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|  | STATE OF ILLINOIS |
| 3 | DEPARTMENT OF LABOR |
|  | CARNIVAL AND AMUSEMENT RIDE INSPECTION DIVISION |
| 4 |  |
| 5 | BOARD MEETING |
| 6 |  |
| 7 |  |
| 8 | Hearing held on January 14, 2011 at the Crowne |
| 9 | Plaza, 3100 South Dirksen Parkway, Capital 2 Meeting Room, |
| 10 | Springfield, Illinois, scheduled for the hour of 8:30 A.M. |
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| 12 |  |
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| 14 PRESENT: |  |
| 15 | MS. CATHERINE M. SHANNON, |
|  | Director |
| 16 |  |
|  | Mr. Anthony J. Urbik |
| 17 | Mr. Daniel S. Kirschner |
|  | Mr. Bill Sparks |
| 18 | Ms. Patty Sullivan |
|  | Board Members |
| 19 |  |
| 20 |  |
| 21 |  |
| 22 |  |
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## APPEARANCES:

MS. KATHERINE ANTHONY
Chief Legal Counsel
Illinois Department of Labor
Michael A. Bilandic Building
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

Appeared on behalf of the Department of Labor.

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ALSO PRESENT:

Mr. Doug Rathbun, Manager
Ms. Sara Scherer, Legislative Liaison
Mr. Bill Szerletich, Inspector
Mr. Brian Brown, Inspector
Ms. Marcia Joiner, Administrative Assistant

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By: Cynthia M. Smith, Illinois CSR
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| 1 | (Hearing started Page 3 |
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| 2 | at 8:30 A.M.) |
| 3 | DIRECTOR SHANNON: Okay. Well, the hour of 8:30 |
| 4 | having arrived, the Carnival and Amusement Safety Board |
| 5 | comes to order. And the agenda is located in your binder. |
| 6 | I will take roll call. |
| 7 | Patty Sullivan? |
| 8 | MS. SULLIVAN: Present. |
| 9 | DIRECTOR SHANNON: Dan Kirschner? |
| 10 | MR. KIRSCHNER: Present. |
| 11 | DIRECTOR SHANNON: Bill Sparks? |
| 12 | MR. SPARKS: Present. |
| 13 | DIRECTOR SHANNON: Anthony Urbik? |
| 14 | MR. URBIK: Here. |
| 15 | DIRECTOR SHANNON: And Catherine Shannon is here. |
| 16 | With five members being present, the quorum is |
| 17 | present. |
| 18 | The first item on the agenda -- well, I want to see |
| 19 | if any board members had any amendments or changes to the |
| 20 | agenda? |
| 21 | MR. KIRSCHNER: No. |
| 22 | DIRECTOR SHANNON: I would entertain a motion to |
| 23 | approve the agenda. |
| 24 | MR. URBIK: Motion to approve the minutes as |

presented.
MS. SULLIVAN: Second.
DIRECTOR SHANNON: Can we have a motion to approve the agenda first.

MR. URBIK: I'm sorry. I haven't had my coffee yet this morning.

I will make the motion to approve the agenda.
MS. SULLIVAN: Second.
DIRECTOR SHANNON: Okay. The agenda is approved as presented.

The first item the agenda is the approval of the minutes.

MR. URBIK: I make the motion to approve the minutes as presented.

MR. KIRSCHNER: Second.
DIRECTOR SHANNON: All those in favor say aye. (Group response.)

DIRECTOR SHANNON: No?
(No response.)
DIRECTOR SHANNON: The ayes have it.
The next order of business is old business. And I did talk about the fee increase implementation last night. We -- we think it has gone very well and we want to thank all of the operators and we want to thank the board for,
you know, recognizing the needs of the agency to have additional resources so we could fill the fifth inspector position. Which, as we mentioned, Brian Brown began with the department the first of the year. And he will be in the Southern Region and is going through training right now. And we look forward to his working with all of you.

And -- and you know we do think that the revenues will raise approximately, you know, just based on estimates from last year about \$80,000. Which, you know, covers the cost of an inspector. So it has helped us and it did allow us to get approval to hire that vacant position that went vacant for a year. So we appreciate the board's and the operator's cooperation and understanding on that. It's never easy, but we do appreciate that.

MS. SULLIVAN: And Marcia and the office getting everything changed over, too.

DIRECTOR SHANNON: Oh, yeah. A lot of work went into that. And -- and actually one of the things that we had to do because the -- the fees are in our rules and they are not in the statute is -- we are given statutory authority to adopt the fees. And -- and Sara worked with Marcia and Doug on getting the rules amended. So, Sara, if you want to give an update on where we are with the
rules, that would be great.
MS. SCHERER: So as many of you know we had quite a few meetings on this fee increase. And that's really the substance of these rules minus a few definition changes for the coasters intermediate and coasters large. We added those definitions I guess along with the fee increases.

They were filed in August. We had our second notices come up in October. We didn't have any public comments during the filing of the rules because we had dealt with all of them prior to the public hearing. And then we had our JCAR hearing on December the 14th where JCAR approved our rules. And then effective as of December the 20th of this year the rules went into place.

MS. SULLIVAN: Last year?
MS. SCHERER: Yeah. Sorry. It's 2010.
And then, as you all are also aware, the fee increase -- even though the rules became effective December the 20th, the fee increase starts January the 1st of this year. So everybody that's operating this carnival season will be subject to the new fees.

Did you already go over all of the amounts?
DIRECTOR SHANNON: Uh-huh. We went through that last night.

MS. SCHERER: Okay.
DIRECTOR SHANNON: And I think there is the pink sheets in everyone's binder that has those listed on there.

MR. URBIK: And it's also located in the brochure.
DIRECTOR SHANNON: Yeah. And it is also located in the brochure as well.

You know I think that we did a good job of informing the owners and operators of it. And Marcia and Doug say that we haven't had any issues with people submitting the incorrect amount.

A reminder again that our offices have moved. We are at our new office address in Springfield at -- it's 900 South Spring. And we are no longer at One West Old Capitol. But it did not effect the phone numbers.

Sara, are there any more rules or legislative updates with respect to the carnival and amusement --

MS. SCHERER: No. We don't have anything at this time unless something pops up.

DIRECTOR SHANNON: We have no plans for any initiatives for the Carnival Amusement Ride Safety Act. So we will see if there are any others from outside forces. I don't know if there will be. We don't have any plans to do anything. We might -- we may look at, you
know, updating our standards again.
MR. RATHBUN: Possibly.
DIRECTOR SHANNON: But again we would be submitting a draft to the board for their consent before we did that saying that we are currently working on, but we do not need to keep on top of that. It might be quiet.

MS. VAUGHN: Do the rules include the phone policy -the cell phone policy?

DIRECTOR SHANNON: No.
MS. SCHERER: No.
DIRECTOR SHANNON: It's just the fee increase.
Okay. Well, thank you, Sara.
The next item is monster trucks.
MR. RATHBUN: Monster trucks. We are still researching it. I'm still researching it. Quite honestly it took a secondary position with the move and everything. Marcia has done everything from getting us dumpsters to phone lines. And I've been handling most of the paperwork. She's been handling the office. And with lacking an inspector, $I$ was also out in the field a lot more than $I$ have been in the past.

So what I did do for your reading pleasure is I went ahead and brought copies of the ASTM Standards relating to the design and manufacturing. Which Patty probably knows
by heart. And the operational requirements. And that way, when we take this back up, it will be a little fresher in everybody's mind for consideration.

This is obviously the standards that we have adopted and used. And --

DIRECTOR SHANNON: So this is generally for all amusement rides?

MR. RATHBUN: Right.
There were four items which were of consideration that were still before the board as I understand it. And it was the training requirements for the driver, the operation of the kill switch in an environment which was in the case of like the Hot Roller that was operating in an orchard and what would be the appropriate means to ensure if something happened to the driver that the truck could be killed.

The restraint system with side rails. You know after thinking about it I wasn't really thrilled about setting standards for the side rails simply because we are not manufacturers. And I don't think that it is in the best interest of the board to stipulate manufacturing requirements. So that's something we can continue to discuss.

But I will let you read these and then we can get
back to it and discuss this in further depth.
MR. URBIK: Doug, as it pertains to monster trucks, typically these are built in a garage on a one-time basis, sometimes two. If I need to manufacture a piece of steel to go into a leaf spring to elevate my truck, how do I, as a garage mechanic, do that and qualify for these standards? What engineer do I go to, to get a piece of block steel into a leaf spring?

MR. RATHBUN: It is the manufacturer's requirement to set standards for their steel.

Correct?
MS. SULLIVAN: Uh-huh.
MR. RATHBUN: He is in essence the manufacturer.
MR. URBIK: He is, but if we are not going to be in the business of monitoring the manufacturing of a monster truck, how do we set standards for that manufacturing?

