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STATE OF ILLINOIS
DEPARTMENT OF LABOR
CARNIVAL AND AMUSEMENT RIDE SAFETY ACT
BOARD MEETING

Hearing held on January 16, 2014 at the
Illinois Department of Transportation, 2300 South
Dirksen Parkway, Lower Level Auditorium, Springfield,
Illinois 63764.

PRESENT:

- Mr. Daniel S. Kirschner
- Mr. Bill Sparks
- Mr. Joe Costigan
- Mr. Daniel Schwabe
- Ms. Linda Rhodes
- Ms. Ellen Schanzle-Haskins
- Ms. Patty Sullivan
- Mr. Dennis Smith
- Mr. Ron Willis
- Mr. Anthony Urbik
- Mr. Ryan Culton (Appearing by telephone)
- Mr. Angelo A. Mazzenga (Appearing by telephone)

MIDWEST LITIGATION SERVICES
15 South Old State Capitol Plaza
Springfield, Illinois 67201
(217) 523-8244
1-800-280-3376

1 MR. KIRSCHNER: We are going to call to
2 order this meeting of the CARSA Board, our annual
3 January meeting. Thank you for everyone in attendance
4 today.

5 If I can just remind the board members that
6 Brenda is our court reporter today. She's taking down
7 everything we say in the meeting. To make her job --
8 to make her job easy, if everyone could talk one at a
9 time and not talk over each other.

10 For members of the audience, I just ask that
11 you turn your cell phones off, and if you need to make
12 a call or talk amongst yourselves, if you could just
13 step out for that. Thank you very much. Has everyone
14 on the Board had an opportunity to view the agenda for
15 today?

16 Do I have a motion to approve the agenda?

17 MR. SPARKS: Motion.

18 MS. SULLIVAN: Second.

19 MR. KIRSCHNER: All in favor?

20 (All members voted in the affirmative.)

21 MR. KIRSCHNER: Opposition? The motion
22 carries.

23 Approval of the minutes. For those who
24 have had an opportunity to review the minutes, do we
25 have a motion to approve the minutes?

1 MR. URBİK: Under the insurance section, I'm
2 not quite sure what the court reporter took down, but
3 the essence of that discussion was that they change
4 the rule to not allow surplus lines policies for
5 general liability, and as a result of the discussion
6 that the Board had, Ryan and I had a conversation,
7 talked with the Department of Insurance, and Ryan is
8 now comfortable with using surplus lines policies as
9 long as there's --

10 MR. WILLIS: But that's on the minutes.

11 MR. URBİK: I'm sorry?

12 MR. WILLIS: That wasn't what's discussed.
13 That was last week.

14 MR. URBİK: Excuse me. Excuse me, yeah. So
15 Ryan and I formed a committee, and we'll report on
16 that later.

17 MR. KIRSCHNER: Members of the general
18 public attending today, the format for the meeting
19 this year is going to be a little bit different.
20 Normally, we start off with a public forum and the
21 next day followed by our board meeting. That will be
22 more efficient for everybody if we do it all in one
23 day. We're going to have our general board meeting
24 and then followed by comments from the public. All
25 right. The next order of business on the agenda is

1 new business.

2 MS. SULLIVAN: Before we do, I had -- there
3 was -- I can't find it right now. There was a part in
4 here that said part of the ASTM -- one of the ASTM
5 standards had been pulled back.

6 MS. RHODES: Is that the one that you want?

7 MS. SULLIVAN: Yes. Just because ASTM
8 withdrew that doesn't mean we can't still use that.
9 If that's -- I couldn't tell what this was trying to
10 say. ASTM 84692 was withdrawn and did not replace
11 [sic]. But there's -- that -- most of 846 is in
12 another part of ASTM standards now.

13 So it's kind of ambiguous what -- what that
14 was supposed to mean. I don't know how to correct it
15 at this point, but just so everybody knows that it's
16 not like we can't still use what we were using before.
17 Even if that has been withdrawn.

18 MR. WILLIS: Yeah. I think that was -- it's
19 just what the discussion was.

20 MS. SULLIVAN: Okay.

21 MR. WILLIS: This was in the draft, and I
22 think this is just the discussion.

23 MS. SULLIVAN: Okay.

24 MR. WILLIS: That doesn't mean we're doing
25 it or not doing it. It's just what -- and I remember

1 discussing it, because I think it was -- it was 840 --
2 I don't know whether it was 84692. I have it as
3 81692, I think, is the correct reference.

4 MR. MAZZENGA: I agree with Patty. I
5 believe we had a discussion related to that.

6 MR. WILLIS: Right, and it's 81692.

7 MS. SULLIVAN: I think it's 847, because we
8 didn't have an 816.

9 MR. WILLIS: Okay. Two seconds.

10 MS. SULLIVAN. Anyway, that's all. So --

11 MR. WILLIS: Yeah, it was 846. You're
12 right. And there was a discussion regarding that.

13 MS. SULLIVAN: So are you waiting for a
14 second?

15 MR. KIRSCHNER: Well, subject to that, the
16 correction of the minutes on the record.

17 MS. SULLIVAN: Okay. I'll second.

18 MR. KIRSCHNER: All in favor?

19 MEMBERS: Aye.

20 MR. KIRSCHNER: Any opposition?

21 MEMBER: Aye.

22 MR. KIRSCHNER: Motion carries. Thank you.

23 All right. Moving on to new business. The
24 first order of business, discussion about potential
25 oversight and approval -- the first order of business

1 is discussion regarding potential oversight and
2 regulation of paintball parks. This discussion came
3 up in a couple of respects on the agenda. A couple of
4 paintball parks are starting to involve the use of
5 moving trams in the use of their facilities. So
6 obviously with respect to moving trams, those aspects
7 are going to be a permanent application to the park.
8 And we want to have some discussion about other
9 aspects of the paintball parks and whether or not
10 that's something that we want to look into whether
11 regulations or oversights that may be necessary.

12 Discussion?

13 MS. SULLIVAN: Well, how much do trams --
14 are trams actually involved?

15 MR. KIRSCHNER: Ryan, can you hear us?

16 MR. CULTON: Yes, I can.

17 MR. KIRSCHNER: Can you discuss a little bit
18 the involvement recently of paintball parks wanting to
19 employ the use of trams in their facility?

20 MR. CULTON: Yeah. The paintball parks that
21 we have where there's been trams have typically been
22 with haunted houses. They'll be some type of tram
23 that would actually, you know, move people who are on
24 the tram throughout the course, and they would -- you
25 know, in a haunted house situation, you know, shoot at

1 the targets or zombies or something like that.

2 So it's really actually more of the tram
3 that we are regulating, rather than say that the
4 use of -- or, you know, the use of paintballs or
5 looking at the paintball guns itself, because the
6 course, in general, is outside. But the tram that the
7 people were riding on was not. So we were really
8 looking at the -- the one and only amusement ride, you
9 know, in -- in the paintball park.

10 MR. URBIAK: Ryan, in your opinion, do -- we
11 do not have the authority -- we do not have the
12 authority to regulate the caliber of the guns or the
13 speed of the guns or the hardness of the paintball?
14 That seems to be a safety issue to me.

15 MR. CULTON: Well, I think if it was inside,
16 if the paintball park was inside.

17 MR. URBIAK: There are a lot of them that are
18 inside and outside.

19 MR. CULTON: Yeah. I mean, I don't know
20 that I have an opinion one way or the other. I
21 think -- I think we're just opening it up for
22 discussion. It really would be up to the Board if
23 it's something we want to pursue or not.

24 MR. WILLIS: No, it's --

25 MS. RHODES: Can you clarify what the

1 question is that's on the floor?

2 MR. KIRSCHNER: I think part of the question
3 is whether or not it's within our auspice under our
4 charge under the Act to regulate aspects of the
5 paintball park. And by aspects, whether we're talking
6 about the layout of the facility, whether we're
7 talking about safety equipment that's provided to
8 users --

9 MR. URBİK: Or must be provided.

10 MR. KIRSCHNER: Or that must be provided,
11 whether we're talking about the mechanics of the guns
12 and -- and paintballs itself. I think what we should
13 probably do is in terms of a discussion, put it into
14 the subcommittee to look at and perhaps contact some
15 of the paintball parks that are on the list, both
16 indoor and outdoor, kind of get a sense of what their
17 operation is. Take a look at the statute in terms of
18 our charge and whether or not there are aspects of
19 those parks that fall under our guidance. Ron?

