice, two of
7 them happened on the same day within 15 minutes of
8 each other.

9 MR. SOLETTI: The other one got more news.

10 MS. SULLIVAN: What is hit by debris after
11 rides collided, is that a bumper car?

12 MR. COE: No. That is a ferris wheel in a
13 blackout. They were testing it. It was under their
14 opening operator. The Pharaoh had a partial load in
15 it on the back side of the boat, and they were too
16 close

17 When they come up to the top of the swings
18 the spread out, knocked the head off. And then
19 debris was scattered on the ground and hit one
20 child.

21 MS. SULLIVAN: I think that is the person who
22 lays out the lots fault.

23 MR. COE: That would be an operator.

24 MR. JENNINGS: It wasn't on location. They

1 started setting up, and it wasn't on location.

2 MS. SULLIVAN: Well, that is not an accident.
3 That is somebody did the wrong thing.

4 MR. COE: It was a mistake, yes. The giant
5 swing operated for two days.

6 MS. SULLIVAN: Really, and that was it?

7 MR. COE: But before it had its first major
8 incident.

9 MR. SPARKS: I never heard of that.

10 MS. SULLIVAN: Where is that?

11 MR. COE: Shawnee National.

12 MR. BENNETT: About 70 miles from me.

13 MR. COE: It's a zip line company, and they put
14 this in. We talked about this a little bit under
15 the follow-up inspections.

16 Again, we started this a few years back and
17 continued it through this season. It will probably
18 remain in effect for the next season. It's what we
19 call operational inspections that is outside the
20 normal working hours of our inspectors. So the
21 agency is accruing overtime to have the guys go out
22 there. It's been very positive.

23 MS. SULLIVAN: I think it's an excellent idea
24 because lots of time you can't know if they're being

1 operated correctly, where if an inspector may see
2 something right off the bat. They don't know why
3 they shouldn't do that.

4 MR. COE: Right, on operations except for the
5 large fairs where they are there for setup and
6 initial testing.

7 We are typically not there when they're in
8 full operation with people present, and this allows
9 us to get a second look at how things are actually
10 working.

11 MS. SULLIVAN: Well, and help them understand
12 how they might do something.

13 MR. COE: Like I said, it's been very positive.

14 MR. JENNINGS: Another set of eyes is always
15 good.

16 MS. SULLIVAN: Exactly.

17 MR. COE: Safety bulletins. We throw this up
18 there. I don't know how much you guys want to go
19 through it. Ali Baba had a system upgrade that is
20 supposed to be followed up on.

21 Ali Baba did a visual inspection of their
22 seats. This is new on the tilts that they require a
23 weekly pivot inspection, pivot pin and annually do
24 have to pull the vehicle and clean everything you

1 and look at it. Then they found some cracking, and
2 they wanted to make sure.

3 MR. SOLETTI: Those clearances, you had to be
4 within a certain clearance?

5 MR. COE: Right. That is typically what they
6 wanted for that weekly inspection was to check the
7 car to make sure that there's no excessive slope in
8 the vehicle to indicate, check the carousels on
9 certain models and welded crank shafts.

10 They required annual NDT and a monthly
11 inspection, weld the cracks. In 2018, Zamperta
12 balloon.

13 MR. SPARKS: I'm redoing it, \$20,000 worth of
14 of parts ordered other than that to do that.

15 MR. COE: That requires that ride to be
16 completely taken apart, every nut and bolt and every
17 nut and piece checked.

18 And there's additional requirements, a
19 mandatory replacement of some of the pins with
20 shafts.

21 MR. SPARKS: Some of those six month intervals
22 too.

23 MR. COE: This is one of the biggest NVD on a
24 small ride I have ever seen.

1 MR. SOLETTI: They passed the booklet out.
2 It's 30 pages.

3 MR. SPARKS: 33 pages. I've been studying
4 studying them.

5 MR. COE: Once you do all the updates on it, so
6 you will get it through 2020. Then it is six
7 months, four years and eight years.

