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CITY OF SPRINGFIELD

STATE OF ILLINOIS

ILLINOIS DEPARTMENT OF LABOR
AMUSEMENT RIDE AND ATTRACTION SAFETY BOARD

BOARD MEETING

JANUARY 19, 2017

Ann Marie Hollo, CSR, RDR, CRR

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CITY OF SPRINGFIELD

STATE OF ILLINOIS

ILLINOIS DEPARTMENT OF LABOR

AMUSEMENT RIDE AND ATTRACTION SAFETY BOARD

BOARD MEETING OF THE AMUSEMENT RIDE

AND ATTRACTION SAFETY BOARD on JANUARY 19, 2017,
between the hours of fifteen minutes after four
o'clock in the afternoon and fifteen minutes after
five o'clock in the afternoon of that day, at the
Illinois Department of Transportation, Hanley
Building Auditorium, 2300 Dirksen Parkway,
Springfield, Illinois 62764, before Ann Marie Hollo,
CSR, RDR, CRR.

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A P P E A R A N C E S

Amusement Ride and Attraction
Safety Board Members:

Mr. Hugo Chaviano, Director of
Department of Labor
Ms. Patty Sullivan, Chairperson
of the Board Meeting

Mr. Bradley Brown
Mr. Marvin Perzee
Ms. Linda Givand Rhodes
(via telephone)

Mr. Daniel Schwabe (via
telephone)

Mr. Bill Sparks
Mr. Benno Weisberg, Legal
Counsel

ALSO PRESENT: Department of Labor Staff:

Mr. Bill Szerletich,
Division Manager
Mr. Brian Brown
Mr. Thomas Coe
Ms. Anna Hui
Mr. Matt Rohman
Ms. Margaret Royer
Mr. Adam Schuster
Mr. Peter Tomczuk
Ms. Cheryl Watson
Mr. Adam Schuster

The Court Reporter:
Ann Marie Hollo, CSR, RDR, CRR
Midwest Litigation Services

1 IT IS HEREBY STIPULATED AND AGREED, that the
2 meeting may be taken in shorthand by Ann Marie
3 Hollo, RDR/CRR, a Certified Shorthand Reporter, and
4 afterwards transcribed into typewriting.

5 * * * * *

6 (Starting time of the meeting is: 4:15 p.m.)

7 CHAIRPERSON SULLIVAN: Good
8 afternoon. Welcome, everyone. We're glad you can
9 all join us today. Sorry for the technical
10 difficulties. We have two members who are attending
11 by phone, and we're just having a little trouble
12 getting AT&T and the conference line lined up.

13 The first thing I'd like to do is
14 have everyone at this table introduce themselves,
15 please, and tell us who you are and who you're with
16 please. We'll start with you.

17 MR. WEISBERG: Benno Weisberg,
18 General Counsel, Illinois Department of Labor.

19 DIRECTOR CHAVIANO: Hi. Hugo
20 Chaviano, Director of the Department of Labor. And
21 I have some good news for some, bad news for others,
22 and happy news for me, and that is that the Governor
23 has renominated me to a second term, so I'll be
24 sticking around.

1 CHAIRPERSON SULLIVAN: That's very
2 good news. We're happy to have you back.

3 This is Patty Sullivan. I'm with Eli
4 Bridge Company.

5 And here's Bill.

6 MR. SPARKS: Bill Sparks, American
7 Banner Amusements.

8 MR. PERZEE: I'm Marvin Perzee with
9 Iroquois County Fair.

10 MR. BROWN: Brad Brown. I'm new to
11 the ropes. This is my first meeting this afternoon.
12 And I'm with Brownfield Environmental Engineering
13 Resources.

14 CHAIRPERSON SULLIVAN: And then on
15 the phone, we have Dan Kirschner and Linda Rhodes.

16 And would you like to say anything,
17 Dan?

18 MR. SCHWABE: This is Dan Schwabe.

19 CHAIRPERSON SULLIVAN: Oh, Dan
20 Schwabe? Thank you, Dan.

21 And, Linda?

22 MS. RHODES: I'm sorry I couldn't be
23 there, but I'm looking forward to the meeting.

24 CHAIRPERSON SULLIVAN: Well, thank

1 you very much, both of you. We appreciate you going
2 through all this technical difficulty to be here
3 with us.

4 And I'd like for the inspectors to
5 please stand up, and I think most of you know them.
6 Let's see. And where is Bill?

7 MR. COE: He just stepped out for a
8 second.

9 CHAIRPERSON SULLIVAN: He's helping
10 us get this whole thing together.

11 And we have Margaret Royer, and the
12 head of the -- Tom, do you want to stand up, too,
13 please? I'm sorry. Tom Coe, the chief inspector.
14 And Matt Rohman and Peter Tomczuk and Brian Brown,
15 and thank you all for coming because we always
16 appreciate your input.

17 And, Tom, I will hear from you in
18 just a few more minutes. I appreciate all of you
19 coming.

20 The first thing or first thing on the
21 agenda is to approve the agenda. Does anybody -- I
22 assume you have your agendas in front of you. Does
23 anyone have anything to add to the agenda?