20 MR. WILLIS: Yeah. There's only one
21 issue -- I guess two issues. One, is it an amusement
22 ride, or is it an amusement attraction? I don't know
23 the gun itself is an amusement ride. So the
24 jurisdiction would be asserted based upon the whole
25 thing being an attraction. Once you've got

1 jurisdiction over the entity, you could then look at
2 the parts of the entity. Does that make sense?

3 MS. SULLIVAN: Well --

4 MR. WILLIS: And that's -- I guess that goes
5 to why it's -- whether it's indoor or outdoor, because
6 an amusement attraction is basically some sort of
7 indoor facility.

8 MS. SULLIVAN: Well, if it's an attraction,
9 I also think that just the paintball scenario itself
10 doesn't really lend itself to -- to our -- our
11 definition. However, if, then, trams are being added
12 or some sort of transportation is being added that is
13 integral to the paintball event, then we're almost
14 forced to -- to bring it in under our wings.

15 So maybe if they don't have trams, we don't
16 have jurisdiction. I mean -- I mean, to me, that's
17 what it looks like. Because just the paintballs
18 themselves and paint, you know, applying paintballs, I
19 don't think that falls under our jurisdiction by
20 definition. It's only if they're using trams that
21 would do that.

22 MR. KIRSCHNER: I think part of Tony's point
23 is that if it's an indoor attraction, just as a
24 haunted house is an indoor attraction, regardless of
25 whether the involvement of a tram, whether or not

1 there is any aspect of -- of the safety of that
2 facility, that we'd want to assure best practices are
3 being used.

4 MS. SULLIVAN: But by definition, we don't
5 have any -- we don't have any jurisdiction over them
6 if there isn't something that's moving. If it's just
7 paintball inside a building, it's not part of our --
8 our umbrella.

9 MR. WILLIS: It's not moving. It's
10 mechanical. That's the definition.

11 MR. KIRSCHNER: It's not transportation --
12 it's not a conveyance. That's the issue. It's
13 mechanical. And they -- the point is inside of a
14 paintball facility, it's an indoor attraction where
15 you have a mechanical device, the mechanical device
16 being the paint gun itself.

17 MS. SULLIVAN: Well, are arcades under our
18 jurisdiction? They have mechanical things, and
19 they're in a building, but we don't have jurisdiction
20 over those. I don't think paintball, on its own, is,
21 by definition, is under our jurisdiction. Safety
22 aside, it's not under the definition of what we write
23 rules for.

24 MR. URBIK: Maybe to advance us, we can do a
25 little bit more research as to those kind of issues

1 and talk to Ron and then perhaps put it on a future
2 agenda for discussion.

3 MR. KIRSCHNER: I think that would be good.

4 Tony, do you want to be the subcommittee on
5 looking into paint gun facilities and --

6 MR. URBK: Sure.

7 MR. KIRSCHNER: Okay. Anybody want to be on
8 the subcommittee with Tony looking into the operation
9 of paintball facilities and the charge under the
10 statute at this point?

11 Okay. Tony, you are a subcommittee of one.
12 You can report back to us at our spring meeting.

13 MR. URBK: Okay.

14 MR. KIRSCHNER: Thank you.

15 MS. SULLIVAN: Can we take comments while
16 we're going through? I'm just asking.

17 MR. KIRSCHNER: We'll take, yeah, comments
18 from the public at the end.

19 MEMBER OF AUDIENCE: Can you also each
20 introduce yourself because the audience -- a general
21 roll call.

22 MR. KIRSCHNER: Sure. I'm Dan Kirschner,
23 the Chairman of the Board.

24 MR. COSTIGAN: Joe Costigan.

25 MR. WILLIS: Ron Willis. I'm the attorney

1 for the Board.

2 MS. SCHANZLE-HASKINS: Ellen
3 Schanzle-Haskins, and I'm the Special Deputy Director.

4 MR. SMITH: Dennis Smith. I'm a public
5 member.

6 MS. RHODES: Linda Rhodes, also a public
7 member.

8 MR. SPARKS: Bill Sparks, carnival operator.

9 MS. SULLIVAN: Patty Sullivan, public
10 member.

11 MR. SCHWABE: Dan Schwabe, public member.

12 MS. SULLIVAN: No, you're not. You're a
13 park --

14 MR. SCHWABE: I'm an operator.

15 MR. URBİK: Tony Urbik, insurance
16 representative.

17 MR. KIRSCHNER: Thank you. And Brenda, our
18 court reporter. Moving along, the order of business,
19 overview review of approved school changes. Ron,
20 would you like to take it away?

21 MR. WILLIS: Last time, the Board approved
22 the rules as we had drafted them. And under the
23 legislation that was passed, we come to the Board and
24 advise the Board of our interventions of the rules.
25 Last time --

1 MR. KIRSCHNER: Can I just ask that the
2 audience keep the talking down? The acoustics in this
3 room carry everything forward, so we're hearing a lot
4 of talking up at the table here.

5 MR. WILLIS: And so everybody understands,
6 the rule-making process after we go and consult with
7 the Broad regarding the rules, we go to the Judicial
8 Committee on Rules, which is called JCAR, and we get
9 their pre-approval. And then the rules after their
10 pre-approval go up and get published and are subject
11 to comment by the public.

12 Notwithstanding the fact that the rules were
13 approved last time, we did have some contact. People
14 within the industry contacted us. We had some
15 discussions. We also had some feedback from JCAR
16 regarding the rules and wanted to report at this point
17 to the Board of certain changes that we have made to
18 the proposed rules.

19 And we have those, and it's based upon the
20 discussions we had last time, as well as input from
21 JCAR, as well as input from some of the industry. And
22 I have copies, and I'll go through them, and there are
23 only six from the last time. I'll pass these out for
24 the Board to look at, and I'll go through them.

25 MR. KIRSCHNER: Everybody got a copy?

1 MR. WILLIS: The first one was, I think, the
2 Board made the comment that the inflatable
3 amusement -- the definition of inflatable amusement
4 attractions should track the statute, and that's what
5 we've done in the rule. All we've done is confirm the
6 rule reads identical to what the statute has as
7 opposed to interpreted.

8 The next one, again, was just referenced
9 here in the discussion, and there's a typo here. It's
10 mine. It's 84692. This is the way we're proposing to
11 write it, so as Patty indicated, it's still
12 applicable. And so we took out the part that said
13 withdrawn at the last meeting, because -- and so it
14 still says -- and that's how we're proposing to write
15 it. That just says it's the historic standard, and it
16 can be used as a guide for testing the performance of
17 amusement rides.

18 MR. COSTIGAN: But it should read --

19 MR. WILLIS: 846.

20 MR. COSTIGAN: 846?

21 MR. WILLIS: Right, 846. And so that was --
22 Patty, so your issue was addressed.

23 MS. SULLIVAN: Okay. Thanks.

24 MR. WILLIS: The next one, we had taken out
25 the qualification of inspectors. And in reviewing, we

1 felt that it really didn't belong in a rule, but in
2 reviewing the statute, there is a provision that says
3 the qualifications of inspectors has to be in the
4 rules. So we have now reinserted the qualifications
5 of inspectors. There have been some changes, and this
6 would apply to -- these changes obviously would apply
7 to new inspectors, not the current inspectors. And
8 that's what -- so reinserted those qualifications back
9 into the rules. So that's really a technical change
10 again.

11 The next issue was the issue of inspection
12 fees, which was discussed. And while the old language
13 was approved by the Board, we decided after meeting
14 with -- or hearing from industry to change this
15 language to give it -- it's more flexible, that was
16 the intent, that the expedited permit fees are
17 assessed when operator failed to notify the Department
18 at least 30 days in advance of operation requested
19 inspection permit. The operator fails to notify the
20 Department at least 30 days in advance, requests
21 inspection permit and has to prove that the operator
22 could not reasonably comply with the 30-day
23 requirement, which was an addition to try to get it
24 there. And the request has been made immediately
25 after the need for a permit has been determined. Then

1 the Department could assess such a fee. It's not
2 mandatory. It just could assess.