8 And then it goes back to ten years you have
9 to replace all the pins, and 20 years it's the car
10 shafts.

11 MR. SPARKS: Car shafts are 20 years.

12 MR. COE: So it's significant.

13 MR. SPARKS: I didn't have to buy those because
14 we bought those four years ago so we're okay. This
15 is not all inclusive. The skymasters have certain
16 serial numbers, someone caught an error in the
17 attachment poles.

18 MS. SULLIVAN: Or got a bad lot.

19 MR. COE: But they require passenger
20 attachment bolt replacement on certain serial
21 numbers.

22 MS. SULLIVAN: You have to be careful from who
23 you buy your bolts too because there are a lot of
24 them coming over from foreign sources, and they do

1 not meet ASTM standards.

2 They might have the right stamp on them, but
3 still know your vendor.

4 MR. COE: This is one we got in -- it's not a
5 safety bulletin. This was produced from an accident
6 that occurred in which a fatality happened. I don't
7 know if it applies to the century.

8 MR. SPARKS: I don't know how close they pin to
9 the bearing block.

10 MR. COE: What it came down to is there was
11 some back and forth about in the assembly manual,
12 the R-key on the pin faces inward to the bearing
13 block.

14 Everyone thought that they should have the
15 pin go from the inside out so the R-key is on the
16 outside, and there's no chance of interference. And
17 they have conflicting information from Chance. So I
18 wanted to leave that out there.

19 MS. SULLIVAN: Point out the places.

20 MR. COE: This is how the manual wants you to
21 assemble this. What happened is that the R-key is
22 so close to the top of the bearing block.

23 If the R-key is bad, it has a chance to spit
24 the pin out. That is what happened in this case,

1 the pin came out. The spreader arm slipped down,
2 and it jammed the gondola when it spun around.

3 MS. SULLIVAN: It went upside down.

4 MR. COE: Correct. There was an extenuating
5 circumstance.

6 And then this is the last communication we
7 got from Chance as far as the assembly where the pin
8 is put in from the inside and faces outward, and the
9 R-key is on the outside. So there's no chance of
10 the block spitting the R-key out.

11 MS. SULLIVAN: The one we're looking at, you
12 turn it around and so the pin goes in from that
13 direction and comes out.

14 MR. COE: This picture, and this picture
15 (indicating).

16 MS. SULLIVAN: So now the pin goes in this way
17 and the R-key is on the other side. Okay. I don't
18 like to be a bore. I want to understand. That's a
19 good idea.

20 MR. COE: In the manual it gives you a
21 dimension on that R-key that you are supposed to
22 measure that that R-key when it's in that position
23 has to be an 8th of an inch clearance on that
24 bearing block. I will say that probably doesn't

1 happen.

2 MS. SULLIVAN: When it comes from the
3 manufacturer.

4 MR. COE: It probably is when it's brand new,
5 but every time you stick an R-key in there you have
6 to make sure it's the exact specified R-key, which
7 is tough.

8 MS. SULLIVAN: And it's not sprung.

9 MR. COE: And it's not sprung, and it has that
10 exact clearance on it.

11 MR. SOLETTI: Century Wheel doesn't have
12 R-keys. It all has a lynch pin.

13 MR. SPARKS: It should on the sucker rods. You
14 may use a lynch pin, but ours has R-keys. That is
15 the sucker rod going up.

16 MR. JENNINGS: I have only had lynch pins.

17 MR. COE: He's safe. So that is something that
18 may come out shortly.

19 MS. SULLIVAN: In general, lynch pins are a lot
20 safer than R-keys.

21 MR. COE: Again, we hope to get it updated.
22 It's always available on our side.

23 Now, this is something that -- we never
24 recommend changes to the rules, but this is one that

1 we came across the training requirements. It's a
2 very loose statement in our rules and doesn't have
3 any defined specifics that says you must do this at
4 this interval. So this is something that we thought
5 of. I thought we could add it in.

6 The annual requirement for seasonal workers
7 must have the signed off training sheet. Almost
8 everybody does it. We always got the one person
9 that show me where it says that. And we couldn't
10 do it because it doesn't say it.

11 And if you are a permanent employee that was
12 just a number I pulled out. You could change that
13 and make it anything you wanted, but I figured five
14 years was pretty good. If you are keeping paperwork
15 you update it. Most guys are going to update it
16 when they get a new ride.