MS. SULLIVAN: Well, the other issue is the design. Which is a whole separate standard. It's F2291. So the design standards actually discuss loads and strengths and -- and engineering requirements according to the current engineering practices. And it lists I don't know how many -- internationally and not just U.S. standards, but international standards. So a lot of it would be engineering according to that.

And then the manufacturer part is basically the whole -- the whole -- F1193 is -- says -- I mean basically it says that you must have a quality assurance program. You've got to -- you know you've got to have a documented quality assurance program.

MR. URBIK: I need two pieces of steel --
MS. SULLIVAN: But if you start --

MR. URBIK: -- to raise the lift on my truck.
MS. SULLIVAN: But if you start manufacturing --
MR. URBIK: Every time you modify from OEM, you are manufacturing?

MS. SULLIVAN: It depends. If you are replacing piece for piece exactly what was there -- like you can replace the spring with a spring of the same number or you know - -

MR. URBIK: But that's not the case when we are talking about a monster truck because we are modifying an existing vehicle.

MS. SULLIVAN: I know. In that case, legitimately they are supposed to go back to the engineering standards and they really need an engineer to determine the proper loads and strengths for the application.

MR. URBIK: I'm just not sure how our inspectors would possibly -- especially with internal component parts

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that are not visible to the eye. Because we would have to tear the truck apart to prove that.

MS. SULLIVAN: No. What our inspectors would ask for is to see that --

MR. URBIK: The paperwork on the block?
MS. SULLIVAN: -- the engineering stamp that it was done to original specs.

MR. URBIK: But if it's my truck, it's my original specs.

MS. SULLIVAN: Well, but you would still have to have an engineer stamp off that it was compliant with the loads and strengths part of F 2291 for that application.

MR. URBIK: And I guess I agree with you that, that should and can be done if $I$ was in the business of manufacturing trucks. I mean more than one.

MR. RATHBUN: That's largely the crux of the issue because -- I mean I actually called some engineering firms and it's like, well, what would you charge to do an engineering study on a monster truck. Well, we won't touch that. That's out of our purview because it's just not our specialty. And, therefore, they said, well, get an automotive specialty. But they wouldn't touch it either because at this point it's not technically a truck. It's been modified.

And I think that we discussed this at one point. And that was the fact that, that individual is going to have a very, very hard time, if not an impossible time, getting an engineer to sign off on that. So we were faced -- the board -- you all were faced with the dilemma of do we just shut them down totally or do we work with them.

And, as I remember, the consensus was rather than shut down every big truck in the state that we would work with them. Now is it realistic to expect an inspector to go in and look at that piece of steel? No. We will look at the overall structural integrity, seat belts, et cetera. But, A, the owner has the primary liability. Not that that's not our own goal, but it is a consideration.

And that was one of the reasons that I went towards the Monster Truck Racing Association Standards because that was at least a standard that was currently being utilized. And it gave us some basis from which to begin to formulate an inspection program relative to monster trucks.

I mean truthfully any homemade ride in this state -and there are several -- we should shut down if we went straight by the ASTM because most of them do not have engineering standards. And I mean it's that way nationwide.

MR. URBIK: So are we going to require it or ignore it?

MS. SULLIVAN: The other thing is a lot of the older rides were designed a number of years ago. And depending on whether or not they met standards at the time or if by now they have become service proven -- which is a term in ASTM standards -- then basically they get kind of grandfathered in. And it's legitimate.

MR. URBIK: Sure.
MS. SULLIVAN: So if -- I mean if somebody built something in their backyard and it's run for five years to the public and it hasn't had any issues or at least no issues that have not been mitigated, then -- then it's considered service proven.

Plus, this -- the -- the current 2291 only went into effect in 2003. So if -- if something was built before that, then the old 1159 applies. Which is a much -- it's kind of like 2291. It's -- it's very, very basic. It still does require, you know, things being done to engineering -- to accepted engineering practices.

But you know it still is -- there is a service proven option in there that -- that would encompass a lot of the older rides. So essentially if, you know, inspectors go on to a lot and there is an older ride that somebody made
in their garage 20 years ago, then that's acceptable.
Now if they make it in their garage today, that's a whole different ball game. They would have to meet all of the engineering standards. And -- and, if not, I would hope that -- that our inspectors would, you know, call in to question whether -- whether it's appropriate.

Now if --
MR. URBIK: With that being the case, does that mean that any truck that was modified up until the day that this goes into -- that these new rules go into effect are grandfathered in under the old standard?

MS. SULLIVAN: If they were modified before the old standard according to -- to --

MR. URBIK: Before the old standards and not the passage of any change that we do?

MS. SULLIVAN: The old standards have been in effect since like 1980 something. I can't tell you exactly what year because they are basically updated every five years.

MR. URBIK: So if it's manufactured to that time, then it's grandfathered in and, after that time, new standards take effect?

MS. SULLIVAN: Correct. I don't think that we have an issue with amusement rides that $I$ know of.

MR. RATHBUN: No.

MS. SULLIVAN: But a monster truck -- see, there
is -- there is -- they are remanufacturing them after 2003. So they would be --

MR. URBIK: Held at higher standards?
MS. SULLIVAN: Held to the new standard.
And it could be -- I mean if they are just putting a stronger spring in or something like that, then that would be -- I don't know why they couldn't find an engineer to say yes, that's fine.

Now, in some cases, you don't want a stronger something or other because whatever it is attached to then would become the weak link and that could fail instead of the new piece. But that's -- you know that's why you get an engineer.

And as far as, you know, monster trucks go, you know -- well, they are just tram trucks that people have modified for -- you know just to bring people from the -from the parking lot to the event in many cases that they are attending.

MR. URBIK: If we are going to require an engineer to design a safe monster truck, it's going to be made out of feather pillows.

MS. SULLIVAN: No, not necessarily.
MR. KIRSCHNER: The issues that we talked about the
last time were speed, turning radius, railings, seat belts, means of safe ingress and egress, ladders, stairs from -- that you have going up and down. What's more at issue is the integrity of the truck holding up rather than the purpose of the truck. Which is transporting people. So in the amusement sense is it safe.

MS. SULLIVAN: Well, will the restraints hold people in?

MR. URBIK: I understand all of that. My concern is that anytime you modify a product you become the manufacturer. So when Bill wants to put a Corvette hitch on his Corvette -- a Corvette hitch typically is not available out there. So he's got to take a Maserati trailer hitch and put it on his Corvette body. By modifying that, he becomes the manufacturer. Does he have to go -- to go to an engineering firm and get a stamp that his modification that he is doing to put a trailer hitch on his Corvette meets our standards now?

MS. SULLIVAN: I don't think that you would find anybody who could weld a trailer hitch to a fiberglass body.

MR. URBIK: That's the engineering marvel.
MR. SPARKS: It is available. You can buy a manufactured hitch for a corvette. I beg to differ.

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MR. URBIK: I wasn't soliciting a new industry, Bill.
MR. SPARKS: And in that same respect, most of those
monster trucks -- almost any component they use is
available from an off-road manufacturer. I don't think that they go out and manufacturer 'em. For the majority of suspensions for their modification, they buy from approved off-road dealers and distributorships.
MR. URBIK: If I was going to put a railing, for example, on the back of my truck and I decided to use a plumbing pipe. It's cheap and easily available. And I put up three rows of plumbing pipe. It's been engineered for the purpose of plumbing. It's not necessarily engineered for a four-year olds head to be batted about on the top of it. Does that meet our standards?
MS. SULLIVAN: No.
MR. URBIK: The product itself has been engineered, but not for that particular purpose. Do I need to get an engineer to say I can put a plumbing pipe on the back of my truck?
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MR. KIRSCHNER: We are talking about railings with respect to fall hazards. So does it meet the standards in terms of height and distance and in terms of your concern in terms of getting banged around and that it's safe.

MR. URBIK: I'm using plumbing piping. Because it
was not designed for that purpose, this seemed to indicate that we would then have to have an engineer sign off that those regular water pipe connections making a railing on the back of my pickup truck are sufficient for the purpose to which we wanted 'em to be and to have 'em sign off on it. That's what this is indicating; right?

MS. SULLIVAN: Uh-huh. That is what it is indicating.

MR. RATHBUN: I would say that you would have to get an engineer to sign off on it, yes. It doesn't necessarily say that PVC pipe would be approved.

MR. URBIK: Even steel pipe. That's an example. So that it's not necessarily available at an off-road truck shop was my point, Bill.

MR. SPARKS: (Nods affirmatively.)
MS. SULLIVAN: The answer is yes, it has to have an engineering approval.