3 Then the next one, when an operator cancels
4 an inspection and fails to notify the Department or
5 the inspector involved prior to the close of business
6 the day prior -- change that -- their department or
7 the inspector, that was in addition that was
8 recommended by the industry, involved prior to the
9 close of business the day prior to the scheduled
10 inspection, the Department -- and this, again, is a
11 change, "depending upon the circumstances surrounding
12 the cancellation and lack of notice prior to the close
13 of business, may charge" --

14 And so, again, we could try (phonetic) with
15 flexibility that the old ones that were approved
16 didn't include, and so we tried to adapt ourselves to
17 some of the industry concerns in those areas. And
18 that's probably the only substantive real change from
19 the ones that were approved.

20 The next one goes to the insurance issue,
21 which Tony was addressing, and we did change what --
22 he and Ryan did meet. As members of the Board
23 meeting, he and Ryan were supposed to talk to the
24 industry and figure out what was required. And we
25 took out the surplus language that the change was --

1 that the rating had to be B plus. That's the -- you
2 know, rather than, I think, with the old one was a B,
3 and now it's a B plus. And that, I think, addressed
4 the concerns that were raised last time at the
5 meeting. And the old one said bonds or insurance
6 policies being a surplus, line stamps will not be
7 accepted by the Department. That was what was
8 removed.

9 MR. URBK: Right under three, it should be
10 surplus lines stamped. You're missing the word
11 stamped at the end of the Line 3.

12 MR. WILLIS: Line 3.

13 MR. URBK: Policies --

14 MR. COSTIGAN: Stamped. Yeah, we spelled
15 surplus wrong there, too.

16 MR. URBK: And stamp to that.

17 MR. WILLIS: Surplus line stamp.

18 MR. COSTIGAN: It's in the original.

19 MR. WILLIS: Okay. Surplus line -- it's
20 written correctly in the -- okay.

21 The next one was, again, a modification
22 after talking to the industry on -- this was the cell
23 phone issue, which we -- where we've had the
24 accidents. And the industry pointed out that
25 sometimes cell phones are used in conjunction with the

1 operation of the ride, which we had in there, or the
2 attraction, and then we've modified it to say "and/or
3 the performance of the attendants assisting the
4 attendant with his duties." That was, again, to try
5 to make it a little bit more flexible that, you know,
6 the cell phone issue. And that was -- that changed.
7 That was, again -- made it more flexible than it was
8 written before.

9 And the last change was a technical change
10 that was the maintenance of a maintenance log. We
11 used the term maintenance log, and that was told to us
12 not to be proper nomenclature. And it says -- now it
13 just says a log documenting daily maintenance, which
14 shall be -- and that's the logging of it. And that's
15 the change there. Before we used the word
16 "maintenance log." Now we use the term "log," now
17 keeping the maintenance.

18 And those are the only changes from the
19 approval that was given last time. I think two are
20 clarifications. The third one -- and the third one
21 was the result of Tony and Ryan's effort on the
22 insurance issue. And the other changes were flexible
23 and on the issue of the fees. And that's -- those are
24 the rules that are going for final approval. And then
25 after final approval, they'll be subject to posting

1 and the public comment period.

2 MR. KIRSCHNER: Thank you. Any board
3 questions? Thank you. Moving on, the next bullet
4 point, Overview of the Safety Act. Jim, are you
5 talking to that? Is he not here? Ryan?

6 MR. CULTON: Yeah.

7 MR. KIRSCHNER: Are you talking as to the
8 Overview of Safety Act?

9 MR. CULTON: I think Ron was taking that
10 one.

11 MR. KIRSCHNER: Oh, Ron was taking that one.
12 Ron lied to me. Where is Jim? Jim is not here.

13 Okay. I think we may have mentioned this,
14 but I don't remember, that in the last legislative
15 session, the Safety Act was amended, and the
16 amendments have already been put in place. The rules
17 just haven't been put in place, obviously, to take
18 care of some of the changes. The basic changes, as we
19 discussed last time, were a change in the language
20 regarding the rules and the promulgation of the rules
21 that we also added in a formal procedure to basically
22 give -- to give operators a bill of rights so they
23 could comment if there's an objection to something
24 that the Department does, to have a formal hearing
25 procedure for an operator to come and make a protest

1 and, you know, before an administrative law judge if
2 it got to that effect [sic]. We don't think it will
3 be, but we've redefined "inflatable attraction," which
4 has been codified in the rules.

5 We also, as part of the legislative,
6 changed -- there used to be an insurance requirement
7 of a hundred thousand per -- and now it's gone to a
8 per occurrence of a million or two, as we talked
9 about, but no one gets insurance for less than that,
10 or they don't write it for less than that, so that
11 wasn't --

12 The last was to create -- the legislation
13 created an Amusement Ride and Safety Fund. That money
14 is deposited in fees, and penalties would be deposited
15 in the fund and could be used for the administration,
16 investigation and other expenses incurred in carrying
17 out the duties of the Board under the Act.

18 And those were really -- the changes, and I
19 think we talked about, really, the, you know, most
20 substantive change was to get a formal procedure in
21 there and to really just modernize the Act to allow us
22 to respond as a board and as a Department to
23 emergencies and situations as they develop.

24 MR. KIRSCHNER: Thank you. Any discussion?
25 Patty?

1 MS. SULLIVAN: Yes. I have a question that
2 I've been wondering about for some time. Since we do
3 have parks included in -- under this law, I was
4 wondering -- one of these days when we change the --
5 the Act again, is there any way to just make it the
6 Amusement Ride Safety Board/Advisory Board instead of
7 carnival? Because since parks are involved, that just
8 seems like it leaves out the obvious -- one of the
9 obvious partners is our parks that are also involved
10 with that. It just would make sense to me.

11 MR. SCHWABE: They're very included.

12 MS. SULLIVAN: Just a comment.

13 MR. KIRSCHNER: Any other comments? There
14 are none. Moving on to the operation --

15 MR. COSTIGAN: We -- you know, to your
16 question, I mean, we -- we certainly can consider it.
17 And we probably -- it would probably have been more
18 attune for us to do it when we were bringing this
19 legislation before, but --

20 MS. SULLIVAN: Because don't we also include
21 ski lifts, which are neither a carnival nor a park?

22 MR. COSTIGAN: Right.

23 MS. SULLIVAN: They're just -- they are kind
24 of an amusement ride.

25 MR. COSTIGAN: Well, this is -- I mean, this

1 is something we can kick around internally and --

2 MS. SULLIVAN: Okay.

3 MR. COSTIGAN: And --

4 MS. SULLIVAN: Just a suggestion.

5 MR. COSTIGAN: Yeah. And we want to be
6 inclusive. Absolutely. Absolutely. We don't want
7 Dan to be feeling left out.

8 MR. URBIK: Just don't make the acronym
9 CRAP.

10 MR. KIRSCHNER: Dan, Six Flags Carnival.
11 Operational update? Ryan, you still on with
12 us?

13 MR. CULTON: I'm here.

14 MR. KIRSCHNER: Are you ready for an
15 operational update report?

16 MR. CULTON: Ready.

17 MS. SULLIVAN: I think the Board should
18 congratulate him before he gets started on his report
19 on his new baby girl.

20 MR. KIRSCHNER: I should point out, Ryan is
21 not with us in person today because he had a new baby.
22 Well, his wife had the new baby. He didn't, I don't
23 think.

24 MR. COSTIGAN: He did most of the work.
25 That's what he told me.

1 MR. CULTON: I appreciate that, and I'm
2 sorry I can't be there tonight in person. I was
3 hoping I could. However, we just -- just brought her
4 home for the first time a few hours ago, actually.
5 And her and her new big brother are getting acquainted
6 to each other.

