

In The Matter Of:
Illinois Department of Labor
Amusement Ride & Attractions Safety Board Meeting

Director Hugo Chaviano
July 19, 2016

Marzullo Reporting Agency
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1 ILLINOIS DEPARTMENT OF LABOR
2 AMUSEMENT RIDE AND ATTRACTION SAFETY BOARD
3 July 19th, 2016, at 2:00 o'clock p.m.
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7 Report of Proceedings had at the Meeting of the
8 Illinois Department of Labor Amusement Ride and Attraction
9 Safety Board on July 19th, 2016, at the hour of 2:00
10 o'clock, p.m., pursuant to notice, at 160 North LaSalle
11 Street, Suite 502, Chicago, Illinois.
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1 CHAIRWOMAN SULLIVAN: We would like to bring
2 the meeting to order, please. Again, my apologies
3 for being late. I just talked to my dad's
4 caregiver, and she thinks -- I guess you heard my
5 dad -- I had to take him to the emergency room this
6 morning. So I've got a late start, but he's going
7 to get to come home today it looks like. So thank
8 you.
9 So calling the meeting to order. Has
10 everybody had a chance to look at the agenda? Okay.
11 Do I hear a motion to accept the agenda as presented
12 from the Board?
13 MS. RHODES: I make a motion to approve the
14 agenda.
15 CHAIRWOMAN SULLIVAN: Okay.
16 MR. REDSHAW: I'll second.
17 CHAIRWOMAN SULLIVAN: Second. All those in
18 favor?
19 (A chorus of ayes.)
20 CHAIRWOMAN SULLIVAN: Those opposed?
21 (No response.)
22 CHAIRWOMAN SULLIVAN: Okay. Well, before we go
23 on, have you had introductions all around, or have
24 we just been --

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2 ILLINOIS DEPARTMENT OF LABOR
3 AMUSEMENT RIDE AND ATTRACTION SAFETY BOARD ILLINOIS
4 MS. PATTY SULLIVAN, Chairwoman
5 MR. HUGO CHAVIANO, Director
6 MS. LINDA GIVAND RHODES, Member
7 MR. DANIEL KIRSCHNER, Member
8 MR. JOE REDSHAW, Member
9 ALSO PRESENT:
10
11 MS. HELEN J. KIM, General Counsel for the Department of
12 Labor
13 MR. BILL SZERLETICH, Acting Division Manager
14 MR. THOMAS COE, Chief Ride Inspector
15 MS. MARGARET ROYER, Ride Inspector
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1 MR. CHAVIANO: No, we've been waiting for you.
2 CHAIRWOMAN SULLIVAN: Okay. Well, Director,
3 why don't we start with you and introduce yourself.
4 MR. CHAVIANO: Sure. Thank you. My name is
5 Hugo Chaviano. I started serving as Director of the
6 Illinois Department of Labor on January 28th, 2015,
7 and was confirmed by the senate in March of that
8 same year.
9 At this point, I've had the pleasure to
10 attend two of these meetings, and I always find it
11 very stimulating and exciting. I think most of you
12 know about my trajectory, and my having been in
13 private practice as an attorney prior to accepting
14 the Governor's invite to join his cabinet.
15 So it's a pleasure and an honor for me to
16 be serving you, serving the State of Illinois.
17 CHAIRWOMAN SULLIVAN: And we appreciate it.
18 Thank you.
19 MS. KIM: Helen Kim. I'm the general counsel
20 for the Illinois Department of Labor.
21 CHAIRWOMAN SULLIVAN: So, Board Members, when
22 you get something from Helen, it has to be done.
23 MS. KIM: Just the ethics.
24 CHAIRWOMAN SULLIVAN: I'm Patty Sullivan from