MR. RATHBUN: Yes.
DIRECTOR SHANNON: And I think that this is one of the dilemmas that we have with the monster trucks is that, you know, we have to either adopt the standards that -that the racing association has or --

MR. RATHBUN: Uh-huh.
DIRECTOR SHANNON: But I think that we were looking
at putting in additional standards because the racing association is looking at it for racing.

MR. RATHBUN: And it didn't meet our needs especially for, like, training. They use their own drivers to do the evaluations and training. Which really doesn't work in our case based on the fact that the two we've mainly dealt with are -- there are only two of 'em.

Now we haven't looked under every rock yet, but --
DIRECTOR SHANNON: We did ask some other states.
MR. RATHBUN: They look the other way.
DIRECTOR SHANNON: They are really not regulating them. So I don't know if we -- if you've heard any discussion or not.

MS. SULLIVAN: I have not. I have not. The -- the new things are what they are developing the standards for. That's probably the most recent activity is the new ride activity.

MR. URBIK: If I buy plates for the vehicle --
MR. RATHBUN: You cannot.
DIRECTOR SHANNON: License plates?
MR. URBIK: Yes.
MR. RATHBUN: They are not allowed on the road due to the dimensions. That's what in essence makes them a monster truck. Otherwise, they would fall under the
auspices of the Secretary of State.
MR. URBIK: That's my point. If I can get around them making them roadworthy -- not that you would drive it on the road. But making it roadworthy and putting plates on it, does that take it out of our purview?

MR. RATHBUN: Yes.
MR. KIRSCHNER: And then it falls to the common carrier in essence.

MR. RATHBUN: Uh-huh. Because amusement ride, under our definition, is any motorized device which is not licensed by the Secretary of State. I mean there is other things in there, too, but --

MR. URBIK: Sure.
MS. SULLIVAN: It's difficult.
DIRECTOR SHANNON: We would be happy to have a working group if somebody would like to volunteer to -- to work with Doug on this or --

MR. KIRSCHNER: I'll volunteer to work on that.
MR. RATHBUN: Call me anytime.
MS. SULLIVAN: I'll be happy to help with it, but I would like to have the engineer on the board involved.

DIRECTOR SHANNON: That's true. Good point. And we will be following up on that.

MS. SULLIVAN: This is where we really do need that position filled.

DIRECTOR SHANNON: Agreed. Agreed. And we are following up with the Governor's Office this month. Probably next week.

MS. SULLIVAN: (Nods affirmatively.)
DIRECTOR SHANNON: He's been in for a week.
MS. SULLIVAN: Give him a week's time.
DIRECTOR SHANNON: Yes.
MR. RATHBUN: The next item is training, planned outreach. I'm working with a sheriff's department in Quincy -- the police department in Quincy -- excuse me. I'm trying to get with them to set up a training. We had an illegal operator over there who we have chased down. And he -- actually, we got his application packet in yesterday. So he did get the message that we were serious.

But in the process one of the other legal operators over there had been working closely with the police department saying, hey, do something about this guy. And so we've offered to go over and do training for them at any time they would like.

As far as NAARSO, Brian is going to NAARSO and Bill is going to NAARSO and Margaret is going to NAARSO and I'm going to NAARSO. I think that I should say that Bill and

Margaret and myself are paying for it ourself. And Catherine is giving us the time to do it. Which is very much appreciated. And I think that, that says a lot for Bill and Margaret who care enough about their certification to make sure that they keep 'em current. We have a dedicated staff and that's a perfect example right there of a couple of inspectors going the extra mile.

MS. SULLIVAN: Are they driving down?
MR. RATHBUN: I believe that they are flying. It's basically at their expense. So it's their option, but I believe that they are both flying. That's a long drive from here.

MS. SULLIVAN: Well, yes, it is, but if we were going to -- because is the department paying for Brian?

DIRECTOR SHANNON: We have to get approval from the Office of Management and Budget. And we were able to get approval for one inspector. They have, you know, very strong, you know, restrictions on any out-of-state travel.

MS. SULLIVAN: Right. Well, I was just thinking if he got approval to drive down, all four could drive down together. At least it would cut the expenses.

MR. RATHBUN: Actually, my plane ticket was, like, \$200 on Southwest. It was pretty reasonable.

MS. SULLIVAN: I'm glad to hear that.

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MR. RATHBUN: It started out pretty far, but yeah, it wasn't that bad.

DIRECTOR SHANNON: And the department is paying for the training.

MR. RATHBUN: Yes. And the time and giving us the time.

MR. SPARKS: Is anybody getting tested?
MR. RATHBUN: Currently nobody is getting tested. Brian hasn't been in long enough to get tested. Bill and Margaret aren't ready to be tested for their levels.

MS. SULLIVAN: But they have to be able to keep training.

MR. RATHBUN: They were both on the bubble as far as losing their certifications if they didn't get their training.

MS. SULLIVAN: Isn't it every two years?
MR. RATHBUN: Yes. Forty hours in every two years.
So we are also planning in-house training. That's going to be in February. I'm working on getting teachers. So if anybody wants to volunteer -- Patty, we would love to have you.

MS. SULLIVAN: When in February?
MR. RATHBUN: We haven't set a date, but we are going to have it here in Springfield. So we would obviously be
happy to work around your schedule.
MS. SULLIVAN: Well, I basically leave the 2nd and I don't get back until the 21st literally. So if it's in the last, you know, seven days of February, I would be happy to do it.

MR. RATHBUN: Okay.
MS. SULLIVAN: Just let me know.
MR. RATHBUN: I will send you an e-mail. We are banging out the details still, but if there is an interest -- that's something that we want to do that we haven't really done since I've been here is have a group meeting for any length of time at all.

So we are looking at a couple of day training sessions to bring everybody in that needs to overnight and work on some consistencies and get processes and procedures down because, with Brian being new here, he is kind of being shuffled around to wherever we can do an inspection because we want to give him as much field time as possible before, you know, things break out in the spring.

Obviously we are going to work with him as much as we possibly can because there is a lot involved in this. And Bill has been working with him in the office and giving him guidance. I've been working with him. We are going
to be out in the field again this coming week for a few days together. So we are working really hard to get Brian up to speed as fast as possible so he can help us out this year.

MS. SULLIVAN: I would also offer that if it's going to be a couple of days, if they had time and wanted to come over to our plant and actually see some of the things that we discuss, you know I would be happy to plan that. MR. RATHBUN: We are going to keep working out the details --

DIRECTOR SHANNON: Is your plant in Jacksonville?
MS. SULLIVAN: Uh-huh. Uh-huh.
MR. RATHBUN: That sounds wonderful. I've always wanted to see it.

DIRECTOR SHANNON: And would that timeframe work if it's like the end of February, the first of March?

MS. SULLIVAN: Sure. Yeah.
DIRECTOR SHANNON: All right. Thank you.
MR. RATHBUN: Spring press release. I don't have one. It will come out in the spring. We are -- as I said last night and as Bill pointed out earlier, we need to be very public and vocal about the relationship between the operators and the inspectors and that it is a teamwork type of effort. And I think that we are trying very hard

1 to -- to promote that and -- and to make it known.

The haunted house update. We hit 'em hard this year.
Last year we got off to a slow start on haunted houses. As you all know, haunted houses are indeed in the rules that we do inspect them. Unfortunately, last year we started in September and a lot of people were frustrated with us. Which I understand because we did some and we didn't do others. And we basically said, well, just count your blessings you didn't get got this year and we'll get you next year.

And that's what we've done. And we went from about 25 to 75. And I think that with Brian being down south and the word getting out -- and I went to the training last year. We've worked very hard with the operators to get the word out.

And this is kind of like the inflatables. You know once somebody is following the rules, it frustrates them when others are not. So we are now having more haunted houses coming to us saying what about Joe over here in Smithville you know, did you get him. And so the word is definitely spreading.

I am very, very pleased with the way that it has worked out. I think that it has been one of the best initiatives for -- you know initiatives that we have

| 1 | taken. We actually shut down through the -- through the |
| :---: | :--- |
| 2 | local fire departments two haunted houses. And one of |
| 3 | them had 350 bales of straw in it and no fire retardants |
| 4 | whatsoever. And there was another one that the other fire |
| 5 | chief said it was just a death trap. So I think that, |
| 6 | that was a good force of action. |
| 7 | I think that we've kind of worked the bugs out on the |
| 8 | volunteer issues versus the pay. And everybody seems to |
| 9 | not only be compliant, but very willing to comply. So |
| 10 | I've had a lot of people say that I think that it's great |
| 11 | that you are doing this. So it's -- in my opinion, it's |
| 12 | had very positive results and it's had a very positive |
| 13 | reception by the industry. |
| 14 | departments, then that would be good. I know that Bill |
| 14 | firefighters up in chicago. we covered ten or 15 |

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area. And he's got the ball rolling to a large degree. So all in all it's been extremely successful.