7 MS. SULLIVAN: Does she have a name yet?

8 MR. CULTON: She has a name. Her name is
9 Annabelle.

10 MR. COSTIGAN: We thank you for being on the
11 call, and I know it's been -- it's been quite a
12 whirlwind couple of days, but we appreciate you
13 joining us for this meeting, and it does speak to
14 Ryan's -- the kind of commitment that he's brought to
15 the Department and to his position. So we should all
16 commend him for that, and, in addition, to
17 congratulate him and his family. But take it away,
18 Ryan, and we'll go from there.

19 MR. CULTON: Thank you, Director. I --
20 again, you know, I'm sorry I can't be there in person
21 tonight, but I do have a few things in the year-end
22 review and wanted to go over, and it is -- it's -- I
23 had a few slides, but is the PowerPoint up on the
24 screen?

25 MR. KIRSCHNER: It is.

1 MR. CULTON: It is. Okay.

2 MR. COSTIGAN: We're at the year-end review,
3 and you can guide me through it.

4 MR. CULTON: This slide is our logo. The
5 second would be the 2013 year in --

6 MR. COSTIGAN: We're on the 2013 year in
7 review slide. The slide is up.

8 MR. CULTON: Okay. So there's four things
9 we wanted to go -- I've got a few statistics in all of
10 these, all these numbers. And statistics are really
11 kind of what we do and are relative to previous years.
12 We have an accident report that we'll go over. I'll
13 briefly touch on the -- a few of the safety bulletins
14 that were issued; probably just a few that I know
15 probably affects the people that we have, and touch on
16 a few Department policies that, you know, we're really
17 going to try to be very mindful of. It will help us.
18 Hopefully, it will make things run smoother for
19 everybody, you know, coming up in the spring.

20 So, really, those are the four things we
21 wanted to go over. So if you want to switch to the
22 next slide.

23 MR. KIRSCHNER: We are there.

24 MR. CULTON: Okay. So this year, 2013, we
25 kind of look at the numbers. We had a few less show

1 dates, a few less follow-up inspections, and, also, as
2 you can see there, just, you know, a few less total
3 inspections issued. But we did have more companies
4 register this year and more total locations that we --
5 that our inspectors got to.

6 So -- and this is relative to really almost
7 all the years prior. Not all the years, but, you
8 know, going six years back or so, all the way back to
9 2008. And there's really, you know, a couple of
10 explanations for that kind of off the top of my head.
11 This year we had -- during the bigger part of our
12 busier season through the summer, we were actually
13 doing a lot of our inspections with four full-time
14 inspectors.

15 And, you know, in -- in June, we did get
16 another inspector, but they were in training. So,
17 actually, when we have somebody in training, they
18 don't, you know, issue follow-up inspections with
19 our -- our -- so we really only had four people that
20 are issuing inspections and trying to get to all --
21 all of our locations.

22 So if you do the math on that, it's really a
23 10 percent reduction in inspections versus a 20
24 percent reduction in staff. If we have one less
25 inspector out of our five that we normally have,

1 that's -- that's quite a bit for us. So, to me, that
2 tells me two things -- and I think the other was --
3 before I keep going, I think the other one -- and I
4 know maybe a lot of people there in the audience would
5 know this -- it's nothing I'm telling them that they
6 wouldn't know -- is we kind of had a wet spring, too.
7 And I think that probably reduced maybe some of our --
8 you know, at least early in the spring, some of our
9 initial follow-up inspections that we would do.

10 So -- but, you know, what this tells me is,
11 is that, you know, the more companies that have signed
12 up, I'm confident that 2014, we'll probably have a lot
13 more follow-up inspections that we'll be doing. You
14 know, the -- the four inspectors, full-time
15 inspectors, not a -- not a number of inspectors that
16 we're comfortable with, so we'll be looking to
17 increase that.

18 And, to me, it says what a good job that all
19 of our inspectors do. I mean, you know, we've had a
20 reduction in staff, and then they have stepped up
21 their efforts to, you know, only have a 10 percent
22 reduction in inspection. So, to me, I think that that
23 is very telling on their part in how hard they work.

24 If you want to go to the next slide,
25 Accident Report. The Accident Report this year, there

1 were 18 reportable accidents. And they varied from a
2 broken foot to lacerations, a broken finger. So there
3 wasn't anything that was -- well, I guess what we
4 would call, you know, a major -- anything that causes
5 -- like certainly no fatalities, but nothing that was
6 an extended period of time for anybody to be in the
7 hospital or anything like that.

8 And there were -- there were actually three
9 mechanical, at least what we had determined, as three
10 mechanical causes of the accident, and the rest were
11 all non-mechanical. I think this year, there was --
12 there was 18 reportable accidents.

13 There was actually an event later on. It
14 was on Christmas Eve where there were actually seven
15 people injured in one particular event. And had we
16 not had that, we were almost to the end of year, and
17 of course, we only would have had 11. That would have
18 been actually one less than last year. But
19 unfortunately it -- that happened and, you know, seven
20 people were treated and sent to -- to the hospital.

21 So, you know, again, we didn't have anything
22 that was, you know, life-threatening, but we did have
23 a few that caused us, you know, a great concern as far
24 as a few of the mechanical accidents that happened.
25 And the accident that I had mentioned, the one that

1 happened in December, we're still actually looking
2 into.

3 So go to the next slide. This is just
4 numbers of -- of accidents. And, you know, again, the
5 numbers only mean anything that are relative to prior
6 years. This year we had 18. Had we not had the one
7 event with seven individuals on it, it would have been
8 11, but the number is what it is, and so a little bit
9 more than last year. But, you know, of course,
10 this -- we'd like that number to be zero. Everybody
11 would, but hopefully next year we'll have -- there
12 will be less.

13 So going on to the next slide, talks a
14 little bit about some of the published Safety
15 Bulletins that -- that are out there. I know that the
16 A.R.M. had put out two, two -- one of them was really
17 more of a notification. It was just a change in their
18 emergency evacuation plan, basically, just omitting
19 parts of the -- if I remember right, the bulletin on
20 the Super Shot.

21 There was a very recent bulletin on the
22 A.R.M. Ali Baba having to do with the gear box. I --
23 I had just started to read it, as I don't know all the
24 particulars of -- of that, actually, before I left and
25 we had our daughter, so I don't know the particulars

1 of that one. I just started to read it before I had
2 left, but it's out there and should be available if
3 you haven't already got it.

4 There was a recall on some lock lanyards
5 that was published by the CPSC, a few NDT requirements
6 put out by Doppelmayr. I don't think that those
7 affected any of our ski lift operators here in
8 Illinois, but we get those safety bulletins
9 nonetheless. Expo Wheel LLC, there's an axle redesign
10 out there. It's actually a retrofit on an axle for
11 Expo Wheels of a certain serial number.

12 The next one here is an interesting one
13 having to do with blowers for inflatables. It was a
14 safety bulletin published by the Health and Safety
15 Executive. I don't have it in front of me, and it was
16 published a while back, but it -- the gist of it is
17 that it was -- there was -- they were finding problems
18 with blowers that were manufactured in China, and it
19 did not have a proper seal next to some of the
20 electrical connections, and it was causing electrical
21 shock.

22 And it gives a list of, you know, different
23 manufacturers that it might have been involved with.
24 And that -- it was something that I know that was -- a
25 particular instance in Europe, actually, in the United

1 Kingdom.

2 Let's see, the Huss, there's a Pirate Ride.
3 It had a conversion kit on the restraint system. The
4 Twist Ride, there was a secondary lock on the
5 restraint bar that needed to be extended. And, of
6 course, Zero Gravity, I think we were all expecting
7 this one, with the reinforcement plates and the
8 required safety cables on the Wave Swinger.

9 So that -- there weren't that many this
10 year, but, again, those are the ones that we were -- I
11 think of a particular note to a lot of our operators
12 here in Illinois.

13 So if you have any questions about that, by
14 all means, call our office or call one of our
15 inspectors, and they can certainly help you, get you
16 in the right direction. If you need a copy of it, if
17 this -- if one of these are new to you or just many of
18 the requirements that will be -- will be required
19 before any permits are issued, if -- if applicable.