24 (No response.)

1 CHAIRPERSON SULLIVAN: Then could I
2 get a motion to approve the agenda as presented?

3 MR. SPARKS: I make a motion.

4 MR. BROWN: I will second the motion.

5 CHAIRPERSON SULLIVAN: And then
6 seconded by Brad. Bill made the motion, and then
7 Brad seconded it.

8 So then the next thing we need to do
9 is approve the minutes of the July 19, 2016 meeting.
10 Has everybody had a chance to go over them? At
11 least peruse them, so we could get someone to make a
12 motion to approve the agenda as printed?

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

14 CHAIRPERSON SULLIVAN: Okay. Motion
15 made by Bill.

16 Do I hear a second?

17 MR. BROWN: I'll second.

18 CHAIRPERSON SULLIVAN: Seconded by
19 Brad.

20 Those in favor?

21 (No response.)

22 CHAIRPERSON SULLIVAN: Those opposed?

23 (No response.)

24 CHAIRPERSON SULLIVAN: Abstentions?

1 (No response.)

2 CHAIRPERSON SULLIVAN: Okay.

3 Then it's on to old business. The
4 first thing on the agenda, there is "Rider
5 Safety/Responsibility Language," and we left that
6 with the Department to move ahead as they saw fit.
7 So I'll give the microphone to the director.

8 DIRECTOR CHAVIANO: Right. So at the
9 last meeting, there was a lengthy and spirited
10 discussion regarding this whole rider safety
11 responsibility language. In fact, I would say at
12 least a third of the meeting was devoted to that
13 discussion and the various positions regarding the
14 pros and cons.

15 Ultimately, there was a motion on the
16 floor that this matter should be referred to the
17 Illinois Department of Labor general counsel for,
18 you know, an opinion as to whether this -- in fact,
19 this type of rule making would fall within the
20 purview and parameters of our rule-making authority.

21 So in the interim, you know, I have
22 had the pleasure of having had multiple general
23 counsels since I came onboard. So, today, I
24 introduce to you the third general counsel that I

1 have had since beginning my tenure here at the time
2 of our last meeting. Our general counsel's name was
3 Helen Kim, and then it was Denise Kelly, but, today,
4 we have Benno Weisberg, who I'm looking forward to
5 hopefully ending my term with.

6 So without further adieu, I'll pass
7 it on to our general counsel.

8 MR. WEISBERG: Thanks, Director.

9 And I hope to be seeing you all again
10 at the next board meeting, given the turnover in the
11 general counsel position in the department.

12 So I looked over the proposed
13 language that was discussed at the prior meeting,
14 and it's fairly clear under Illinois law for an
15 administrative agency to promulgate a rule, you
16 know, there are limits to an agency's rule-making
17 authority that are typically laid out in whatever
18 statute gives the agency the rule-making authority
19 to make rules.

20 And in the Amusement Ride and
21 Attraction Safety Act, the authority is set out in
22 430 ILCS 85/2-6. And the language there, it pretty
23 specifically confines the director's authority to
24 make rules in this area, you know, after

1 consultation with the Board to the area of safety,
2 and specifically to make rules for the safe
3 installation, repair or maintenance, use, operation,
4 training standards for operators in the inspection
5 of all amusement rides and amusement attractions.

6 And that section goes on to say,
7 "These rules and standards are being adopted
8 pursuant to the procedures set forth in the Illinois
9 Administrative Procedures Act. The rules shall be
10 based upon generally accepted engineering standards
11 and shall be concerned with, but not necessarily
12 limited to engineering force stresses, safety
13 devices, and preventative maintenance. Whenever
14 such standards are available in suitable form, they
15 may be incorporated by reference."

16 The rules shall in addition to
17 the -- oh, and then, you know, the rules also allow
18 the Department to establish a fee structure for
19 permits and to impose civil penalties.

20 So the language that was proposed and
21 discussed at the last meeting would create sort of a
22 new regime of rider responsibility, and among other
23 things, it would require that riders would be
24 subject to restrictions set -- you know, set out by

1 the operators, and that a failure to adhere to the
2 signage, or you know, to the rules that were set out
3 by the operators next to the rides or near the
4 rides, could -- would be -- I think, you know, to
5 some effect would be admissible as evidence in
6 court. And then there's a provision that
7 essentially requires riders to report injuries while
8 on site, at the site of the ride of the attraction.

9 It's fairly clear, looking at
10 Illinois law, and you know, the basic principle that
11 an agency's rule-making authority can't exceed its
12 statutory authority, that what that rule proposes is
13 not consistent with what the Department is entitled
14 and authorized to do under the Act.

15 So in my view, the Department would
16 be exceeding its statutory authority in promulgating
17 that rule as was written, as was presented in the
18 last meeting.

19 So I think that the Department's
20 position would be that's -- you know, that's not a
21 rule that we would take up, and you know, take to
22 JCAR, and attempt to publish.