MS. SULLIVAN: Well, I think that the fire departments are a great place to go to get help with that because it is inside and fire is our -- you know it is our biggest concern with haunted houses or any place that is enclosed. And it needs to have -- it needs to meet really almost the building code --

MR. RATHBUN: Uh-huh.
MS. SULLIVAN: -- to keep it safe.
MR. RATHBUN: And we've worked out a really good relationship with Lockport and the Kankakee fire departments. They were one of the first to jump on board. And they've been a real source of good information for me personally. If I have a question, you know, I call them up and say, hey guys, you've been doing this a lot longer than I have, what do you think about this. And they quote me chapter and verse of the regs and this is why it's this way. And -- and it's been all around a very positive experience.

DIRECTOR SHANNON: And one thing you might want to think about is in the sense we are occupational safety and health for work sites that our safety division would have a lot of contacts in the fire departments. Maybe that's
something that the inspectors in these somewhat slower months of winter could be reaching out and maybe working with Cheryl in the safety division on trying to figure out who some key people are and reach out to them in the Southern Illinois Region or the Central Region because they deal with the fire departments all of the time.

MR. RATHBUN: Okay. Other than that, the last item on the agenda that I have is Wow Balls. And I don't know how many of you have had the opportunity to see these yet, but they are a new attraction. It's pretty much sweeping the nation. And they are showing up on midways.

They were -- they are very controversial to a certain sector. I know Pennsylvania did not allow them to operate. But then the last time that I talked to Joe Philaromo (phonetic), he had totally reversed. And I don't know if it was due to a lawsuit. I know that there were a couple of lawsuits pending for -- for loss of wages.

I do know that I've done the math and a six foot sphere holds as much air as a scuba tank. And I've been a diver for 25 years and I've been to 150 feet. And the maximum time you are in these things is for three minutes.

So we do have a guest speaker. His name is Peter Bogolin. Stand up. Go ahead and take over. He is an
operator. And for those of you who haven't seen 'em, I just want to give you the opportunity to -- to catch you up. So with no further ado.

MR. BOGOLIN: We are here to talk to you about Wow Ball, USA. We've been the operator for -- this is our third season. So we ended up in 2009 -- we did a lot of private venues in 2009 just to see what kind of interest there was. I believe that we were the second ones in the U.S. There was another operator in North or South Carolina that was working on Broadway. The Boardwalk I think it's called. What is it called?

MRS. BOGOLIN: Something like that.
MR. BOGOLIN: Yeah, something like that. I don't know.

He has been operating for another year before us. We actually seen this in -- we were at home in the Philippines. My wife is from the Philippines. We saw it operating over there. My daughter tried it and thought it was a great time.

We came over here and found that there was one other person doing it. We started in 2009 and had great success in the private venue. And in 2010, last year, we took it on the road. We did about 30 events. We are pretty small.
hundreds now. And there was like maybe five or ten at the beginning of last year. And $I$ think that there is about over 150 to 200 of 'em out there now at least. That I know of. And we did 15,000 rides last summer, 15 to 20,000 rides approximately.

Some of the things that the inspectors shared with me in Springfield I had never seen before. So it was kind of interesting to see how other operators were setting up and how they were doing things and to see what were some of the complaints or some of the injuries and some of the issues that they were dealing with that we haven't dealt with.

I don't know if that's because we were doing things differently or because our balls were different. I know that our balls are a little bit bigger. They hold more air. We've done studies as to how much oxygen is in the ball after a certain period of time. We try to use an average person that goes through there on a daily basis such as a 14-year old girl. And I didn't personally do this study. My partner did. And we recorded the results as far as oxygen content goes. And the one that was really the one that we were concerned about was the carbon dioxide.

The interesting thing that we've found out -- and you know it seems like it's logical and -- but we weren't really sure until we saw it. We knew carbon dioxide was being distributed inside this sealed ball. But on the other hand, oxygen was being taken out.

So when you are out in a room or outside that doesn't happen. It's when you are in an enclosed place that does happen. The oxygen content never became a factor. Actually, in the time -- by the time that there was too much carbon dioxide in the ball there was still plenty of oxygen left inside. So that wasn't a factor.

The factor was after 24 minutes the carbon dioxide got to a point of 5,000 parts per million. Which is the beginning stages of where it becomes harmful. So we had -- you know you got to take that into context with what kind of person is in there, what age they are, what kind of shape they are in.

And I have been in the balls. I'm 45-years old and not in the greatest shape in the world. And I can run around in there for five or ten minutes with no problem. My daughter is 12. We are planning on buying a carbon dioxide tester ourselves so we can have one.

In the U.S. -- and you can do the studies. Based on everything that we've found, the biggest controversy that
we've heard so far is the carbon dioxide content. And from what my partner has done, it has put my mind at ease anyway. I never really thought about it when we opened it up.

The one issue that we saw -- we've seen other operators at different locations. And one of the concerns that we had is our -- we haven't seen an operation like ours. We have a pool. We have a deck outside the pool that we bring people up on the deck. It's a controlled atmosphere where we can control the person coming into the pool, pushing into the pool and pulling completely out of the pool to completely deflating the pool and rotating the balls inside and out.

And what we've seen is the people bring the ride to the edge, open up the ball, it sinks in the pool and they yank 'em out before the ball is completely deflated. They will put the next person in, zip it back up and blow it up. And I see that as a big challenge, you know, to continuously replace the air in there.

The other challenge $I$ saw is where a lot of people were using leaf blowers at the edge of the pool, hand-held leaf blowers to blow these things up while the people were sitting inside the ball by the pool. And the leaf blower became unplugged two feet from the pool where the water
was on the ground.
I've seen these things. I saw it on U Tube. I couldn't believe it. He was being interviewed on the newspapers -- oops, picked up the cord and plugged it back in while it was sitting on the edge of the pool. Holy cow. This guy is nuts.

We have an inflatable blower. We have a stationary shelf away from the pool. The electrical is wired up. It's got a drip line on it. We make sure that it's not gonna' interfere with the waterline.

We like the idea of -- you know we've seen other operators with the same kind of pool that we have where they will inflate the ball outside of the pool and push 'em up and over the side. And when they bring it to the edge, they rest it on the edge. And it's a little bit easier where they have got two feet of this inflatable. And I've seen people go head first on the ground. That's why we use our platform. It's a lot easier to control the environment and keep down injuries.

I had a thing worked up and I forgot it. I had a whole thing I could hand out and everything. And we left at 4:30 this morning to get down here. So I forgot it.

MR. KIRSCHNER: Did you have written up all of the safety precautions that you follow?

MR. BOGOLIN: Yes. We do a risk assessment every year to make sure that we are updated. We do our own because it's fairly new and we wanted to make sure that we were, you know, doing the right things just according to the guidelines as much as we possibly can. Especially where electricity is concerned.

And the platform thing was completely our idea. Our partner who is from the UK doesn't have one. And he does the side of the pool thing until he saw what we were doing. And he goes that's really cool. So he actually did it. He's been in business for four years.

The great thing is is that I've heard stories from the inspectors -- from you guys -- that there were some problems and challenges with -- with people getting sick inside of the balls. Passing out. We haven't had an issue with that at all.

We keep the rides -- we use timers on all of our rides. We have -- all of our balls are color coded. We have a logbook to keep track of who is in what color and what time they started and what time they end. We've got five people on staff. Not at all times. If it's really slow, there is a minimum of three people.

I recommend at least one person for every three balls in the pool anymore because if you have less than that you

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can't keep watch. And people freak out in those things. And we have procedures in place if they freak out. They are to sit down and they are to raise their hands. We have a guy in the pool. And he drags 'em out in five seconds. No problem. These are the kinds of things that I haven't seen.

I saw an operator that had 12 balls in the pool with one person loading. And that was it. And I thought what if three people want out. They can't get out right now. They can't -- people don't realize that they are claustrophobic. They will go and get inside of these things and then they want out. Now that's happened.

We had an issue with one guy that he got sick, but we found out later that he was not feeling well that morning and had a burrito just before he went in the thing. It's like -- when you are in this ball, it's like a roller coaster ride. You can bounce it up and down. You are falling everywhere. And he didn't realize that it was going to be that kind of crazy. We got him out in time you know, before he did.

But that was the only issue. And I investigated it to find out why because I didn't want it to be something that was wrong with the balls and the CO2 and all of this other stuff. So I found that out.

We did have one lady -- one girl was -- when she got out of the ball -- and it was a very, very hot day. And she was in there for probably three or four minutes. And she got out and felt a little dizzy. And she had a bottle of water. That was the end of that. That was the extent of any issues that we have ever had.

We've never had any complaints. The only complaints that we have had is that kid rode longer than mine and that kind of thing. Just the usual stuff.

MR. KIRSCHNER: One of our concerns is not the operator who does it well, but the other operator who doesn't do it well and figuring out how to set up standards across the board.