20 Okay. So the next slide, we'll talk a
21 little bit about nondestructive testing. You know,
22 every year, and it's been in -- in the past, we've
23 kind of worked with Mag in Rhode Island to put
24 together our NDT list. And I know Bill Szerletich,
25 you know, usually heads this up, too. And right now

1 there really isn't a whole lot of -- a whole lot of
2 changes from last year. In fact, I don't think there
3 really is anything, other than maybe adding the
4 requirement for the Expo Wheel. So there wouldn't be
5 any big changes. But we'll be publishing this on our
6 website in February. We should have that up. And of
7 course, this will get published here, and it will
8 probably also be published on the carrier's (phonetic)
9 website as well.

10 Then if you want to go to the next slide,
11 Department Policies for 2014, a few items here.
12 Trying to, you know, hammer home again, getting --
13 trying to get applications in 30 days prior. This --
14 this really helps us. You know, we've been -- had
15 some short staff this year as far as, you know, both
16 inspector and administrative staff. And so it's -- it
17 is a challenge to keep up with all of the new
18 applications that come in, especially at the busy
19 times.

20 And, you know, we don't -- we don't want to
21 delay you. You guys don't want to get delayed.
22 And -- but we do -- we still have a duty to be very
23 thorough and get through all the applications. So we
24 just -- we just ask your, you know, continued patience
25 and diligence to get it in within that time frame so

1 that we can -- we can schedule on our end, you know,
2 because we -- you know, we have people who need to,
3 you know, adjust for schedules throughout the year.
4 And it just really helps us make sure we're getting
5 everywhere that we need to be in such a big state.

6 You know, the next item we've got a -- we
7 have been issue -- issuing a five-day extension for,
8 you know, if you don't have your background checks and
9 training records. We are going to change this from
10 calendar days to business days. This is consistent
11 with some of our administrative rule changes.

12 Rather than doing calendar days, because if
13 you get something issued on a -- on a Friday, a
14 Saturday and Sunday still count against you, and you
15 may be traveling, and you may not have everything
16 there with you. Our administrative rule changes,
17 everything changed from calendar days to business
18 days, so this stays consistent with that.

19 And, in general, you know, this has been,
20 you know, kind of a common practice since like 2006, I
21 think when the -- you know, the background checks
22 really started to come into effect. So, you know,
23 everybody knows that they need to have them and so,
24 you know, we're -- we feel like we switch them to
25 business days, and that should them give people a

1 little bit more time, because, you know, there's
2 really -- there's logistical problems. It's not being
3 able to do things when you're out on the road, but,
4 you know, we really only want to grant these in cases
5 where somebody can show good cause that -- you know,
6 why they didn't have it or else, you know, we will
7 have to start fining people on a more regular basis.

8 Then the rule changes that were previously
9 discussed, Ron went over those. Just so everybody is
10 clear on that, too, if they go through the JCAR
11 process and they are approved by JCAR and they become
12 part of the administrative rule, even if it's the
13 middle of July, August when they're finally approved,
14 and we don't know when that will be, but when they're
15 approved and they're on the books, then that's when
16 they will be enforced. So just -- you know, it's not
17 like it's got a time delay on it of the first of the
18 year or next season or anything like that. It -- they
19 become enforceable immediately.

20 And then the last item, as we're still --
21 we're still working out some minor bugs with the
22 online application website. No, on the website --
23 sorry. On the application, some people who have Macs
24 have been trying to fill out the -- the online
25 application. It's not an online application, but the

1 PDF Adobe application, that it doesn't quite want to
2 read it right on Macs, and we're still working --
3 working some of that out. Our database program is --
4 it's older, and it is a challenge to get it to -- to
5 talk to essentially, you know, newer types of
6 technology.

7 So, yeah, I'm just asking you to stay --
8 stay patient if you get any hang-ups on that, you
9 know, and keep lines of communication open; meaning,
10 if you -- if you catch a bug or you see something
11 that's going wrong, you know, we have a -- a
12 dol.carnival e-mail address that you can, you know,
13 send in suggestions or, excuse me, complaints, because
14 if we know about the bugs, then we can fix them.
15 Because more than likely there will be somebody else
16 that's experiencing the same thing. So if we can
17 catch most of those, that would great -- you know,
18 greatly help in the future, so that's it. That's all
19 that I had for the Operational Report.

20 MR. KIRSCHNER: Thank you, Ryan. If I could
21 just ask you one question just about the accident
22 report. Can you kind of explain to the board what the
23 process is?

24 MEMBER OF AUDIENCE: We could hear Ryan real
25 good, but nobody else. There were five rule changes;

1 is that correct?

2 MR. WILLIS: What I said was from the last
3 meeting when we went over the rules -- we'll go over
4 it again. What I said was, at the last meeting, not
5 this meeting, we had given the Board a full set of
6 rules that had been approved. At that time, there
7 were some comments made regarding some technical
8 changes, such as Patty's, regarding an ASTM standard,
9 Tony's regarding an insurance standard, and we went
10 back and made those changes.

11 In addition, between that Board meeting and
12 this Board meeting, some of the industry got ahold of
13 us regarding the issue of the late fees or permits and
14 wanted greater flexibility. And as a result of those
15 comments, we came in today, and we basically adopted
16 the comments that were made. I mean, they may not
17 have read the same, but they say "You should give
18 notice," and I can go through those. I think those
19 may be of most interest. And I'll try to go through
20 them slower again.

21 The older -- the proposed rules at the last
22 meeting were much stricter and were much tighter
23 regarding the late -- we had the discussion on what is
24 a late, an -- to get an expedited site inspection fee
25 or what happens when an operator cancels. And so now

1 the new proposed rules that where it says basically
2 you have to give 30 days' notice in advance, which was
3 the same as the old rule.

4 Where the operator fails to notify the
5 Department at least 30 calendar days in advance and
6 requests an inspection and permit, the Department asks
7 for proof (phonetic) that the operator could not
8 reasonably comply with the 30-day requirement, and the
9 request has not -- been made immediately after the
10 need for a permit has been determined. So those are
11 the two outs that an operator has. One, that they,
12 you know, didn't know 30 days in advance. You know, a
13 case that they all of a sudden had a ride, or two,
14 they -- and two, they then make the request as soon as
15 possible. Then in those circumstances, the Department
16 could assess an expedited site inspection fee. Okay.
17 And by site inspection fee, you want it done, because
18 there hasn't been given 30 days' notice, it would be
19 \$250 during normal Tuesday through Friday, because
20 that's when the inspectors inspect, or up to \$500 when
21 it's outside of normal business hours.

22 The second change that we had an automatic
23 cancellation fee in there when an operator failed to
24 cancel, and we've modified that to say if an operator
25 fails to notify the Department or the inspectors --

1 most of you know who is coming out.

2 You know, you can't get ahold of the
3 Department, but most of you know who the inspector is
4 going to be. And if you fail to notify him prior to
5 the close of business the day prior to the scheduled
6 inspection, then the Department, depending upon the
7 circumstances -- and, again, it gives the operator an
8 out to say, "There was a flood. I got hit by a
9 tornado. There was a fire or something that stopped
10 me from giving, you know, notice to an inspector not
11 to come out." Then a fee could be charged, not
12 necessarily will be charged, but could be charged,
13 depending upon the circumstances, as I indicated
14 above.

15 And the reason, as we discussed last time,
16 we put these in originally was because during the
17 course of the year, our inspectors go out and have
18 gotten no notice. They appear. There's no ride.
19 There's no operator. There's nothing. And they've
20 spent the time and money and taking it away from
21 another inspector. As Ryan just indicated, we really
22 need the 30 days, because we plan out the inspections
23 to be able to get out to you.

24 The way -- and the way these were drafted
25 last time were much stricter, and as I said, we had

1 some conversations with the industry, and they wanted
2 the outs, and I think these reflect their concerns,
3 which was to have the outs where they didn't know,
4 they couldn't get notice. And that's what these new
5 changes were.