23 CHAIRPERSON SULLIVAN: I guess the
24 next question would be, would you be willing to meet

1 with some of us to discuss what part of that might
2 seem appropriate, even just requiring the riders to
3 follow the rules that are posted and operator
4 instructions? Because that's -- if we could have
5 the State behind us or behind the operators
6 requiring people to follow the rules, I think it
7 would be a big help. And then it's not -- it all
8 has to do with safety. There are no -- if we have
9 to knock out the reporting requirements, then that
10 might be a negotiating point, but if we could have
11 something that puts some teeth behind the riders
12 having to follow the rules, it would be very
13 helpful, because as we've seen over and over, when
14 we've had the reports from your -- from this
15 department, it has often been the rider who has not
16 followed the rules who has caused an accident.

17 So as a matter of safety, I think
18 anything that would make riders more aware that they
19 are required to follow the rules would be very
20 helpful in cutting down the number of accidents
21 certainly in our state. It has helped in other
22 states. And would you be -- would you be willing to
23 have some discussions about that?

24 DIRECTOR CHAVIANO: Well, so you

1 know, prior to the meeting today, I had consulted
2 with the general counsel, and he had given me his
3 feedback on the results of his analysis of the
4 statute and his opinion. And as I understand it,
5 the general counsel's opinion is that this type of
6 rule making, in spite of whatever the best intents
7 with respect to safety and so forth, this body's
8 rule making, that goes beyond the scope of what, you
9 know, we are charged with. So if that is the
10 opinion, then I don't see that there is any further
11 room for discussion of rule making, a rule that we
12 are being told -- or I'm being advised by my general
13 counsel that, you know, we have no authority to
14 promulgate. So if that's the case, then there's
15 really nothing to discuss from a rule-making
16 standpoint.

17 CHAIRPERSON SULLIVAN: Well, my
18 question was more is there any -- is there any way
19 we can still discuss anything on that, on that line?
20 If there are parts that you feel aren't under the
21 jurisdiction of the Department and rule-making part,
22 is there any part of that, that is under the
23 jurisdiction?

24 MR. WEISBERG: Looking at the

1 language that was being discussed at the last
2 meeting, I mean, there are parts of that language
3 that seemed to require operators to post signage.
4 And, you know, when it comes to that type of
5 measure, I think that seems to be more within the
6 scope of what -- you know, of the language, the
7 statutory language that I just read.

8 When it comes to imposing the
9 responsibility on riders -- and I think we're
10 drifting into territory that's not really, you know,
11 part of what the Department's mandate is, you know,
12 in this area. And if, for example, the word "rider"
13 is not defined anywhere in the statute, it's -- the
14 statute is pretty clearly geared towards, you know,
15 operators and owners.

16 And so I think, you know, if we were
17 to take the step of placing some sort of requirement
18 or mandate, you know, on the rider, we would
19 be -- you know, we could be sort of side-stepping
20 our statutory authority and moving into an area that
21 the legislature didn't really expressly grant us the
22 authority to make rules on. So, you know, I think
23 there were probably pieces of that, of that language
24 that would be -- again, would be within the scope,

1 and parts of it that probably we won't be able to
2 talk about further.

3 CHAIRPERSON SULLIVAN: Okay. Thank
4 you, Benno.

5 Then the next thing on our agenda is
6 Xtreme Inflatable 5K and Insane Inflatable 5K. And
7 I think we have some more information up on that
8 from Bill.

9 MR. SZERLETICH: So Bill Szerletich.
10 Just following up from the last board meeting that
11 we had.

12 I said that I would look into, you
13 know, a little bit more in depth into these
14 inflatable attractions. What I found was, first of
15 all, they do meet the definition of an inflatable
16 attraction. I found that, first of all, they come
17 into the state -- came into the state twice last
18 year for a single event, and they were gone. This
19 year, they only plan on coming in one time.

20 I do not recommend, really, at this
21 point in time separating them from a regular
22 inflatable attraction. I would recommend that we
23 keep the fees where they are, because if we do
24 change them and if we do separate them, it's going

1 to require probably a rule change in the JCAR
2 process. For the amount of time that they come
3 through the state -- if they start to come in a
4 little bit more, I think we can revisit it, but
5 right now, I think we should keep it just the way it
6 is.

7 Other states that I kind of surveyed
8 do not separate between the two. They're all an
9 inflatable, and they charge one price.

10 CHAIRPERSON SULLIVAN: Okay. Thank
11 you, Bill.

12 Okay. Then the next thing on our
13 agenda is new business, and that would be the
14 Division Manager report.

15 So, Tom, I think -- okay. Or it will
16 be Bill. We would like to hear from you again.

17 MR. SZERLETICH: Like we always do in
18 the past, I'd like to introduce our staff to you,
19 and we have some new members.

20 First of all, we have a new office
21 associate that started with us November of 2016.
22 She came to us from the Secretary of State's office.
23 If you fill out the applications and call with any
24 questions regarding it, you're probably going to

1 talk to her. She's doing a great job. She's picked
2 up the process really quickly, and her name is
3 Cheryl Watson.