One of the things that you said is or that raised the concern for me is the sinking hazard. You open it up while someone is in there and it collapses around them. Can you talk about that?

MR. BOGOLIN: Yeah, I can.
With most of the rides that we have seen, there are -- it's the same with ours. The average age of the people that go in there are between eight and 14 . This is our -- that's our main market right there. You get the younger ones in there.

And then when -- when they -- I have seen the pools a
couple of different ways. I have seen pools with a hard side with a cutout and the cutout is where they load and unload these kids. This is what I've seen mostly.

What they will do is they will bring the ball to the side of the pool, unzip it while it's still in the pool, help the person in the ball, they will sink immediately to the bottom of the pool while they are holding it. And this thing collapses around them. They zip it until there is this little hole so they can put the nozzle of their leaf blower in and turn it on to inflate it to the top of the pool.

MR. KIRSCHNER: What are the depths of these pools?
MR. BOGOLIN: Ours is 18 inches. The hard side ones I've seen filled to the top, three feet. And that causes another issue actually. If it's filled to the top, these balls are falling out of the pool when they are completely inflated. I've seen that happen while I was at the DuPage County Fair.

They had six inches between the top of the pool and the water. And there was a guy running around pushing the balls back in. And I'm thinking that's nuts, that's insane. I don't know if they took care of it or not. I don't know what happened, but $I$ saw balls slipping out of the pool.

And then, of course, when they are done with the ride, the kids would -- the person in the pool would bring them to the side and unzip it, grab the kid by the forearm, pull 'em out as fast as they can and then get the next person in so they wouldn't have to refill it with air again. Again, that's going to cause a problem.

Good question by the way.
MR. URBIK: Is Wow Ball the manufacturer or is that the generic name?

MR. BOGOLIN: We have our own design. The manufacturers are all from China right now. We -actually, my partner traveled to China and we contracted with a contractor out there to make our design the way that we wanted to.

MR. URBIK: The Wow Ball is the generic name?
MR. BOGOLIN: It's our name.
DIRECTOR SHANNON: It's trademarked.
MR. BOGOLIN: Walk On Water Balls is the industry name, but Wow Balls is our name.

MR. RATHBUN: There is a manufacturer. Eurobungy is one of the leading manufacturers for basically the same items. They do have a pretty extensive manual - - owner's manual.

MR. BOGOLIN: They do.

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interested in that because it's, you know, certainly a whole new industry.

MR. BOGOLIN: It's an explosion. And you know a lot of organizations and carnivals that I have spoken to think it's going to be a fad and it will be gone in a few years, but $I$ don't know if I see that happening. It's such a huge attraction right now. There is going to be always new kids that are going to be ready to ride next year that couldn't ride last year. I think it will stick around for awhile.

MS. SULLIVAN: What's your height limit?
MR. BOGOLIN: We don't have any. I am 6'3'.
MS. SULLIVAN: I mean for small kids. Do you have a minimum height?

MR. BOGOLIN: You know what? We've had the recommendation of our insurance company that was three years old and up. We're not sure about that. We are thinking that we are going to raise that to five years old. Actually three to five is iffy.

And it's not because we think that it's dangerous. It's because you are just scared when you get inside the ball. Whether it's controlled or not. That plastic comes around you and that's kind of a terrifying thing. He was three, but he has grown up with it. So he just dove in.

And that was it.
MR. URBIK: What about the hygienic part of that?
MR. BOGOLIN: They need to be cleaned.
MR. URBIK: How do you control that? Are they cleaned every day or how do you get rid of the bugs that are in there especially when you are dealing with that age group.

MR. BOGOLIN: We've been trying to work that out ourselves. And we've had people say clean that out after every ride. Well, it wouldn't be feasible or profitable to be quite honest. We would like to be able to do that, but there is not enough time when you've got a line 50 deep or 100 deep. It's impossible to do.

We try to -- we pull balls at least once a day during the course of the day and clean 'em all out completely at the end of the day. And at the end of each event they are turned inside out and power washed.

We try to be as clean as we possibly can. We have procedures in place. If somebody has an open sore and it happens to get on the inside, we go out with rubber gloves and antiseptic and everything and we clean those.

So that's -- to answer your question, that's what we do for right now.

MS. SULLIVAN: Do you use any just spray Lysol
inside?

MR. BOGOLIN: We've tried a lot of different products, but of all the products are supposed to kill 99 percent of the germs, some don't do as well, but others, because of the material, leaves residue or kind of a stinky smell basically. So we've been using that for daily cleaning. But for the real washing, I don't know or I don't remember the name. I think it's Clorox wipes. I think. The wipes. Yeah, the disinfectant wipes. They are great.

MR. KIRSCHNER: You don't want to fight one hazard and create another.

MR. BOGOLIN: Right. Yeah. Yeah. So we want to -yeah, you don't want to get into a stinky ball first of all. And if there is a residue, how is that going to affect them.

MR. KIRSCHNER: How much time does it take to do the power washing to clean it out?

MR. BOGOLIN: A few minutes. That doesn't take long. You know maybe two or three minutes.

Is that about right?
MRS. BOGOLIN: Yeah.
MR. BOGOLIN: She does it most of the time. So -that's Jenny by the way.

Yeah, about two or three minutes per ball.
DIRECTOR SHANNON: Do you have to, you know -- like, do you have to wear a mask to do it safely? Do you have to be tested for it? Is there any sort of like -- what if people aren't necessarily well enough to have, you know, the oxygen? Do you -- like what about somebody with asthma or do you guys have restrictions?

MR. BOGOLIN: We have restrictions on autistics and asthmatics unless they are not on any kind of breathalyzer. If they are on any kind of a breathalyzer, we won't let 'em in. I feel bad about it, but yeah. But -- yeah, that and what was the other one? We have had problems with kids that come out and they feel really good and it's a real bummer because we put those restrictions on there. And $I$ put on there that it's on a case-by-case basis. But for the most part, $I$ won't let 'em in.

MS. SULLIVAN: It could be detrimental to them.

MR. BOGOLIN: The asthmatics and the autistics. I mean to us, if they are fighting us, that could be a potentially harmful thing for the employees.

MS. SULLIVAN: Well, they can hurt themselves trying to fight.

How do the parents respond to that?
MR. BOGOLIN: They are not very nice. I had an
autistic guy on the platform that I am trying to get him out with the zipper and he is literally at full speed inside this thing hitting the side of the ball and trying to get outside of the ball. And I just start screaming at this kid to sit down.

And dad came up behind me screaming at me that he's autistic and he should be special. I turned around -- and I am a fairly nice person. I get along with just about anybody. And I keep my cool very good. And I was going to lose it with this guy. And the lady behind him said then, well, he shouldn't have been in there. And I was like thank you, lady. I didn't say a word. But we got him out and he stormed off and that was the end of that. So we've had people 86. We had an 85 -year old lady in there.

MR. KIRSCHNER: Do you have warnings posted?
MR. BOGOLIN: Yes. We've got a big warnings banner and our safety regulations banner.

MR. KIRSCHNER: Can you provide us with a copy of that as well?

MR. BOGOLIN: Yeah. I actually have 'em on my phone.
Are you looking for it?
MRS. BOGOLIN: Yeah.
MR. BOGOLIN: Yeah, I can do all of that stuff.

MR. RATHBUN: Do you want to see one blown up?
MR. BOGOLIN: Yeah, we brought one.
MS. SULLIVAN: Oh, cool.
DIRECTOR SHANNON: If you brought it in, we may as well.

MR. BOGOLIN: You want to get in; right?
DIRECTOR SHANNON: No, I don't. I have a little bit of claustrophobia issues.

MR. RATHBUN: My daughter has been in it and she loves it.

MR. BOGOLIN: Has everyone seen it?
(Group negative response.)
MR. BOGOLIN: That's basically all it is right there (indicates).

MS. SULLIVAN: You keep saying unzip. Where do you unzip it?

MR. BOGOLIN: You will see. Have you seen it before? It's amazing.

MS. SULLIVAN: I think that he brought their own stuff.

MR. URBIK: One person at a time.

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(At which time a short recess was taken for all parties present to observe the Wow Ball.)
DIRECTOR SHANNON: Thank you. We look forward to your information.
MR. BOGOLIN: Yeah. Just e-mail you?
MR. RATHBUN: Yeah.
MR. KIRSCHNER: Design wise have you seen any designs around the world that don't collapse around you once all of the air is out?
MR. BOGOLIN: No, not at all.
MR. RATHBUN: That would be tough.
MR. BOGOLIN: I've seen some worse than these.
Someone was talking in here about we've got an inner shell and then they've got these tubes on it and an outer shell. So it makes it more inflatable, but it is made out of a different material than this. And it's not as pliable. And when it does collapse, you've got all of these tubes around you. And that would freak me out. So --
MS. SULLIVAN: The only thing that I could think of is tubes on the outside that you would inflate and they don't ever deflate.
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MR. BOGOLIN: We have an extra person on the deck. So when she's filling it up -- she is the one that usually does that -- the other person holds it up so it doesn't fall around them. It makes it easier for us, too. We are not fighting with 'em. We are not fighting with the zipper.