17 MS. SULLIVAN: I am not even convinced that it
18 should be five years, two or three years because you
19 know if they're a long term employee they may start
20 getting sometimers.

21 MR. SPARKS: We do ours every year. Even our
22 long term are every year.

23 MS. SULLIVAN: People forget things.

24 MR. COE: Generally speaking, we never run into

1 a problem. The one time we did we couldn't back it
2 up. So that is why I wanted to add a little bit of
3 additional wording.

4 MS. SULLIVAN: I'm glad to hear that from you
5 because I think that there are some things you
6 should have new training every year because people
7 forget things.

8 MR. SOLETTI: Our guys are every year. We have
9 a big meeting. We provide pizza. So of course the
10 old timers are going to be there. They want to get
11 the free pizza. It gives them the incentive to be
12 there.

13 MR. BENNETT: Five years is a long time, one,
14 two, three.

15 MR. JENNINGS: Yes. Even in health care. Some
16 are annual or two. To go beyond two years is
17 unheard of. Everyone needs a refresher even if it's
18 the same.

19 MS. SULLIVAN: Sometimes they need a reminder.

20 MS. CARRERO: It is more complicated to have it
21 annual.

22 MR. COE: I left that open ended because I
23 didn't want to step on any -- I hate telling an
24 owner that's been running the ride for 35 years, you

1 are going to have official training every year on
2 that ride.

3 MR. BENNETT: He's been running it 35 years. He
4 could teach the course, which becomes the next
5 problem. Who do you certify for their annual
6 refresher.

7 MS. SULLIVAN: The problem is I go in and do
8 some onsite observations of some of our wheels, and
9 people who have been trained and have been there a
10 couple of years they're making more mistakes than
11 the new kids sometimes.

12 And they just need -- I don't think that
13 there is anything wrong with a refresher course
14 every year. Human beings forget things.

15 MR. COE: We could put it in that way or do you
16 want to bring it up in the January meeting? Think
17 about it for a while.

18 MR. SOLETTI: Put two years in there and see
19 what they say in January is what I would do.

20 MS. SULLIVAN: We could ask what they do now.

21 MR. BENNETT: At least two years. My concern
22 is every year it's too difficult for companies.
23 They don't feel that they are subject to issue a
24 lawsuit. Well, you didn't meet this guideline. It

1 could be too strict.

2 MS. SULLIVAN: So you think two years?

3 MR. BENNETT: At least two years, one or two
4 years. More than two years, you have to talk to the
5 companies more.

6 MR. SOLETTI: I don't know if you want to say
7 permanent employees because our employees are
8 seasonal. We have seasonal employees. My tilt a
9 whirl foreman, he's been working for me 33 years.
10 He is not permanent because he only works six months
11 out of the year.

12 MR. COE: Right. He would be considered under
13 our rules if he doesn't stay in your permanent
14 employment, he's a seasonal worker.

15 MR. SOLETTI: You have to try to word that
16 because we have a lot of people that have been
17 working on rides for over ten years. To me they're
18 a long time employee.

19 So I don't know if you want to say instead of
20 a permanent employee, long term.

21 MR. SOLETTI: Go with something like all
22 employees have to have some kind of annual training
23 and other employees at least every two years.

24 MR. COE: I am going to tell you we have to

1 leave the annual requirement for seasonal employees.

2 MS. SULLIVAN: Absolutely.

3 MR. JENNINGS: No problem.

4 MS. SULLIVAN: But I would also say we don't
5 ever want to use the permanent employee. The
6 Illinois Department of Labor won't support that
7 because an employee can be fired. So nobody is
8 really permanent.

9 MR. COE: We could work on the wording to get
10 that right.

11 MS. SULLIVAN: I would say long term employee.

12 MRS. SPARKS: As our season starts. So
13 seasonal is everything.

14 MR. COE: Wes would be a permanent employee.

15 MR. SOLETTI: But there's only so much
16 permanent employees for every carnival. I have
17 probably six guys all winter. They get six weeks
18 off. Is that permanent, but they have had six weeks
19 off, but they're still seasonal.