4 We have a new chief ride inspector.
5 A lot of folks got to meet him last season in the
6 summer. He's been out with me; he's been out with
7 the other inspectors. Tom Coe comes to us from the
8 Department of Commerce and Economic Opportunity.
9 And he would be the one that signs off on our NDT
10 work. You know, any kind of approvals, zip lines,
11 things like that, Tom will be doing it. He'll also
12 be out inspecting. He'll cover pretty much all over
13 the state wherever needed. So Tom Coe.

14 Our inspectors are way in the back
15 there. Margaret Royer works in the Chicago area.
16 Pete Tomczuk works in the Chicago area. Where is
17 Matt? Matt runs the northwest section from Peoria
18 north and all the way to Chicago. And then we've
19 got Brian Brown that runs the southern portion of
20 the state.

21 I want to give you the Division
22 Manager report. We're going to summarize and get
23 into a little bit of statistics, the accident
24 report, safety bulletins and any updates.

1 For 2016, as you can see, the show
2 dates have went up. We've had some follow-up
3 inspections. That's kind of went down a little bit,
4 but the initial inspections have went up. So we did
5 1,040 follow-up inspections. We did 4,307 total
6 inspections at 698 total locations. Our companies
7 have went up about 22 companies from last year, up
8 to 420 companies.

9 Our accident report, what we'd like
10 to see is the numbers start to go down a little bit
11 from the previous year. We had 14 incidents. 13 of
12 those were nonmechanical. One of those was
13 mechanical.

14 And if I can go over each one real
15 quick. We had a simulator that had a shoulder
16 injury.

17 CHAIRPERSON SULLIVAN: Excuse me,
18 Bill. Could you explain what a simulator is?
19 Because some of us still have in mind, you know,
20 like --

21 MR. SZERLETICH: Yeah. This
22 particular one is -- it simulates skydiving. So
23 it's not in an enclosure, so to speak. You're
24 free-flying. And as you probably remember from the

1 last couple years, shoulder injuries are common with
2 those. So that's what that simulator is.

3 We had a swing ride that is
4 nonmechanical in nature. They received a concussion
5 and a neck sprain. And we had a go-cart that was
6 nonmechanical. The ride attendant pulled the cart
7 out into the pit area into the path of the patron
8 and broke her wrist.

9 An octopus. The rider was frightened
10 at the movement of the ride and pushed her feet so
11 hard against the tub, it dislocated her hip. And we
12 had an inflatable where a child jumped from the top
13 of the platform to the bounce area to the bottom,
14 and had an arm injury from that.

15 A couple coasters here. One, a
16 patron had a seizure after the ride departed -- or
17 after she left the ride. I'm sorry. And then we
18 had another patron that was unresponsive when the
19 coaster returned to the station.

20 Another inflatable slide where a foot
21 got caught. I think it got wrapped up at the bottom
22 of the slide on the surface there and got twisted.
23 And they suffered a high-ankle sprain and fractured
24 ankle.

1 We had a Ferris wheel that had a tub
2 which wasn't properly aligned with the platform. So
3 when they stepped off, it swung. It didn't catch
4 the platform to hold the tub still. And they fell,
5 two people, on that. Or I'm sorry. It was one.

6 Another go-cart where a rider spun
7 out at another driver and ran into the side of a
8 cart. And it was a right shoulder and right rib
9 injury.

10 Two more simulators. Arm pain and
11 shoulder pain.

12 We had a Super Shot ride that had a
13 broken piece of plastic on the seat belt.
14 She -- they suffered a laceration on the back of the
15 thigh.

16 And, lastly, we had a Dragon Wagon
17 where the train -- that was a mechanical. The train
18 contacted -- leaving the station and stopped
19 abruptly, and one child suffered a cut to the inside
20 of her lip, and four other children had no injuries
21 reported.

22 So that's come down. It's come down
23 significantly from last year. So we definitely
24 applaud that.

1 I just wanted to run through real
2 quick here some safety bulletins, as if we don't
3 have enough. Inspection of the weld seams, it's a
4 monthly check, and I do have these bulletins if you
5 need them. I can get them sent out to you. Just
6 let me know.

7 The A.R.M. Full Tilt, visual
8 inspection of eight carriage mounting blocks,
9 weekly. And A.R.M. Vertigo, addition of the oil
10 expansion tank. I think that came out, I think,
11 early 2016. So, you know, most everybody that has
12 one of these is, I'm sure, aware of it, of already
13 adding their expansion tank.

14 Probably the most, you know,
15 pronounced, I would say, bulletin was the Chance
16 Carousel, installation of the horse-hook retainers.
17 That came out February the 4th of 2016, and they
18 gave you 60 days to put these horse-hook retainers
19 on them. Well, after that, they also have come out
20 with an NDT on that same carousel requiring the
21 cranks to be NDT yearly. I do have that NDT if
22 anybody needs it. I can send that out as well. We
23 plan on having these up on our website as well, too.