MS. SULLIVAN: I thought it was a very nice demonstration.

MR. BOGOLIN: Thank you.
MS. SULLIVAN: And you did a good job walking down the hall, too.

MRS. BOGOLIN: You can hear a person talking from inside of the ball, too.

MR. BOGOLIN: If they say I want out, you can get to the ball.

MR. BOGOLIN: And we have a sign. If you want to get out, you are to sit down and waive your hands. We'll see you. We've got plenty of people out there. But safety is our number one issue. The real big key is making sure -you know making sure that there is enough people working to take care of the riders.

That's our biggest thing right there. 'Cause when you -- everything else we can manage. We can do something different. We can build a deck or make it more safe. But when the riders are in the pool, that's the most
important.
MS. SULLIVAN: My question -- and this is the first time that I've really seen one of these.

MR. BOGOLIN: Yeah.
MS. SULLIVAN: And my thought is you sound like you've got a really good handle on it. You are a responsible operator. My concern is lack of training for people that are working for operators that aren't as concerned because there is where the problem is going to be.

MR. BOGOLIN: Yeah, I agree. We have a pretty strict training program. We only have one operation, but we are planning on expanding this year. So that's a concern of ours. Are we going to have people on site working the location that don't care as much as we did? It's going to happen. Absolutely. But we have a crew last year that we've bonded with. They've almost become a part of our family. They are ready to work this year. And we will make 'em crew chiefs.

MS. SULLIVAN: You have to have a degree of maturity to be involved with this. High school kids would worry me.

MR. BOGOLIN: Can you hire someone off of the street to do this job? No problem. If they are not properly
trained and supervised by somebody who cares, it's going to be a problem, one. If $I$ can find that $U$ Tube video again -- $I$ found it once. If $I$ can find it again, I'll send you the link to that one where the guy was using the leaf blower and it unplugged and he was like, whoops. And the guy interviewing him asked how many balls are in the pool. About 12. How many people to run this thing? Two. Twelve balls in the pool with two people. Basically one person is watching because the other person is taking money and taking tickets and loading and unloading people. So one person was in the pool. And in the background you can see her playing around with one ball, one person. And there is 11 around her. You got to have more people than that. So yeah I know where you are coming from.

MS. SULLIVAN: Is that one person in the pool?

MR. BOGOLIN: Yeah.
MR. KIRSCHNER: What was your ratio to in the pool versus on deck?

MR. BOGOLIN: One person is in the pool. Three people are on the deck. And they are above everything. So they can see the whole pool. And if they are in the center, these people are three feet above 'em. They can't see everything. So we've got a person loading. We've got a person in the middle and a person unloading.

MRS. BOGOLIN: Five people.
MR. BOGOLIN: One person collects the money and keeps
track of times.
MRS. BOGOLIN: We have lots of eyes.
MR. SPARKS: What do you charge?
MR. BOGOLIN: It's $\$ 6.00$ per ride.
MR. KIRSCHNER: Is it a three-minute ride?
MR. BOGOLIN: Three minutes. We say three minutes, but it usually happens to be around four.

MR. SZERLETICH: And because they were so new the inspectors went around and observed them quite a bit. And I found a nice shady area.

MS. BOGOLIN: We didn't even know that somebody was timing us.

MR. SZERLETICH: They were very systematic in how they -- they had a good system down. They were very systematic in moving people in and out. He had a guy in the pool you know? And they did a good job. And I was really impressed.

MR. BOGOLIN: Thanks.
We -- actually, we did Maricopia County Fair last year. It was our first event out in the public out in Phoenix, Arizona. And they had hired an inspector out there to help everyone. It's fairly small. They have got
forty to 60,000 people. It was pretty small.
But they hired an inspector who actually walks -- you know he -- he wasn't there to inspect -- well, he was there also to inspect, but he was also there to train people on how to set this up. I spent two or three hours with this guy. He had seen it once before. He was fairly new with it.

He walked around the whole site. And his stuff was mostly electric. And he was making sure of the boundaries around there and somebody getting in the pool after hours. Things like that. And I am taking notes like crazy.

And when I met you it was a completely different thing. Where are your log books, where are your training manuals and stuff that the other guy never talked about. So it's been cool to meet up with both views and put them into learning. As far as I've seen -- I'm trying to be the best one out there.

MR. KIRSCHNER: You set up your own pool?
MR. BOGOLIN: No. We set up our own -- we have got a 25-foot inflatable pool.

MR. KIRSCHNER: Do you treat the water?
MR. BOGOLIN: It depends on how long the event is. At the State Fair, we treated it, yeah. If it's a one-day event, no. It's in and we're out. So --

MR. BROWN: Do you have any trouble with two Wow Balls knocking heads?

MRS. BOGOLIN: The balls bounce.
MR. BOGOLIN: My daughter and I try to do the things that everyone comes up with. We get inside there -- when someone said that they could knock someone out of the pool, we got in there and tried it. There was no way. We couldn't do it with our pool. With inflatable sides, it can't be done.

We would go to people's locations -- to their house. And they are concerned that someone is going to knock themself out. And we did it as much as we possibly could. I tried running into the side. And these balls bounce right off of it. They bounce right off.

I've tried everything that $I$ could to try to hit myself on the edge of the pool. I know it sounds silly. But I couldn't do it. But we have precautions in place for the private events anyway. But 99 percent of the time we are using our own pool. So --

MR. URBIK: But you could put it into a commercial swimming pool?

MR. BOGOLIN: We've had it at a YMCA and at rec centers.

MR. URBIK: Individual homeowners?

MR. BOGOLIN: Yeah. Backyard pools for birthday parties. Our whole first season was like that. We did a lot of birthday parties and community -- well, we didn't do any community events the first year. We did a couple of campgrounds and lake stuff. Lakes are fun. That's a whole different ball game. You are talking about tying 'em off with ropes and having a post in the ground. Making sure that they weren't drifting out and away.

MS. SULLIVAN: That gives a whole new meaning to a float trip.

MR. BOGOLIN: We've tried to do a lot of different things. We've had 'em tied behind ski boats in the lake. We've had 'em in backyard pools. That's all our personal stuff.

MS. SULLIVAN: Have you taken 'em down a river? MR. BOGOLIN: Depends on how long you would be in there.

MR. OWENS: How about Niagra Falls? Would you take it over the falls?

MS. SULLIVAN: No thanks.
MR. BOGOLIN: Yeah.
Are there any other questions?
(No response.)
DIRECTOR SHANNON: Thank you.

MS. SULLIVAN: We really appreciate you coming.
MR. BOGOLIN: If there are anymore questions, I'll
send Doug -- he's got my contact information. If you have anything else, just let me know.

DIRECTOR SHANNON: Thank you.
MS. SULLIVAN: All right.
MR. BOGOLIN: My pleasure.
(At which time, the Bogolin
family exits the board meeting.)

DIRECTOR SHANNON: So, Doug, is that it?
MR. RATHBUN: That's it for me.
DIRECTOR SHANNON: Are there any questions for Doug?
MR. URBIK: (Nods head no.)
MS. SULLIVAN: (Nods head no.)
DIRECTOR SHANNON: Thank you.
Well, the next item on the agenda is any new business.

And one thing, Patty, is that you had asked about the penalties that we have imposed. And --

MS. SULLIVAN: Well, I have -- as I was reading through this, $I$ was really happy to see all of the inflatable stop orders and penalties because I know that they try to get in under the radar and not -- and not be
registered and -- and paid for. And so I was real happy to see those things.

DIRECTOR SHANNON: And we think that once the word gets out -- I think that it has gotten out that we've got the statutory authority since the summer of 2009. And thanks to the board's, you know, support for that, to impose penalties if somebody is operating without a permit because before it was just criminal. And it's really hard to get the courts to deal with this type of issue. And we thought that civil penalties might be more effective.

And, in 2010, we actually had one inflatable that was on the table that -- we had an inflatable company that had eight inflatables. And we fined them \$20,000. And they actually paid the $\$ 20,000$. We gave them an opportunity as provided for in the statute to -- first, we sent out a letter saying that we were investigating it and we gave them an opportunity to, you know, respond to the allegations. And we met with them in person. There were two of 'em. I think there were two companies that we met with. And they understand. And I don't think that we will ever have a problem with them again.

MS. JOINER: And, Patty, keep in mind that this is a company that $I$ have had problems with for years. They knew what they had to do and deliberately did not do it.