20 MR. JENNINGS: Can you change that from
21 permanent to full time?

22 MR. SOLETTI: I don't think you want to say
23 seasonal.

24 MR. SPARKS: Can you leave seasonal out and go

1 with all employees.

2 MS. SULLIVAN: I would just say all employees.

3 MR. COE: Then all employees have to have
4 annual training.

5 MR. SPARKS: We do, yes.

6 MR. BROWN: I don't think that this is
7 debatable. There's a lot of things we do in life
8 with less risk factors.

9 MS. CARRERO: Mrs. Sparks, in a month you get
10 background checked again because I don't know what
11 you've done in a month.

12 MR. SOLETTI: I don't know if all the different
13 carnivals are going to do it. A long time employee,
14 I'm not sure what everyone else does.

15 MRS. SPARKS: That's true.

16 MR. BROWN: Are there requirements on what the
17 annual safety training is?

18 MR. SOLETTI: That's what they're trying to do.

19 MR. COE: You know, there's an understanding.
20 There's no written rule that says this is what we
21 want to see your training contain.

22 MS. SULLIVAN: ASTM does.

23 MR. COE: Right. We assume that they're
24 following the manufacturer's recommendation on the

1 operation. And that is what they're getting trained
2 on.

3 MS. SULLIVAN: But you don't know.

4 MR. COE: We don't actually mandate that. They
5 actually say that they have received proper
6 training. Everything I have ever looked at I have
7 been properly trained to operate this ride on this
8 date, and it is signed by the employee and trainer.

9 MS. SULLIVAN: How does the employee know if
10 it's proper training?

11 MR. COE: Well, yes. We trust you guys.

12 MS. SULLIVAN: I write what they need to learn.
13 Does that mean that somebody who is going to teach
14 that?

15 MR. COE: If we did an investigation and there
16 was an accident, what did your training entail,
17 started asking questions to the operator, he didn't
18 know what was up.

19 MS. VAUGHN: You have the carnival people
20 operating the rides.

21 MS. SULLIVAN: The ASTM has specific
22 requirements for training, what should be trained.

23 MR. COE: Right.

24 MS. SULLIVAN: I would say it has to be trained

1 according to ASTM, the 770.

2 MR. JENNINGS: That will be our subcommittee
3 meeting, talk about that. I think that is a better
4 thing to do.

5 MR. BROWN: Initial training because your
6 initial training is probably at a little higher
7 level and then your annual training for everybody
8 could be a refresher. So those types of things in
9 our industry.

10 MS. SULLIVAN: Like initial training. If a
11 little kid is screaming that they don't want to ride
12 don't put them on.

13 MR. JENNINGS: They bought the wrist bands.

14 MR. SPARKS: They're separate tiers. You don't
15 learn everything in one shot, and we have training
16 for just an attendant. This one that doesn't run
17 the ride he has specific training and that's all he
18 signed off on.

19 MS. SULLIVAN: That's good.

20 MR. COE: So bring it up for more discussion at
21 the January meeting.

22 MS. SULLIVAN: Yes.

23 MR. COE: The last one, we don't want to show
24 up and have to be the person to ask for this. That

1 is why we're looking at this.

2 MS. SULLIVAN: Why not?

3 MR. SPARKS: That is a huge can of worms.

4 MR. COE: We're there for an accident
5 investigation. If you start dealing with employees
6 and that was the issue that we had. We just wanted
7 to clarify it.

8 We do not have per se a mandatory drug
9 testing. It is random. Random means you can apply
10 it any time. It doesn't necessarily mean you have
11 to do it when somebody kills somebody or someone
12 injures somebody.

13 MS. SULLIVAN: Isn't it required before a
14 person can become an employee, a ride person?

15 MR. JENNINGS: No.

16 MRS. SPARKS: You have to have the policy.

17 MR. COE: In every company that is different.
18 I know that there's some companies that they drug
19 test everyone before we bring them on.

20 Then there's others that they have the random
21 drug policy. They'll do one here and there.

22 MS. SULLIVAN: But I think that is a good idea.
23 We definitely have that one too, testing after a
24 serious accident.