24 And then, lastly, a Larson Giant

1 Loop, inspection of the train to undercarriage bolts
2 and retainers.

3 Nondestructive testing. Anybody who
4 needs to look at the NDT list, we update that
5 regularly. Yearly, I should say.

6 Ridesafety.illinois.gov, we have it posted on there.

7 If anybody has any questions about whether the ride
8 meets the criteria, go there, and look at the list
9 and see if it's on there. I can also get that out
10 to you as well if you would like your own copy.

11 And then, lastly, department
12 policies. I go through this every time. I just
13 want to let everybody know, especially with Cheryl
14 just starting with us. She hasn't experienced the
15 rush of applications, what I call the "wheels
16 falling off," come March or April. So the sooner
17 you can get your application in, the better. We
18 want at least 30 days to avoid possible expedited
19 inspection fees. There's five or six of us. You
20 know, if we can plan this out way ahead of time, it
21 helps us tremendously. Most everybody is good with
22 that, but I always mention it.

23 And, lastly, owners/operators who
24 have Chance Zipper rides, there is a Department of

1 Labor compliance statement that we require yearly,
2 and I do have those forms. We're going to have that
3 put on the website as well. So if anybody isn't
4 sure what that covers, it's the bulletin that covers
5 the "K" bars, and the "K" bars slide into other
6 bars, and there's wear that can occur around the pin
7 area that, if not checked yearly, can start
8 cracking. Well, a lot of times we can't check it
9 because it's set up even if it's on the trailer, the
10 "K" bars are put together. So, you know, the onus
11 is on the operators that have them to take them
12 apart yearly and take a look at that yearly, the
13 "K" bars, to make sure that there's no deficiencies
14 starting there.

15 So that is all I have got. And if
16 you have any questions --

17 CHAIRPERSON SULLIVAN: If you have
18 any questions, please come up here, and before you
19 start asking questions, please tell us your name so
20 our court reporter can properly get down who was
21 making the comment.

22 If there aren't any questions on that
23 report -- I don't see any -- then we'll discuss the
24 next meeting location and time, and I think that

1 would be -- Director, is that you who has that
2 information? Or who has that?

3 MR. SZERLETICH: July 18th.

4 CHAIRPERSON SULLIVAN: Okay.

5 Everybody. July 18th where?

6 MR. SZERLETICH: Chicago at the
7 Bilandic Building.

8 CHAIRPERSON SULLIVAN: Okay.

9 MR. SZERLETICH: I believe that is a
10 Tuesday.

11 CHAIRPERSON SULLIVAN: Okay. Well,
12 thank you very much.

13 So is there anything else the Board
14 would like to say or comment or ask questions about?

15 MR. BROWN: What time is the meeting
16 on the 18th?

17 CHAIRPERSON SULLIVAN: What time is
18 the meeting? Do we know?

19 MR. SZERLETICH: 2:00 to 4:00.

20 CHAIRPERSON SULLIVAN: 2:00 to
21 4:00 in the afternoon. Tuesday the 18th.

22 Okay. Thank you. We will now open
23 up for public comments and questions. So the floor
24 is yours for anybody who would like to make comments

1 or ask questions or find out about something you
2 don't know about.

3 Margaret? Come up here, please. You
4 can have the microphone.

5 MS. VAUGHN: Margaret Vaughn with the
6 OABA and the IAAF.

7 I know you've already scheduled the
8 meeting for the summer, but I didn't know -- I know
9 a couple of years back, you were having the second
10 meetings of the year in September, because July
11 being for this type of industry, it would be like
12 having, you know, a meeting with Santa Claus and his
13 elves on Christmas Eve. I know a lot of folks can't
14 make the July meeting. One of the board members
15 will be at the county fair, and there a lot of folks
16 that are regulated by the industry, since they're in
17 their busiest time of year. So I didn't know if
18 they could possibly do it either in May or
19 September.

20 CHAIRPERSON SULLIVAN: Thank you.

21 MS. RHODES: Patty, this is Linda.
22 If it's not too much trouble, do you mind kind of
23 paraphrasing the public comments for those of us on
24 the phone just so we can make out what's said?

1 CHAIRPERSON SULLIVAN: Okay. That
2 was Margaret Vaughn speaking. And she has gotten
3 responses and comments from a number of people in
4 the industry that the July date is very difficult
5 for them to make. One of our own directors, Marvin
6 Perzee, has his fair going on during that week, and
7 she was requesting us to reconsider and see if we
8 could have a meeting in May or September to -- which
9 is a little bit lighter time for the season for a
10 lot of people to be able to attend, because we would
11 like a good attendance so people know what's going
12 on, as well as being able to bring up new things
13 that the Board needs to know about if there's
14 something new happening in the industry.

15 So is that okay, Linda?

16 MS. RHODES: It's awfully hard to
17 hear, but I do thank you for trying.

18 DIRECTOR CHAVIANO: Basically in a
19 nutshell, they're requesting a meeting, other than
20 in July, because of the fact that a lot of people
21 are going to be busy with the height of the season,
22 so they're suggesting either May or September.