MS. SULLIVAN: They were trying to fly under the radar.

MS. JOINER: Well, they knew that they couldn't be fined.

MS. SULLIVAN: They thought that they knew.
DIRECTOR SHANNON: In prior years.
MR. RATHBUN: This was a major festival that they were doing, too. We get so many calls about illegal operators. It's ridiculous. But it's legitimate. Don't mistake what $I$ just said. But it's frustrating for us because if they say, well, so and so set up at, you know, Sue's festival, then, you know, it's really hard for us to get an inspector over there to put a stop order on 'em or to get a work order.

And the way that it's working now is we basically say that we know this to be true and it's up to you to prove us wrong. And a lot of times that's just it. Oh, you caught me, but I really didn't know and I'm sorry. And then we work with 'em. But those -- like Marcia said, she had talked to this company many, many times. And the gentleman even admitted it. He said yeah, you've said that a lot. And it's like, well, you know how generous can we be?

MS. SULLIVAN: Well, and I think that, that is very
fair because I -- I think that, you know, people like Bill and everybody are people that pay and get properly registered. They shouldn't have to see somebody else getting away for free and not being inspected. That's an -- I mean that -- I think that, that -- that's a public safety issue when they are not. So I'm glad to see that. I'm very happy to see that.

MR. URBIK: Do the inspectors have the ability to resolve the problem on the spot if they find somebody that was not permitted to write a permit right then and there and collect the fee and pay the inspection fee?

MR. RATHBUN: They do, but they do it through the office. And the reason why is what I just said. Say Bill finds somebody that's operating without permits. He will call Marcia and say I've got Joe Smith here and Marcia has a book this thick (indicates) of letters that she has sent out to operators that we have basically caught before. And that was kind of their free pass of here is your letter, now you know the law, get permitted. Bill will call us and say I've got Joe here, is he in your book. Basically we have warned him. And if Marcia says no and if Joe says I didn't know, Bill will give him the proper paperwork to get him compliant.

DIRECTOR SHANNON: And permit him that day.

MR. RATHBUN: Right. On the spot. Provided that they can provide the appropriate insurance and meet all of the requirements.

The other option is if Marcia says I have called 'em three times and written 'em and I have e-mailed 'em and can we fine 'em, I will go to Catherine and say this is the situation that we have, they've been warned many times and I think that we should fine 'em. And if everything checks out to be true and they have a chance to present themselves and give their side of the story and say no that really wasn't me or that was another company or to say yeah, that it was me, yeah, we will fine them. But then we will also work to get them permitted.

DIRECTOR SHANNON: If there is extenuating circumstances, we hear them out. Most of the ones that are on the list are the ones that were ultimately -- I mean whether they were fined or not, they were ultimately permitted. Once they paid the fines, paid the permit fees, the annual permit and inspection fees, they were ultimately allowed to operate once they got into compliance.

MR. RATHBUN: Correct.
DIRECTOR SHANNON: So do any of the board members have any questions? Is there anything else that you want
to discuss relative to this?

MS. SULLIVAN: Well, I was just interested in, like, what's the basic philosophy when the operator or when you or the inspectors go out to say Fancy Amusements if they find something that's not compliant? Do you tell 'em right then and give 'em a chance to bring it into compliance while you are there and then not have to write anything up? Or does it have to be -- you know I guess what kind of a stand do we take as far as working with 'em, you know, because most of the carnivals already know about all of the getting registered and becoming compliant that way? But if you find something --

MR. RATHBUN: Our first effort is to work with them you know? The times in my mind where the rubber meets the road is basically the same thing of they were asked to fix this, they were asked again to fix this and it's still not fixed. Then we have an issue.

MS. SULLIVAN: Uh-huh.
MR. RATHBUN: And it's -- usually it's not a stop order, but it's an inspector standing there saying you are not opening this ride until this is fixed.

And one example is -- you know Bill told me this. And I don't know who it was. But he had been told to weld something and he didn't do it. He was told again to weld

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it and he didn't do it. The third time he was welding in the rain because Bill said I've told you, you've been warned twice, you blew me off and we now have an issue and I'm not going to walk away again because $I$ can't trust your word.

And I realize that there are a lot of circumstances. You know maybe their trucks got bogged down in the mud. There is a lot of things that happen on the road. And I think that everybody that's an inspector understands that. And we try to go the extra mile. If it's a matter of safety that's at issue, it's got to be fixed.

And you know one of the things that I've been telling Brian is that's the hard part of this job. How do you know when to or how much time to give 'em because you want to be fair to both sides. But neither do you want to walk away from something that you've told them three times to fix and they are blowing you off.

DIRECTOR SHANNON: Nor do you want someone to be injured because you allowed a ride or an attraction to operate that's not safe.

MR. RATHBUN: Right.
MS. SULLIVAN: Right.
MR. RATHBUN: And I guess my feeling is that I don't know if -- if we've written any stop orders for that, it's
more of you are just not opening tonight until this is fixed. And I mean with you -- a perfect example of this is when I was at a show and I had a problem because they have -- all of the bolts on their Scrambler were the wrong bolts. And obviously our first choice is to go to the manufacturer and say, hey, will you give them a day or will you not. Because in my mind that was a critical safety issue. They were the wrong bolts. And we all knew it. And you said, no, don't let 'em run it, we are going to get 'em the bolts tomorrow. And they've got to replace them. And that's what we did.

And so that wasn't a stop order. I could have written one and I would have been morally write and legally right because everybody admitted that they were the wrong bolts. But to my way of thinking, I came down the next day again to get them open after you had gotten them the correct bolts. And it wasn't a stop order. It was just a no, you are not running until this issue is resolved.

MS. SULLIVAN: Okay.
MR. RATHBUN: And I feel like that I was fair because I took your wisdom. And if I had been by myself and I couldn't have gotten ahold of somebody with you, I probably would have written a stop order because there was
no doubt that those were the wrong bolt 64
no doubt that those were the wrong bolts. And I wasn't going to walk away and let that operate knowing that those were the wrong bolts and it being so critical.

MS. SULLIVAN: Well, and as a manufacturer, we appreciate that because if it's something that we haven't tested and we don't know to be -- to have integrity for that application, we don't want it to run because, you know, it might look like it would be fine and it might be okay, but if we haven't tested it and can't say that this is appropriate for this application and it has the strength to hold, then $I$ certainly don't want it running.

MR. RATHBUN: To the best of my knowledge, any permits we have suspended were based on the fact that me and or the division, however you want to word it -- I know the problem is there and it is wrong. The person on the other side of the -- the operator says yes, it is wrong and we both agree. And I say I'm not willing to let this run. And we both agree that something is majorly wrong here.

Another example I can give you is the NDTs that the companies regulated. One of the companies was getting them done at an auto shop. That was totally unacceptable. And he admitted yes, now that you've pointed this out, I see where we've been making the mistake and we want to get
this corrected for our benefit as well.
And so we said, you know, we are going to put it in writing so there is no discussion and so that we all know that this is what we agreed on. And we didn't fine 'em. We didn't do anything. We just said your permit is suspended and, you know, get it fixed.

And the same thing with the cliff hangers. We know that there is a problem because the manufacturer told us so. And, therefore, the resolution is very easy. And we've sent them stop orders. But Catherine has to make the decision to fine or not to fine. And obviously it's not the operator's fault. We just want to make it clear and alert them that this is a requirement and all you've got to do is to send us this paperwork.

DIRECTOR SHANNON: But you are not to operate until we do.

MR. RATHBUN: But you are not to operate. So I think that we try very hard to meet the operators halfway and still go home to where we can sleep at night.

MS. SULLIVAN: Oh, by the way, this is just an FYI.
MR. RATHBUN: What did we miss?
MS. SULLIVAN: Well, you still have the Eli Bridge NDT requirement. It's Number 35. And -- and that's -basically that was a one-time thing. And so everybody has
replaced those bolts by now.
MR. RATHBUN: We can get rid of it?
MS. SULLIVAN: Yeah. And you just have to change 'em every five years or if they start wearing because we did send out a bulletin to replace that.

MR. RATHBUN: Well, and one of the things that we are doing is that we are upgrading our -- our computer system so that we can better track things like that to where if an item has multiple NDTs like the Wave Swinger has 30 different NDT requirements for 30 years. And we haven't been able to track that so well.

Don is currently upgrading our system. And in a year or two we can get the bugs out and get all of the data entered. That will be the hard part. But we will be -we will be much better able to track things like some of the ARM rides have to have their bolts changed every two years.

DIRECTOR SHANNON: So that the inspector in the field who comes up on the ride will know.

MS. SULLIVAN: Right. And they know that well. And lots of the manufacturers will -- we will stamp a year on a handle or a bolt if there is a requirement to change it.

DIRECTOR SHANNON: Well, is there any other new business?