1 MR. SOLETTI: Define serious.

2 MR. COE: That is a good point.

3 MR. SPARKS: Who pays for it? Chain of
4 custody. Where does it go? It has to be within
5 four hours like DOT.

6 MS. SULLIVAN: If it's a reportable accident,
7 it's a serious accident. If it's something that the
8 operator did that caused a reportable accident.

9 MR. SPARKS: Do you have the answer? Was it
10 the operator? Do you have that answer right away?

11 MR. BENNETT: Exactly.

12 MR. SPARKS: DOT accidents, you have four hours
13 to get to a drug testing facility to be tested for
14 it to be valid.

15 MR. COE: I'm not actually defining the type of
16 test, that something is done and results are
17 submitted.

18 MR. SPARKS: Where do you go when marijuana is
19 legal in Illinois?

20 MR. SOLETTI: That's the next question.

21 MR. COE: Marijuana is 100 percent not legal
22 for us. If he's operating that ride and there's an
23 accident and he tests positive, he's under the
24 influence.

1 MR. SPARKS: I agree 100 percent.

2 MR. SOLETTI: I'm arguing with people now.
3 When it is going to be legal it's still against our
4 policy. When DOT allows their truck drivers to be
5 high driving a truck I will allow ride operators to
6 be high too.

7 MRS. SPARKS: The agreement is I would rather
8 drive high than drunk, and I agree, but you don't
9 know when they did it until the test comes out that
10 says they did it that day or not.

11 MR. COE: Generally our rules on this is if you
12 are under the influence, you could take too much
13 cough medicine and be unable to properly operate
14 that ride.

15 MR. SOLETTI: Who is going to make that
16 decision?

17 MR. COE: We don't want to show up to an
18 accident. We don't want that responsibility to say
19 you have to go get this done. We just want to know
20 that it's going to get done. We are going to get a
21 report.

22 MR. JENNINGS: If you made that, took the
23 serious out and put bodily injury and then go from
24 there.

1 MS. SULLIVAN: We define a report.

2 MR. SPARKS: You're saying the test couldn't be
3 done in house. It has to be taken somewhere for a
4 formal report.

5 MR. COE: We're saying it has to be done. It
6 could be done by anybody. You guys could do --

7 MR. SPARKS: What's the accuracy in there? You
8 could buy a drug test kit, and everyone can use it
9 not to say you're going to use it, right?

10 MS. SULLIVAN: It would have to be administered
11 by management.

12 MR. SPARKS: Who is certified or trained in
13 management to give that?

14 MRS. SPARKS: I have to have that, pour into
15 another cup, and it's been a bad test.

16 MS. SULLIVAN: A bad test?

17 MR. SPARKS: They're quite often.

18 MS. SULLIVAN: Best two out of three. That's a
19 hard one too.

20 MR. COE: This is a big discussion.

21 MR. SPARKS: It's a big can of worms.

22 MR. COE: We wanted to know look, what's going
23 to come of it. First is who defines what, when it
24 should be done and then we're going to go from

1 there. What do you do?

2 MS. SULLIVAN: Well, in Jacksonville for
3 instance, there's a company that does drug testing,
4 and they do preemployment physicals, and they do
5 followups if someone gets hurt.

6 MR. SPARKS: Occupational health.

7 MS. SULLIVAN: They're usually occupational
8 health clinics everywhere you go.

9 MRS. SPARKS: That is correct. Walk in clinics
10 where you go for a cold, urgent care.

11 MR. SPARKS: Then you have to sell guidelines.
12 The more time you give them, the more time they have
13 to get.

14 MS. VAHLING: If you have a serious accident
15 that's the last thing you're going to have time to
16 get to. So if it's able to be administered in the
17 house, although the accuracy is questionable it
18 would be better only from the standpoint that the
19 main focus is going to be to take care of what needs
20 to be taken care of, the person coming in for the
21 third person testing.

22 MR. SOLETTI: More to look at in January. You
23 kicked the can.

24 MR. COE: I will tell you Wes, it was they went

1 to Walgreens.