23 MS. RHODES: Got it. Thank you.

24 CHAIRPERSON SULLIVAN: Thank you.

1 And, yes, and please speak up if there's something
2 you can't hear because we do want you to be able to
3 participate.

4 Anything else?

5 DIRECTOR CHAVIANO: Well, so I mean,
6 there is -- there seems to be a concern about the
7 timing of the meeting, and I don't know exactly, you
8 know, how it was arrived to.

9 Bill, but from our standpoint, is
10 there any --

11 MR. SZERLETICH: Traditionally, we've
12 always had it in July. I think that's what Rosie
13 went with. She wanted it that day.

14 DIRECTOR CHAVIANO: So I guess,
15 traditionally, July has been the time when that
16 meeting is held. I have Margaret Vaughn vigorously
17 shaking her head in the back saying that's not
18 necessarily the case. But, again, I don't know how
19 we feel, as a department, strongly about that other
20 than a statutory glitch. Our aim is to really, you
21 know, facilitate these meetings in a way that most
22 members of the Board are able to participate, as
23 well as most members of the -- primarily, I guess,
24 the operators are also able to join as members of

1 the audience if, in fact, you know, there's an
2 interest in that.

3 So from my standpoint as the
4 Department, I'm certainly willing to consider, you
5 know, an alternate date if that's what -- you know,
6 what the feeling of the Board as such is.

7 So I guess this is a good time to
8 either speak up about it, or I don't know if there's
9 going to be another opportunity to really consider
10 this. I mean, I don't know.

11 CHAIRPERSON SULLIVAN: I would love
12 to see us move that so it is easier for people to
13 attend. Actually, we've had the second meeting all
14 over the map in different months. Bill hasn't had
15 quite so much to do to get ready for them before
16 this, but --

17 DIRECTOR CHAVIANO: If I may,
18 Margaret -- Patty. Then would it be helpful if
19 we -- at least for purposes of calling the members
20 of the Board that are here today, is there any issue
21 with the date that's been selected? And if so,
22 would either the May or September date be more
23 accommodating for them? I guess maybe we can go
24 down the road here.

1 CHAIRPERSON SULLIVAN: Here. Let me
2 pass this down.

3 DIRECTOR CHAVIANO: And, please,
4 identify yourself so the court reporter can take it
5 down.

6 MR. BROWN: This is Brad Brown. Any
7 of those dates would be fine with my schedule.

8 MR. PERZEE: Marvin Perzee. And I
9 think I was the one Margaret was talking about. My
10 fair happens that week, and it's a local county
11 fair, and it's impossible for me to be gone for the
12 day. So moving one way or the other, I probably
13 would prefer the September -- that might be
14 better -- but that week is just not good for me
15 personally.

16 MR. SPARKS: Bill Sparks. Our season
17 starts the end of April and goes through September,
18 part of October, so it's more involved than anything
19 in that time frame.

20 DIRECTOR CHAVIANO: Margaret?

21 CHAIRPERSON SULLIVAN: Patty.

22 DIRECTOR CHAVIANO: Patty. There's
23 so many beautiful women around me. That's the
24 problem.

1 CHAIRPERSON SULLIVAN: He got out of
2 that one pretty well.

3 I think it would be -- I think it
4 would be great to have it in September just for the
5 fact that if things have happened over the summer
6 months, then we could hear about those things. July
7 is very busy for most everybody who's here, I think.

8 So let's see what Dan has to say.
9 He's on the phone. Go ahead, Dan.

10 DIRECTOR CHAVIANO: I think he left
11 us.

12 CHAIRPERSON SULLIVAN: Or he has?

13 MR. SCHWABE: NO.

14 DIRECTOR CHAVIANO: So they were
15 talking about the date and whether July is a problem
16 for you and whether you would prefer May or
17 September.

18 MR. SCHWABE: Either one works for
19 me.

20 DIRECTOR CHAVIANO: So you have no
21 preference.

22 Who else is on the phone?

23 CHAIRPERSON SULLIVAN: Linda?

24 DIRECTOR CHAVIANO: Linda, same

1 question.

2 MS. RHODES: May and September work
3 for me. And, for the record, I agree with the
4 comment that it makes sense to have the meeting at a
5 time when most people can come.

6 DIRECTOR CHAVIANO: Okay. Well, it
7 seems like there's a majority that would like the
8 meeting to take place other than, you know, July,
9 and it also seems to me that there is no strong
10 preference in terms of either May or September from
11 the group. So maybe it's just a question then for
12 us to get back to you and look at what our situation
13 looks like at the department and try to do that.

14 But, you know, actually, while I have
15 the benefit of all of you, can I just have a show of
16 hands who would prefer September?

17 MS. RHODES: This is Linda. My hand
18 is up.

19 DIRECTOR CHAVIANO: It seems pretty
20 unanimous. So we will try to do it in September,
21 even though that makes it pretty close to the
22 following meeting that we have this time of the
23 year, but, you know, again, our aim is to serve and
24 protect. Okay.