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1 Eli Bridge Company, which is now 116 years old.
2 Yea. I've been on the Board for I'm not sure how
3 long, sometime in early 2000, and I appreciate the
4 opportunity to serve on this Board.
5 There are so many important things going
6 on in the safety of the industry. It's just an
7 honor to try to help raise the safety. Next.
8 MR. REDSHAW: I'm Joe Redshaw with Redshaw
9 Insurance Agency in Rushville, which is about
10 four-and-a-half hours southwest of here.
11 MR. KIRSCHNER: I'm Dan Kirschner. I'm an
12 attorney at Corboy and Demetrio here in Chicago.
13 MS. RHODES: My name is Linda Rhodes. I'm with
14 Commonwealth Edison here in Chicago, and I'm a
15 member.
16 CHAIRWOMAN SULLIVAN: Thank you. If we could
17 go to the minutes. Let's go to the minutes of the
18 meeting from July 23rd, 2015, and they were sent
19 out. Rosy, thank you, Rosy. Rosy sent them out
20 sometime ago.
21 One of the only things that I saw in this
22 that needs to be -- does anybody else have any
23 corrections to it? I found one slice where just the
24 name needed to be changed. Apparently there were

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1 two chairpersons or three chairpersons that day. I
2 think one of them was probably surprised when they
3 read it.
4 It was a chairperson other than Dan or
5 myself, and I apologize, I had it all written down,
6 and I left in such a hurry just to get here.
7 MS. RHODES: Patty, can I help you find it? I
8 was not present for that meeting, but I have the
9 notes in front of me.
10 CHAIRWOMAN SULLIVAN: Yes. Oh, good. It's on
11 -- it was just in the writeup. It was chairperson
12 somebody else. I'm on page -- the page starting
13 with 48, 49, if you want to start from the back
14 coming forward. Maybe we'll find it. It just says
15 chairperson somebody else.
16 MR. CHAVIANO: Who was the proper chairperson?
17 CHAIRWOMAN SULLIVAN: On that one, it was me.
18 If we want to accept this pending just fixing that
19 one thing.
20 MR. CHAVIANO: We'll just note it that if there
21 is a reference to another chairperson in the
22 minutes, it is really incorrect, and that it should
23 be reference to Patty Sullivan.
24 CHAIRWOMAN SULLIVAN: Okay. That would be

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1 fine.
2 MR. CHAVIANO: Is there any kind of motion on
3 that?
4 CHAIRWOMAN SULLIVAN: Yes, we need a motion.
5 Do I hear a motion to accept the July 23rd, 2015,
6 minutes?
7 MR. CHAVIANO: With that friendly amendment.
8 CHAIRWOMAN SULLIVAN: Yes.
9 MR. KIRSCHNER: So moved.
10 CHAIRWOMAN SULLIVAN: Do I hear a second?
11 MR. REDSHAW: Second.
12 CHAIRWOMAN SULLIVAN: Second. Those in favor?
13 (A chorus of ayes.)
14 CHAIRWOMAN SULLIVAN: So there are no opposed.
15 Okay, thank you. And then the Board meeting minutes
16 from January 14th. Those all look good to me.
17 So I don't know, does anybody else have
18 any corrections or additions to the minutes for
19 January 14th of 2015? Then I would accept a motion
20 to approve those.
21 MR. REDSHAW: I'll make the motion.
22 CHAIRWOMAN SULLIVAN: Second?
23 MR. KIRSCHNER: I abstain.
24 MS. RHODES: I was at a different meeting. I

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1 missed most of it. So I don't know if I'm able to
2 second since I wasn't there for most of it.
3 CHAIRWOMAN SULLIVAN: Can I second? Dan made
4 the motion.
5 MR. REDSHAW: I did, Joe.
6 CHAIRWOMAN SULLIVAN: Joe made the motion, and
7 Dan wasn't there. So he's not feeling comfortable
8 with that. Can you second?
9 MR. CHAVIANO: Can I second?
10 MS. KIM: Yes.
11 MR. CHAVIANO: Okay, I second.
12 CHAIRWOMAN SULLIVAN: Okay. Those in favor of
13 accepting approving the minutes as presented?
14 (A chorus of ayes.)
15 MR. KIRSCHNER: Abstain.
16 CHAIRWOMAN SULLIVAN: Those opposed?
17 (No response.)
18 CHAIRWOMAN SULLIVAN: One abstention. Any
19 other abstentions? Okay. Then the motion carries.
20 And we will go to old business.
21 MR. KIRSCHNER: I don't know if the motion
22 carried. There is only two ayes. That is not the
23 majority of a quorum.
24 CHAIRWOMAN SULLIVAN: There is aye, aye, aye.