2 MS. SULLIVAN: There usually is a clinic
3 somewhere that does that kind of thing.

4 MR. SPARKS: Not always opening in the hours we
5 have.

6 MR. JENNINGS: If there is a hospital in the
7 facility we do them all the time, any DOT accidents
8 or anything like that that comes through the ER.
9 They go watch them, they collect it.

10 MR. SPARKS: If you're doing it on an accident
11 you should also be checking on alcohol or a drug
12 test is not checking for alcohol. It's got to be a
13 specific alcohol test.

14 MS. VAHLING: You could go to the local ER and
15 have them administer a blood alcohol and drug test.

16 MR. JENNINGS: We do all the DOT testing for
17 drivers sent to our lab.

18 MR. COE: Really expensive.

19 MR. SPARKS: Who absorbs that test

20 MS. SULLIVAN: How often do you have accidents?
21 Hopefully you don't have that many.

22 MR. SPARKS: That lists 14 times a year.

23 MR. JENNINGS: Those shouldn't have been drug
24 testing.

1 MRS. SPARKS: One of them was, and it's a lot
2 of stress to put on somebody, that your operator has
3 not done anything. And you have never been told,
4 and you are not supposed to share that with anybody,
5 what am I doing.

6 MR. SPARKS: Where do the results go?

7 MR. COE: The results go to the department.
8 The department in their policy waives you of the
9 HIPPA requirements.

10 MRS. SPARKS: We're taught it doesn't go
11 anywhere.

12 MR. COE: That's a good policy to have. Under
13 our regulations, if --

14 MRS. SPARKS: He didn't tell me that.

15 MR. COE: If it is a requirable thing, then you
16 guys are relieved of HIPPA because it's just like
17 the DOT, but I was thinking more of the simple test,
18 not go to the hospital full blown.

19 MS. SULLIVAN: If they're not accurate you
20 don't want somebody to come up with a positive.

21 MR. COE: It's better than nothing.

22 MS. SULLIVAN: Better than nothing. Let's talk
23 about that some more in January.

24 MR. SOLETTI: Or your subcommittee.

1 MS. SULLIVAN: It would be interesting to know
2 what people do now and do they do their own test
3 because that makes more sense.

4 You have an accident because if it's
5 10:00 o'clock at night, and maybe you send that
6 person right along with the person who is going to
7 the hospital.

8 MRS. SPARKS: We also have mouth swabs.

9 MR. SPARKS: If somebody is positive from our
10 tests that we buy, what's the consequences to them
11 and what if our test was wrong, and we end up in a
12 lawsuit?

13 MR. SOLETTI: What we do any time we get a
14 positive drug test in the ER, that is automatically
15 sent for confirmation to other two labs if there's
16 an accident or physical injuries.

17 MR. SPARKS: We don't have the option with what
18 we buy. We don't have a place to send to.

19 MR. SOLETTI: If your operator tested positive
20 I would think you would want to go somewhere to get
21 and verify they were negative or positive, whichever
22 way it happened to be. But you would want
23 verification. It may vindicate you.

24 MS. SULLIVAN: It may tell you you have an

1 employee who is not playing by the rules.

2 MR. BROWN: More industries than that require a
3 drug test if there is any kind of injury.

4 MS. SULLIVAN: We do.

5 MR. BROWN: The construction industry
6 certainly does.

7 MR. COE: From our experience there are
8 companies out there that already do this, and
9 there's companies that don't.

10 MS. SULLIVAN: And what?

11 MR. COE: There's companies that don't.

12 MS. CARRERO: Do they test for something too.

13 MR. COE: That would be HIPPA.

14 MR. BENNETT: The emergency room should. A lot
15 of times they don't, a lot of cases.

16 MS. SULLIVAN: That one may need some more
17 thinking.

18 MR. BENNETT: You want the policy, and you want
19 to stay out of it, the language.

20 MR. COE: We think it's a positive thing that
21 needs to be done. We don't want to be the enforcer.

22 MR. SPARKS: That makes us look better.

23 MR. SOLETTI: We want to all play in the same
24 field. I have a competitor that has supposedly a

1 drug testing policy. He just doesn't do it.