1 CHAIRPERSON SULLIVAN: Thank you very
2 much.

3 Are there any public comments?

4 (No response.)

5 CHAIRPERSON SULLIVAN: This is a
6 pretty quiet crowd today.

7 Did anybody have any questions on the
8 new bulletins that Bill referred to or any of the
9 new things, the requirements going on, NDT or
10 otherwise?

11 (No response.)

12 CHAIRPERSON SULLIVAN: Okay. A very
13 quiet group.

14 Then if there are no questions or
15 comments, then I would entertain --

16 MS. WATSON: Excuse me. I just -- I
17 want to announce to the people to please sign in.

18 CHAIRPERSON SULLIVAN: Oh, I'm sorry.
19 She -- and they asked me to mention that. There
20 are -- there's a paper at the end of each row. If
21 you would, please, sign it and pass it on down both
22 ways and pass it back. Don't leave before you sign
23 it because it's very important that we have some
24 record that there was a very good attendance at this

1 public meeting, and that people did come and were
2 here to participate and even if it was just by
3 listening.

4 So, Director, do you have anything
5 else?

6 Oh, there is a hand up. I'm sorry.
7 I was looking at the schedule. At any rate, come on
8 up.

9 MR. KNIGHT: I am Doug Knight with
10 Knight's Action Park here in Springfield, Illinois.

11 And every year at this meeting, we
12 also -- I say "bring it up," but it's the
13 responsibility regulation, and I was just wondering
14 if the Board was working on that at this point.

15 CHAIRPERSON SULLIVAN: Actually, we
16 did. The last meeting that we had, we pretty much
17 left it in the director's hands to pass it on to his
18 legal eagles, and Benno, who is our new general
19 counsel, his comment was that the part where we're
20 asking riders to do something is -- he doesn't feel
21 is within the purview of what the statute states as
22 this Board's responsibility to oversee. And so it
23 sounds like if there's going to be any rider
24 responsibility legislation, it will have to come

1 through a different way than through this Board.

2 DIRECTOR CHAVIANO: I guess, you
3 know, what I would just add by way of clarification,
4 it was really a legal opinion that our general
5 counsel gave us that it would be outside the purview
6 of the Department's authority to issue a rule of
7 this nature, that this would be over and beyond,
8 outside of the scope of our rule-making authority.
9 So it's just a feeling. It's an opinion.

10 CHAIRPERSON SULLIVAN: Thank you,
11 Director.

12 Margaret, did you have something
13 else?

14 MS. VAUGHN: Margaret Vaughn with the
15 IAAF and the OABA again.

16 There was, I thought, possibly a
17 provision here that says that the rules will provide
18 for the reporting of accidents and injuries incurred
19 from the operation of the use of rides is at the
20 rider's discretion. And we don't have to have a
21 legal debate right now, but I did note that
22 since -- the reporting of the accidents is because
23 of the use of the ride that the person is on, so I
24 didn't know if we could have that up for further

1 discussion.

2 CHAIRPERSON SULLIVAN: Just keep
3 talking, and it will start.

4 MR. WEISBERG: I think that the part
5 of the statute that talks about the requirement is
6 on the part of the owners and operators, not the
7 riders. And the language that was proposed to
8 require the rider to report an injury upon -- you
9 know, before leaving the site. So I think it's not
10 the same.

11 MS. VAUGHN: But it doesn't specify,
12 though. It just says the reporting of amusement
13 rides. It doesn't specifically say who the
14 reporting was done by.

15 MR. WEISBERG: That is true. You
16 know, given what the statute is intending to do, you
17 have to read the language in that context, and I
18 think it's clear that there's no other -- there's no
19 mention at all of riders. The statutory mandates
20 are all directed towards the operators and owners.
21 So you have to look at it from that perspective.
22 And the reporting requirements, I think it is a
23 requirement that, you know, as Bill set out during
24 this meeting, it's the owners and operators who are

1 required to report to the Department injuries
2 resulting from the use of the rides.

3 DIRECTOR CHAVIANO: So, you
4 know -- and I would add this because I went through
5 the minutes, and I always do before a board meeting
6 to, you know, remind me of how things played out,
7 and I did do that with respect to our last Board
8 meeting in terms of this particular Board. I sit on
9 various boards. And I can tell you that -- I don't
10 know -- 95 pages of minutes that we had, almost 38
11 pages were devoted at the last meeting discussing
12 the merits and both the pros and the cons.

13 I think at this point, I feel that
14 this is a subject that has been truly analyzed, and
15 you know, in our opinion, I think that this is
16 something that, in fact -- if you would like it to
17 be pursued by the operators, it probably has a
18 better venue in a legislative context, and in that
19 kind of legislation, but from our standpoint, you
20 know, we have gotten to the point that our position
21 and our opinion has been rendered. I have to be
22 guided by the advice I'm getting from the general
23 counsel on this issue. And to that extent, I think
24 continuing the dialogue, I just don't know that it's

1 going to advance anything within this forum,
2 because, again, you know, we have concluded based on
3 our analysis and my general counsel's analysis, that
4 it was just not within our realm of authority.