6 And the other ones, I don't really think
7 affect the industry, other than -- which are technical
8 changes, which were the insurance, which was a million
9 and two million, according to the statute, as well as
10 a B plus rating, which is the minimum that's out there
11 anyway.

12 And there was one further clarification, and
13 again, that affects the industry, that says -- and
14 because we've had accidents involved in this situation
15 that have been shown to be, in our mind -- or at least
16 the evidence indicated that they might have been
17 operator-controlled, and the testimony was we had
18 operators on telephones, not paying attention to
19 rides, and/or accidents that occurred as a result of
20 it.

21 So a new regulation, which there was always
22 a regulation that said you couldn't be distracted, and
23 it was a general regulation that we felt was more
24 important to at least give you a hammer to tell them
25 here's the rule. "An attendant or assistant shall not

1 use a cell phone or any other hand mobile device,
2 except when in conjunction with the ride," because,
3 again, the operator -- we understood from the
4 operators that, well, they use it because, you know,
5 they communicate or -- so we said, "Fine, that's an
6 exception," as well as when in the performance of the
7 other duties, which we modified and extend because the
8 industry said, well, there may be one person who is
9 there who is going to get notification, and then they
10 have to notify other people. And said, "Fine, as long
11 as it's there," then that's allowable under the
12 regulation that says that's how it is. And so that,
13 again, was an expansion and a modification to make it
14 somewhat more liberal than the rules that were
15 approved at the last board meeting. So those, I
16 think, are a summary of the rules.

17 Now, there's -- let me just say, there is
18 going to be a new set of rules that were issued that
19 was discussed with the Board the last time. Most of
20 them were just clarifications and really trying to --
21 rules had not been changed in a long time. And there
22 was a lot of confusion about what were the obligations
23 of the operator versus the obligations, because it was
24 used interchangeably, the owner of a ride. And we
25 tried to clarify to make sure that people would

1 understand that it was the person who was really
2 operating the ride, rather than using the term
3 "operator," because it had a bad definition. And so
4 we tried to clean those up.

5 Most of the other ones were just really
6 technical, and the other ones that were added were the
7 ones that give the operator a right to a formal
8 administrative hearing if they believe that there's
9 been something the Department has done improperly,
10 such as holding a permit or shutting down a ride or
11 assessing a penalty. There's now a formal procedure
12 that will take effect as we've -- and that's what
13 we -- also is in there.

14 Obviously, once the rules are published,
15 there's a comment period, and all of them can go
16 through in great detail. But, you know, for the
17 people here, they were discussed here at the Board,
18 and they were passed by the Board at the last meeting,
19 and we just made these adjustments, which are even
20 more flexible for the operator than the Board had
21 approved before. In fact, they've been liberalized
22 and not made stricter.

23 MR. KIRSCHNER: Thank you. Ryan, going back
24 to your Accident Report, what I want to say, I think
25 it's a wonderful testament to you, your inspectors and

1 the operators, that -- on the list there are only two
2 mechanical-caused incidents, which, in looking at
3 those two incidents, sort of pop out in the fact that
4 they both involve the same operator, the same ride and
5 injuries occurring in very similar ways with virtually
6 the same injury.

7 Can you just tell the Board what action was
8 taken with respect to that particular ride, being the
9 Tubs of Fun (Watermelon)?

10 MR. CULTON: Yeah, the Tons of Fun, there's
11 two separate accidents that happened on the ride.
12 Both of them involve -- well, I mean, there were two
13 different dates, but it was the same ride, and both of
14 them involve a broken leg. And in those instances,
15 the leg of a patron, you know, was basically twisted
16 around in a spindle inside -- the leg got caught up,
17 hung up and was ultimately broken, twisted on the
18 ride.

19 So on the second occurrence of this ride
20 happened almost a month apart from the previous
21 accident. The Department took the action to put a
22 stop order on the ride. And it -- it still has a stop
23 order on it, it has not been lifted until some, you
24 know, further engineering on the ride can be done to
25 resolve the problem.

1 MR. KIRSCHNER: Do you have any
2 understanding as to whether the mechanical issue is
3 one of design or maintenance?

4 MR. CULTON: I don't -- I wouldn't want to
5 speculate on the other --

6 MR. KIRSCHNER: That's fine. Then don't.
7 Okay. Thank you very much, Ryan. Any other
8 discussion from the Board?

9 MR. URBIK: On this topic?

10 MR. KIRSCHNER: Any topic.

11 MR. URBIK: Ryan, we've been running
12 commercials in Chicago for the Boat Show, and a Walk
13 on Water Ball is supposed to be there you're supposed
14 to try. I think I left you a voice mail on that. Did
15 you find out anything?

16 MR. CULTON: Yeah. The -- that is -- that
17 operator had submitted an application. The Walk on
18 Water Ball is to have the -- it's not the enclosed
19 Walk on Water Ball. They have the dual ball, Walk on
20 Water Ball. So they're -- they're open to the air.
21 These Walk on Water Balls are not totally enclosed,
22 like the ones that we saw last -- in the demonstration
23 that we had last year. They're not like that.

24 The ones that have an open air exchange, we
25 have permitted those, and those are not -- sorry,

1 those are allowed. They're not the kind that were a
2 part of the report, and so, yeah, we've been -- in
3 fact, there's an operator that's ran them in Illinois
4 before. So they have a set of concerns because
5 they're open to the air. They're not fully enclosed.

6 MR. URBİK: Okay.

7 MR. KIRSCHNER: Thank you very much.

8 MR. CULTON: Tony, I did get your voice
9 mail, but I'm sorry I didn't call you back.

10 MR. COSTIGAN: He's been a bit indisposed.

11 MR. CULTON: Yeah.

12 MR. KIRSCHNER: Thank you very much, Ryan.

13 Before we move on to the public comment question
14 section, is there any further discussion, old
15 business, new business, from the Board?

16 (No response.)

17 MR. KIRSCHNER: Okay. Hearing none, can I
18 motion to conclude the regular Board business for
19 today?

20 MS. SULLIVAN: Well, could we go through the
21 comments before we close the board meeting in case
22 something comes up we feel we need to do something
23 about?

24 MR. KIRSCHNER: We can do that. All right.
25 We will turn to the public comment/question section.

1 Again, like every meeting, we have a court reporter,
2 Brenda, who takes down the comments. Obviously, it's
3 helpful and necessary that only one person speak at a
4 time. And we'll bring a mic over and test it for
5 Brenda's benefit so she can make a record. Just
6 identify yourself. Does anyone wish to make a
7 comment, comment or question?

8 MR. KNIGHT: I'm Doug Knight with Knight's
9 Action Park in Springfield. And we were talking about
10 paintball. Where is this going to end? Whatever
11 happened to assumption of risk? You know, I don't own
12 a paintball gun. I don't play paintball, except for
13 at my brother-in-law and sister's house one time, and
14 those things hurt. So I don't want to play it again.

15 But most of the people that show up to play
16 paintball, they bring their own gear. And then -- and
17 then you start talking about inspecting their gear and
18 stuff, I mean, they bring their own guns. They bring
19 their own helmets and all that stuff and padding and
20 everything that they're going to play with. You know,
21 and I'm sure they have a few rentals for some stuff
22 like that.

23 But I know you guys inspect ski slopes and
24 stuff like that, but you don't check the binding on
25 their rental skates, and that's mechanical. So that's

1 really -- I just want to want bring that up, and I
2 know that every year this subject comes up about a
3 possible rider responsibility law. The Consumer
4 Product Safety issues reports that 80 percent of the
5 injuries are caused by the rider. And, you know, we
6 don't have the luxury of picking our guests in our
7 parks. We have to take those that come. In other
8 businesses, you can say, "I don't want your business"
9 or "I do want your business." There's some of those
10 guests that think -- they put fun before safety. So
11 if they have to break a rule to have fun, that's what
12 they do, and it's our responsibility to try and pick
13 those people out and deny them access to that ride,
14 and if they haven't already had it, maybe the next
15 time they want to come, the rider is barred from the
16 facility.