MR. URBIK: Did you want to look at that language in the code?

MR. KIRSCHNER: Sure. We talked a little bit about some outdated language in the insurance requirements. Maybe we -- we can sit down and redraft a proposal and clean it up and get it up to date with the way that insurance is currently written. It doesn't really comport with policies at this time.

DIRECTOR SHANNON: What section.
MR. KIRSCHNER: Section 2-14.
DIRECTOR SHANNON: Okay.
MR. KIRSCHNER: There were a couple things. One has in there a personal limit of 100,000. Commercial policies are written all as 1,000,000 per occurrence and then with an aggregate. So we can play with that language to bring it up to date.

DIRECTOR SHANNON: Okay. Great. So you will be working with Tony on that?

MR. KIRSCHNER: Yes.
DIRECTOR SHANNON: Okay. Well, we will look for that and maybe discuss it at the next board meeting.

MR. KIRSCHNER: Okay.
DIRECTOR SHANNON: If -- it might be too late. I don't know if they -- we were thinking we would try to do
it this session. I don't know the legislative reference bureau deadline. Is it in February? Were you thinking this session or next session?

MR. KIRSCHNER: It doesn't make a difference.
MR. URBIK: It's not critical. It's just really sloppily written.

MR. KIRSCHNER: And it creates confusion to the operators when you have $\$ 100,000$ policy limit and the legislature says it is 1,000,000.

MS. VAUGHN: You can get us the language and we can get it going for this year?

DIRECTOR SHANNON: Yeah. The only thing that I would want to make sure of on this is that you are sure that the regulated community had an opportunity before they become subjected to it to review it. So -- but we can -- and I think that we would have to change our rules, too.

Marcia?
MS. JOINER: I think so.
DIRECTOR SHANNON: We mirror the language in our rules. So it might be something that we just would be better off giving you a little more time on so we -- so we can pursue it during the next legislative session or even in the veto session.

Thank you. We will look forward to that.

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Is there any other new business or should we move on to our board discussion and other business. And one of those items that we have is that we need to schedule our next board meeting. Certainly we are open to looking at scheduling it more northern for those who have to travel in fairness. We can do it in Chicago. Anthony has offered his office where we did have one of the meetings that we had this year. It is very conveniently located. MR. URBIK: Lockport.

DIRECTOR SHANNON: We can do it at the shooting range.

MS. SULLIVAN: We will bring our guns then.
DIRECTOR SHANNON: But $I$ have asked folks if there were any particular dates that they wanted us to avoid, to let us know. I mean we've generally looked at I think May or June.

Haven't we, Marcia?
MS. JOINER: (Nods affirmatively.)
More into June.
DIRECTOR SHANNON: More into June.
We are required to have two meetings annually. So it's -- does June look good for folks?

MS. SULLIVAN: (Nods affirmatively.)
MR. URBIK: (Nods affirmatively.)

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MR. KIRSCHNER: If you avoid the 16th and the 17th, that would be fine.
MS. JOINER: I'm sorry. What did you say, Dan?
MR. KIRSCHNER: If you avoid the 16th and the 17 th.
DIRECTOR SHANNON: Yeah. That is a graduation month for anybody who has any people that are graduating.
MS. SULLIVAN: So definitely avoid the first full two weeks of June.
DIRECTOR SHANNON: Okay. We will avoid the first two weeks of June. We will try not to get too close to the 4th of July.
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MR. SPARKS: Yes, please.
DIRECTOR SHANNON: Yeah. Okay. Well, we'll look at some dates and locations and we will send out an e-mail to the board members and see how those work.

MS. SULLIVAN: Okay.
MR. URBIK: Okay.
MS. SULLIVAN: Just out of curiosity has Dan Driskill commented or responded?

DIRECTOR SHANNON: Marcia got an e-mail from him yesterday.

MS. JOINER: He is in Florida.
MS. SULLIVAN: Okay. Well, I would think that -- you know he is the official operator person.

DIRECTOR SHANNON: Yeah. Uh-huh.
MS. SULLIVAN: And we just haven't seen him for some time. And it would be nice, you know, to have him here. Or if he really --

DIRECTOR SHANNON: He is too busy.
MS. SULLIVAN: If he is too busy, then give up the seat and let's get somebody else in here.

DIRECTOR SHANNON: We can reach out to him. And certainly if any of you have a relationship with him, you can reach out to him probably.

We would like to know, I guess, of people's interests to serve before we reach out to the Governor's Office about reappointments. And, again, Marcia will get an e-mail out maybe next week to all of you about how to reapply if you need to reapply and even if you have already reapplied on that web site. And so we have some questions to ask the Governor's Office of Boards and Commissions. But we also would like to know if people have an interest. And so maybe that e-mail would have a response obviously if you reapply. But we will check in with people.

MS. SULLIVAN: Well, I would just like to see him here. Bill is here every time. Why not get him on the board?

MR. JOHNSON: Thank you.
MR. OWENS: He's getting ready to take over OABA.
MS. SULLIVAN: Either Dan needs to -- I mean I feel
like Dan needs to decide that he wants to be on the board and will participate or not.

DIRECTOR SHANNON: Okay.
MS. SULLIVAN: I would like to know.
DIRECTOR SHANNON: We will tell him you said that.
MS. SULLIVAN: Well, I don't mind saying that to him.
MR. URBIK: I was going to ask about some interest
from somebody from the ski industry.
DIRECTOR SHANNON: Yeah. We talked about that.
MR. URBIK: That was one of their complaints that they have no representation.

MS. SULLIVAN: Have they applied?
MS. JOINER: But they haven't applied.
MR. URBIK: Exactly.
DIRECTOR SHANNON: And we have a lot of spots that don't have a specific person. There is a public spot. For the public spot, we wouldn't have to change the statute in order for them to be represented on the board. MR. URBIK: Right.

MS. SULLIVAN: And I have one other question. I've long wondered why we are called the Carnival and Amusement

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Safety Board when we also have jurisdiction over parks.
MS. VAUGHN: Well, that is in the statute; correct?
The act covers parks you know? The act, itself.
DIRECTOR SHANNON: Amusement parks you mean?
MS. SULLIVAN: Uh-huh.
MS. JOINER: Yeah.
MS. SULLIVAN: It's a huge misnomer. It's not just carnivals. It's parks, too.

MR. URBIK: It's Carnival and Amusement.
MS. JOINER: If you look at the definitions, it covers all of that regardless if it's called carnival and amusement or carnival and amusement park. You are just saying it shouldn't be called Amusement or Carnival and Amusement Ride Safety Act? You want to add park?

DIRECTOR SHANNON: Well, it's called the Carnival and Amusement Ride Safety Act. I don't know who wrote this back in 1985. The legislature. But I think it's been that way since.

MR. URBIK: We need a better acronym.
DIRECTOR SHANNON: Yeah. I like CARSA.
MS. SULLIVAN: And it is good. I just wondered if anybody else had -- well, or if the parks resent having to be called the Carnival and Amusement Safety Ride Act.

DIRECTOR SHANNON: But it's Carnival and Amusement

Safety Ride Act.
MR. URBIK: Have you gotten feedback from the parks saying that they hate us because of our name? 'Cause Carnival Ride and Amusement Park would be CRAP.

MS. SULLIVAN: Very good.
MR. KIRSCHNER: Be careful.
MS. SULLIVAN: Well, we don't want that.
MS. JOINER: And technically there are amusement rides in that park.

MS. SULLIVAN: Correct. I would agree with that, but they are not carnival rides.

MS. JOINER: Carnival and amusement rides.
MR. KIRSCHNER: Do you have an ulterior motive here?
MS. SULLIVAN: No. That was just something that I wondered about.

DIRECTOR SHANNON: (Shrugs shoulders.)
MS. SULLIVAN: I mean --
DIRECTOR SHANNON: All right. Well, is there any other further business to come before the board?
(No response.)

DIRECTOR SHANNON: If not --
MR. OWENS: Can I ask one thing?
DIRECTOR SHANNON: Yes.
MR. OWENS: If anybody would like to become a member

1 of OABA, I have got some membership cards. It's a hell of an -- it's -- it's a heck of an organization. And a lot of the stuff that we are talking about here are things that we discuss in other states thankfully. So it might be a really good idea for some of you to become members. Those are just my thoughts. Okay?

DIRECTOR SHANNON: Thank you. All right.
MR. JOHNSON: That's the second time that they heard that.

DIRECTOR SHANNON: Would someone like to make a motion to adjourn?

MS. SULLIVAN: I would make a motion to adjourn. MR. URBIK: I second it.

DIRECTOR SHANNON: All in favor say aye. (Group response.)

DIRECTOR SHANNON: No?
(No response.)
DIRECTOR SHANNON: Thank you very much. We are adjourned.
(Hearing concluded
at 10:30 A.M.)


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