5 MS. VAUGHN: I wasn't sure if you
6 were just kind -- this could be interpreted to
7 someone using -- a rider or someone turning it on or
8 someone using it by sitting on it.

9 So, anyway. Okay. We'll see if we
10 can possibly tweak something in the legislation.
11 Thank you.

12 MR. KNIGHT: I want to add with what
13 Margaret was saying. It seems about 80 percent of
14 accidents are caused by riders. And that the
15 purpose of this group and the safety legislation is
16 to provide the rider safety. If you don't include
17 the patrons of our rides and carnivals in that
18 equation, you really fall short. So if the Act is
19 inadequate in allowing this body to enable the parks
20 to ask the guests to provide a little assistance and
21 providing for a little protection, then maybe we
22 need to change the Act so it does happen. I know
23 that's possible because I have a water park, and I
24 know the public health department changes their act

1 at a whim in order to accommodate that. I don't
2 know. Maybe I'm asking you to investigate those
3 possibilities.

4 CHAIRPERSON SULLIVAN: Thank you,
5 Doug. I appreciate that comment.

6 DIRECTOR CHAVIANO: And, you know,
7 again, I mean, I just want to make it clear that,
8 you know, from our standpoint, it's not that we
9 don't have a dog in this fight. We do in the sense
10 that our aim is to protect the public, and you know,
11 also promote a healthy operating environment for the
12 amusement ride operators as well within their
13 business context. But the analysis that we are
14 making in terms of whether we can actually
15 promulgate a rule along the lines of what has been
16 proposed and discussed here is that, no, we do not
17 have that legal authority to do that. So it's not
18 because of, you know, one way or the other, that we
19 feel about the merits of what's being proposed.
20 It's got nothing to do with whether we have the
21 authority to do that, and the opinion that I have
22 been given is that, no, we do not. So I have to be
23 bound by that.

24 So, again, it's not in any way as a

1 demonstration of a personal favoritism one way or
2 the other. It's just the reality of the parameters
3 that we're operating in.

4 CHAIRPERSON SULLIVAN: Thank you,
5 Director.

6 If I understood Doug right, he was
7 suggesting that we maybe get together and try to get
8 the statute changed, which would then allow us to
9 include those, which it will probably have to be
10 done with the director's and the general counsel's
11 help to get that through, but I think that's
12 something that those in the audience here today may
13 have to get started.

14 As a manufacturer, I would love it,
15 because if there is an accident out there on a ride
16 that I built, I'd like to know right away, because
17 if there's a way to prevent it from happening again,
18 I would like to be able to respond in a timely
19 manner, and sometimes you don't find out until three
20 or four years later, and you know, by that time,
21 it's possible that someone else has gotten hurt.
22 And I think we're all in here to try to make things
23 safer for the public, and this is all about public
24 safety. So I would suggest that we go back to

1 trying to either get the statute changed, or propose
2 a whole separate new section of law requiring these
3 things.

4 MR. SCHWABE: This is Dan Schwabe.

5 DIRECTOR CHAVIANO: Yes, Dan.

6 MR. SCHWABE: I need to get off the
7 phone, and I just wanted to let you know.

8 DIRECTOR CHAVIANO: Dan, can you say
9 that again please?

10 MR. SCHWABE: I'm just going to -- I
11 have another obligation to attend to.

12 DIRECTOR CHAVIANO: All right.

13 CHAIRPERSON SULLIVAN: Do you have
14 any other comments?

15 DIRECTOR CHAVIANO: Do you have
16 anything else to add?

17 MR. SCHWABE: No, I do not at this
18 time.

19 DIRECTOR CHAVIANO: All right. Thank
20 you for your participation.

21 CHAIRPERSON SULLIVAN: Thank you,
22 Dan.

23 MR. SCHWABE: Thank you.

24 CHAIRPERSON SULLIVAN: Is there

1 anything else anybody would like to comment on or
2 ask questions about?

3 (No response.)

4 CHAIRPERSON SULLIVAN: Well, then I
5 would entertain a motion to adjourn.

6 MR. SPARKS: I make the motion.

7 MR. PERZEE: I will second it.

8 CHAIRPERSON SULLIVAN: Bill makes the
9 motion, and Marvin seconds it. Those opposed?

10 (No response.)

11 MR. SPARKS: Then we are adjourned.

12 Thank you very much. And thank you,
13 everyone, for coming. Be sure that you sign one of
14 the sheets while you are here.

15

16 (Meeting ended at 5:15 p.m.)

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CERTIFICATE OF REPORTER

I, Ann Marie Hollo, Certified
Shorthand Reporter, Registered Diplomatic Reporter
and a Certified Realtime Reporter within and for the
State of Illinois, do hereby certify that the
foregoing meeting was taken by me to the best of my
ability and thereafter reduced to typewriting under
my direction.

Certified Shorthand Reporter
State of Illinois

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