17 I know in other states, at least they are
18 doing this, rider responsibility legislation, and I
19 think it's important that you involve the
20 participants, that they know how to ride safely, that
21 if something does happen, they can actually report an
22 accident, which would help this organization, and they
23 can make the park and rides safer. I think South
24 Carolina went as far as printing up bookmarks for the
25 kids promoting rider safety and telling them what they

1 needed to do to be safe, and I thought that was pretty
2 good. You have done a lot, but we need to turn the
3 corner. That's about it.

4 MR. COSTIGAN: I appreciate your comment,
5 and we have added to our website. If you check on our
6 website, we have guidelines for parents and what kind
7 of things that parents should consider before they put
8 a child on a ride. Ask yourself these questions.
9 There's also, on the website, also tips for children
10 as well, so I think your comments are well-taken, and
11 I think that with the legislation that was passed,
12 getting more resources, we're looking for these kinds
13 of ideas, and we can use some of the added resources
14 to put together more posters, more information,
15 more -- we're going to be continually trying to speak
16 or put these kind of publication and pamphlets and
17 more materials. This will give us the ability to do
18 some of that, and also, you know, different languages
19 that you know up north and maybe elsewhere. There are
20 a lot of people who participate in rides who English
21 is not their first language, so the more that we can
22 communicate to the public who are attending your parks
23 and talk about the issue of safety, the more we want
24 to do that. Use what -- you know, what Ryan talked
25 about earlier. We have always been a Department with

1 limited resources, and the changes in the law will
2 allow us, hopefully, more access to have more
3 inspectors. But, also, those resources can go to the
4 kind of things that you're talking about, which is the
5 educational materials of the public who are
6 participating in your venues.

7 So I appreciate your suggestion, and that's
8 something that we will consider and try to develop as
9 we go forward and as we obtain the resource necessary
10 to make that happen.

11 MR. KNIGHT: Can I make one more comment?

12 MR. KIRSCHNER: Sure.

13 MR. KNIGHT: Doug Knight, again. I
14 appreciate everything you said, and it's on the
15 website, but how many of my guests are going to go to
16 your website to see what their responsibilities are?
17 The place to find that out is when you go to an
18 attraction or a park. With your help, we can have
19 those comments and the proper signage, so that they
20 know what their responsibilities are. And I mean -- I
21 don't know. You know, almost all the signs that are
22 along the road are in the Rules of the Road book, but
23 the signs are not (inaudible). It's much different.

24 MR. COSTIGAN: Let me comment, because I
25 appreciate that again, but we put it on the website,

1 not just so that people will go on there and read it.
2 It's actually for the operators. You know, before,
3 with the limited resources that we have, most of our
4 budget goes towards running the Department. That's
5 why we have the discussion about the issues of
6 getting, you know, the inspections handled in a way
7 that we can plan it out, because we have very limited
8 resources.

9 The new law will give us a little bit more
10 flexibility. We put it on the website not just so
11 that patrons will go along and read this, but as an
12 encouragement to operators to be able to pull that off
13 our site, copy it and use it for our own purposes.
14 But going forward with more resources, it should be
15 something that maybe the next time we meet next year,
16 we can have those materials, and those are the kinds
17 of things that you can take home to your site and even
18 actually put them up at your site and assist you with
19 the kind of things that you're talking about. Right
20 now we don't have the ability to do that. We hope
21 that we can get there with these additional resources
22 that come with the Department. It's always a struggle
23 when our Department goes through a -- every year we go
24 through difficult budget discussions that get handled
25 before the legislature, and this year is no different.

1 I don't want to presuppose what the legislature might
2 do with our budget given the current economic climate,
3 but it is something that Ryan and I have talked about.
4 I appreciate your suggestion, and we'll try to make
5 plans to be able to get more materials that will
6 assist you in getting the word out to families and
7 participants in your venue. Thank you.

8 MS. RHODES: Can I add a comment? Linda
9 Rhodes is my name. I appreciate the comments, also,
10 and just in the spirit of trying to figure out how to
11 get the word out to the public, there's a model within
12 the electric utility industry that's not perfect,
13 obviously, because it refers painters, other folks who
14 still come in contact with electric, but the model I
15 speak of was one of public safety outreach that not
16 only the regulators try to put out, but the industry
17 itself tries to put out. So what I'd like to do is
18 for us to at least think about or plant a seed for how
19 that might look in this industry. So I realize it's
20 not foolproof, but you would be surprised how many
21 people, how many families you actually reach when
22 people from both sides, if you will, from the industry
23 and from the regulation side, tries to reach out to
24 schools and to other environments to reach the kids.
25 The kids come home and teach the parents. It's

1 something that takes time, but it's at least a model
2 that I think should be considered, because I know it's
3 had some success in the utility industry.

4 MS. SULLIVAN: Just to add a little bit to
5 that, some of you may know I developed a whole program
6 for ride safety education for children. That is still
7 available on the OABA website. I have some copies of
8 it. If you give me a call or give me your card and
9 write on it, "I need a children's Ride Safety
10 Education Program," I will be sure and get that to
11 you. You can take it into grade schools, and it works
12 quite well in most grade schools. You can do all
13 K through 6 in about three hours. Typically, you can
14 get the principal to set it up with K, 1, 2 and 3, 4
15 and then 5 and 6, if those are the grades in your
16 grade school. And you can give this presentation.
17 It's all there, kind of word by word what to say and
18 minute by minute what to be doing. And then OABA has
19 a group video called "Safe Fun at the Carnival" that
20 you put right in the middle of it to get the kids to
21 have something to focus on and identify with as far as
22 rides and safety issues, and then you just finish the
23 thing up with the kids. It's really fun.

24 Pick one grade school, say, in one area that
25 you do, and you do that, and then you do that, and

1 then you do another one the next year, and you can use
2 this as a really nice promotional item in the schools.
3 You can put your promotion on the back of the coloring
4 sheets that the kids get so that they know, say, the
5 times you're open or when you open in the spring or
6 for a carnival, when you're going to be there and put
7 a little promotion on it that you're going to put up
8 for your patrons anyway and get those people to come
9 to your show or to your park.

10 It's a win-win for everybody, and you've got
11 the opportunity to get a whole lot of people in a very
12 short time to be able to talk to and hopefully bring
13 the educated ones to your venue.

14 MR. KIRSCHNER: Any other comments or
15 questions?

16 MS. JOHNSON: I am Bob Johnson, President of
17 the OABA. I used to live in Illinois. I live in
18 Florida. I know why, going outside, but it's nice to
19 be here. Thank you for allowing us to make public
20 comments.

21 Patty is absolutely correct. We have -- she
22 served on our board for well over ten years. She's a
23 great board member and developed these programs. We
24 work very hard. In many states, we have an attorney
25 that works with us, Wayne Peters. Some of you know

1 who Wayne is. He has dedicated himself to our
2 industry and serving, you know, in the best interest
3 of public safety, and especially with rider
4 responsibility. This whole concept, as many of you
5 know, started in the ski industry years ago because
6 they have their strict responsibility laws, their
7 lobbying efforts and their attorneys, obviously,
8 because people can go crazy on ski slopes. So that's
9 where the whole concept of rider responsibility
10 started.

11 We go into states, like Maine and New York
12 and California, with heavy ski attractions, and, you
13 know, there's a lot of rider safety and rider
14 responsibility. Where we get hung up on this, as you
15 all know, and the attorneys in the room might know
16 this, is on the liability side, and, you know, because
17 if you share in liability or it's not a -- I don't
18 know about the State of Illinois, but some states just
19 won't recognize that, and they have very strong
20 lobbying efforts with the plaintiffs' attorneys.

21 So it's sometimes very difficult to get that
22 through the legislature, very difficult to get it
23 through, you know, their -- it's a very complicated
24 issue, but I think, as Doug said, and we know -- I
25 chair the Florida Fair (phonetic) Rides Advisory Board

1 and was appointed by the Commissioner of Agriculture,
2 and they oversee the inspection program there.