2 The law says you have to have a drug testing
3 policy. He could have a policy, and it doesn't mean
4 that he does it.

5 MR. COE: He's legally supposed to do it once.

6 MR. SOLETTI: Maybe he tested one person. I
7 don't know. That is why I'm not saying anything.

8 MS. SULLIVAN: If you have a company policy
9 saying thou shalt not do drugs and thou shalt not
10 drink or report to work under the influence.

11 MR. SOLETTI: You can't go to work.

12 MS. SULLIVAN: Well, then you have already
13 specified that this is their responsibility not to
14 do this. So if you have a policy that they get drug
15 tested and tested for alcohol after an accident.

16 MR. SOLETTI: You guys discuss that and come
17 back in January. We'll have more people in the room
18 telling you you can't do it.

19 MS. SULLIVAN: At some point in time I think
20 that this Board has to issue a proclamation on the
21 side of safety.

22 I know that it's not cheap, and I know it's
23 not easy to always do that. What is the right
24 thing.

1 MR. COE: The Wal-Mart test is like 32 bucks,
2 something like that, the urine test.

3 MR. SPARKS: I buy them by the case, 400 or 500
4 at a time. I think that I'm down to like seven
5 dollars apiece.

6 MS. SULLIVAN: That is pretty good.

7 MR. SPARKS: The mouth one, the swabs are 13.

8 MR. SOLETTI: You do the test yourself?

9 MR. SPARKS: Yes. I just think if we are going
10 to go that route you have to define where, when do
11 you drug test. How serious of an accident, and the
12 employee needs to be out of it, needs to go to a
13 facility. If the employee needs to be left out, go
14 to the facility, results back to the State.

15 MR. SOLETTI: Because you could cheat. Not you
16 guys, but somebody would.

17 MR. SPARKS: Why would you want to put yourself
18 in that position as an employer?

19 MS. SULLIVAN: I think that's a good point.

20 MR. SOLETTI: I have an independent person that
21 comes and inspects our drug testing. I don't do it.
22 I have the kits if I have to, but this way I don't
23 touch with it, mess with it. It costs more money.

24 MS. SULLIVAN: But you are more sure about it.

1 MR. JENNINGS: There's a lot of difference
2 between your employer doing random testing and being
3 in a serious accident and wanting to know for sure
4 what the situation was.

5 MR. SPARKS: I do have quite a few bad tests.
6 They don't have a control line. So you have to redo
7 them. They're accurate, but yet they're not if that
8 makes sense.

9 MR. SOLETTI: I think everybody wants to get
10 out of here.

11 MR. COE: We're about done. The common things
12 we talk about every year, it's really tough this
13 year, the application 30 days prior.

14 MS. SULLIVAN: Did you have a big problem with
15 that?

16 MR. COE: Yes. This year I don't know what the
17 deal was, but there was a lot of -- well, I got one
18 right here. I got one next week. I have got two
19 the following week.

20 This was a year for that. And it's not bad
21 as long as we know in advance. We have people
22 calling up on Friday saying hey, I'm setting this up
23 on Tuesday. Well, good luck.

24 MR. SOLETTI: I have one thing to say. Some of

1 you might know Bob Driscoll who used to own a
2 carnival. He passed away. His son Dan was on the
3 board at one time. Some of you may know him.
4 Probably not anybody else.

5 I figured I would bring it up so everyone
6 would know that Mr. Driscoll passed away.

7 MS. SULLIVAN: Thank you.

8 MR. SOLETTI: You didn't get it. Yours bounced
9 back.

10 MS. SULLIVAN: I got it from somebody. I guess
11 we have gone through all this. Are there any other
12 comments or questions? Well, thank you.

13 MR. SCHWABE: Motion to adjourn.

14 MR. REDSHAW: Second.

15 MR. KLEINIK: I want to say I appreciate you
16 guys all showing up, and we got a full Board back in
17 power now, and there's no expiration dates. All on
18 board.

19 You guys, any time you come up with
20 something call me if you want to look into
21 something. We have a policy attorney who it do it.
22 I want to say thank you and welcome everybody to the
23 Board.

24