3 We had a huge issue in the go-kart industry
4 in Florida, and we came up with plans with the go-kart
5 industry to develop a brochure, a simple brochure in
6 both English and Spanish, to hand out for these
7 go-kart facilities. It didn't cost much at all. It
8 wasn't an expensive proposition, and we might even
9 have some industry people, you know, subsidize the
10 cost of the go-kart industry people, because they were
11 concerned as well. So it's great, something you may
12 want to consider.

13 I mean, you do regulate go-karts, I believe,
14 in this state, so look at the areas where you're
15 seeing the most claims and where incidents are
16 happening, and that's where you need to educate
17 parents and the children as well, but parents are the
18 biggest thing. Like Patty said, we take this video
19 into schools whenever we can. Our board members do
20 it. It's free. It's on our website. You don't have
21 to be a member of the OAB to get this material, and
22 it's a wonderful tool, a wonderful teaching aid.
23 Teachers are always looking for information like this,
24 especially for the end of the school year when the
25 kids are going to be on breaks, and the parks and

1 fairs and carnivals and theme parks and family
2 entertainment, et cetera, et cetera. So it's a great
3 program.

4 The other thing I just want to comment on
5 real quick, again, I thank everyone on the Board and
6 the State and the officials for listening to some of
7 the industry comments. I thank Margaret Vaughn, who's
8 one of the lobbyists who works with us and keeps us
9 informed of what's going on, so we, in turn, can
10 inform you and all our members of what's happening.
11 It's a good process, and as long as there's open
12 dialogue and communication, it's going to work.

13 And we have a very large board in the State
14 of Florida. I also serve on the Massachusetts
15 Advisory Board. The Florida board is huge. We
16 inspect well over 10,000 rides in the State of
17 Florida. It's a big entertainment state, like
18 California. We have a good relationship, and it's not
19 adversarial. We don't always agree on things, but we
20 work things through and try to get the best in the
21 interest of public safety. Thank you very much.

22 MR. COSTIGAN: Thank you for those comments.

23 MR. KIRSCHNER: Thank you. Speaking as a
24 plaintiff's personal injury lawyer, I am never more
25 proud than to represent an injured child or a parent

1 who has lost a child due to no fault of their own and
2 the negligence of others, whether you're talking about
3 the negligence of a manufacturer or an operator or
4 another patron, for that matter. Safety is paramount
5 in everyone's mind, no more so than those who
6 represent the victims. Education is absolutely the
7 key, and everyone agrees to that. There can always be
8 more education. There can always be better education.

9 Shifting the burden and shifting the blame
10 and shifting the laws onto victims and pushing laws
11 that seek to protect industries, indemnify industries,
12 even in the event of their own fault, such as in the
13 ski industries around the country, where
14 notwithstanding, incidents of negligence or conduct on
15 the part of the ski operators, are still -- and even
16 where the skier has done nothing wrong.

17 So, yes, while I agree education is always a
18 good thing, taking away the ability of the victims to
19 seek fair compensation is not. Our court systems here
20 and our laws here in Illinois do recognize instances
21 where there is contributory negligence or comparative
22 fault. Persons who are responsible for their own
23 injuries do not recover, cannot recover or will
24 recover diminished amounts in accordance with their
25 fault. There are already laws in the books that do

1 exactly what you're saying. Rider responsibility laws
2 are, in my opinion, very much a misnomer. They don't
3 seek to educate. They seek to protect the industry
4 and punish the victims. And that's my opinion on it.

5 MS. SULLIVAN: I'd like to make a comment
6 about that. I totally disagree that those laws are
7 intended to protect the industry. They allow the
8 industry to have some bite behind them when patrons
9 are misbehaving, and they allow patrons -- even if
10 they have not been hurt and there is no victim, they
11 allow patrons to be actually arrested for misbehaving
12 when they could be causing problems.

13 They could be hurting other guests besides
14 themselves, and I think rider responsibility laws are
15 very important to the State of Illinois, and there's
16 nothing I would like to see more in the State of
17 Illinois. It does not take any -- it doesn't waive
18 any right of the victim to be able to sue, but it does
19 tell the patrons who are using the rides that they
20 have to follow the operator instructions and the
21 posted instructions. That's the whole point of a
22 rider responsibility law. Not to protect anybody in
23 the industry, but to point it out to the patrons that
24 they must follow the rules and that there is some
25 teeth behind that. That is the point of a rider

1 responsibility law. That's the way the laws in other
2 states have been written, and I resent having anyone
3 on this Board saying that rider responsibility laws
4 are a misnomer and that we're just trying to take away
5 people's rights, because that is not the case. We're
6 trying to take away accidents. We're trying to --

7 (Applause.)

8 MEMBER OF AUDIENCE: Well said.

9 MEMBER OF AUDIENCE: Well said.

10 MEMBER OF AUDIENCE: Well said.

11 MR. KIRSCHNER: Well, then I can show you
12 many such -- many of those such laws around the state
13 that do just that and do much further than you state.
14 I don't think there's an operator in this room that
15 doesn't feel they have the ability and the right to
16 escort a patron off their premises when they believe
17 there's a danger to themselves and to others. So the
18 law that you purport to speak of has much further than
19 what you stated. If there's an operator here that
20 thinks, well, if I see a patron is who is a danger to
21 my other patrons, I can't escort them off my premises,
22 I'd like you to hand raise, and I don't think there's
23 anyone that feels that way.

24 MEMBER OF THE AUDIENCE: We had an exact
25 thing happen in --

1 MR. KIRSCHNER: There's no comments or
2 questions from the public right now. Any comments
3 from the committee?

4 MS. SULLIVAN: No. We still have comments
5 from the public.

6 MR. KIRSCHNER: It's not a back and forth.
7 We've had the questions and comments. It's a Board
8 meeting.

9 MS. SULLIVAN: Public comments and
10 questions --

11 MR. KIRSCHNER: I asked, "Anything further?"
12 You want to continue -- we are continuing our board
13 meeting. No more discussion.

14 MR. COSTIGAN: I make the motion that we go
15 off the record, we close the meeting, and we continue
16 the discussion.

17 MR. KIRSCHNER: I will second that motion.
18 Do I have a vote? The motion is to go off the record
19 and continue with the comments, but we are adjourning
20 the meeting and going off the record. I second that
21 motion. All in favor?

22 MEMBERS OF THE BOARD: Aye.

23 MR. KIRSCHNER: Opposition?

24 MS. RHODES: I have to understand it.

25 MR. KIRSCHNER: The audience would like to

1 continue to make their comments and questions.

2 There's a motion to allow them to do that. We'll

3 adjourn the meeting and go off the record and allow

4 the audience to continue to make their comments and

5 questions.

6 MR. COSTIGAN: We're not shutting down the

7 debate. It's just going off the record.

8 MS. SULLIVAN: Allowing the parties --

9 MR. KIRSCHNER: The point is not to shut

10 down the debate, but not to have -- we have to make a

11 distinction between Board business and public comments

12 as opposed to a back and forth dialogue as regular

13 Board business. That's why earlier I suggested to

14 adjourn the Board and continue with the comments. If

15 you want to keep the Board meeting open --

16 MS. SULLIVAN: That's not the way the agenda

17 is written.

18 MR. KIRSCHNER: We have a motion. We have a

19 second. We have a vote. The motion carries.

20 MS. SULLIVAN: No, it didn't. You had no

21 ayes. We'll do a vote again.

22 MS. SULLIVAN: Linda asked what it was

23 about.

24 MR. KIRSCHNER: It is not a back and forth

25 with the audience. All in favor of the motion, raise

1 your hand. One, two, three, four, six, seven, eight.

2 MS. SULLIVAN: Allowing the court reporter
3 to stop.

4 MR. KIRSCHNER: Eight. The motion carries.
5 The regular board business is adjourned. We are off
6 the record.

7 (The Board Meeting was adjourned at 5:41
8 p.m.)

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CERTIFICATE OF REPORTER

I, BRENDA ORSBORN, a Certified Court Reporter (MO CCR No. 914) and Certified Shorthand Reporter (IL CSR No. 084-003460), do hereby certify that I reported in shorthand the proceedings had in connection with the above-entitled cause on January 17, 2014, and that the foregoing is a true and accurate translation of my shorthand notes so taken.

Brenda Orsborn

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