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1 MR. KIRSCHNER: Okay. Thank you.
2 CHAIRWOMAN SULLIVAN: So I think three carries.
3 So next to the rider, safety language. I don't know
4 if this has been passed out, out there. Have you
5 all had a chance to read this yet?
6 MS. RHODES: I have not.
7 CHAIRWOMAN SULLIVAN: Would you like to take a
8 couple minutes and just read through?
9 MS. RHODES: Yes, please.
10 CHAIRWOMAN SULLIVAN: Okay. Why don't we do
11 that.
12 MR. KIRSCHNER: What's it's role in the agenda
13 today? A lot of times this is brought by the
14 committee.
15 MR. CHAVIANO: Can you speak up? I'm sorry,
16 Dan, I can't hear you. We don't have a microphone
17 here?
18 MR. KIRSCHNER: I'll speak louder. My point of
19 order what is the purpose of the agenda today? I
20 understand it was on the agenda at the last meeting.
21 The Board decided to put it in the hands of
22 Department.
23 CHAIRWOMAN SULLIVAN: No.
24 MR. KIRSCHNER: Who was going to review it for

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1 a legal opinion and get back to the Board.
2 CHAIRWOMAN SULLIVAN: No, the Department asked
3 us to have it reviewed for a legal opinion. The
4 Director asked us to get it reviewed for a legal
5 opinion.
6 MR. KIRSCHNER: From whom?
7 CHAIRWOMAN SULLIVAN: From an attorney.
8 MR. KIRSCHNER: What attorney?
9 CHAIRWOMAN SULLIVAN: An attorney up here in
10 Chicago.
11 MR. KIRSCHNER: What's his name?
12 CHAIRWOMAN SULLIVAN: His name is Ryan Yem.
13 MR. KIRSCHNER: Who?
14 CHAIRWOMAN SULLIVAN: Ryan Yem.
15 MR. KIRSCHNER: Ryan Yem?
16 CHAIRWOMAN SULLIVAN: Yes.
17 MR. KIRSCHNER: Who is he with? Did he do a
18 written opinion?
19 CHAIRWOMAN SULLIVAN: No, we just talked about
20 it.
21 MR. KIRSCHNER: Who is he?
22 CHAIRWOMAN SULLIVAN: He and I.
23 MR. KIRSCHNER: How was he compensated, by whom?
24 CHAIRWOMAN SULLIVAN: He was not compensated.

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1 He did it out of the goodness of his heart because I
2 told him we had no money to -- no fund out of which
3 to pay him, and he said, "That's fine."
4 MR. KIRSCHNER: Y-e-m?
5 CHAIRWOMAN SULLIVAN: Yes.
6 MR. KIRSCHNER: Thank you. He's not here to
7 discuss what his opinion was?
8 CHAIRWOMAN SULLIVAN: No, he is not.
9 MR. KIRSCHNER: He said there's no written
10 opinion?
11 CHAIRWOMAN SULLIVAN: Correct.
12 MR. KIRSCHNER: Okay. What was his opinion?
13 CHAIRWOMAN SULLIVAN: His opinion was that
14 there was nothing in here that would be -- that
15 would oppose any existing state law, as he
16 understands, and there would be nothing in here that
17 would be oppositional to the regulations of the
18 carnival, the Ride Safety Act.
19 MR. KIRSCHNER: What area of law does he
20 practice in?
21 CHAIRWOMAN SULLIVAN: He practices in the
22 amusement industry.
23 MR. KIRSCHNER: So he primarily represents
24 people in the industry?

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1 CHAIRWOMAN SULLIVAN: Yes.
2 MR. KIRSCHNER: Carnival operators?
3 CHAIRWOMAN SULLIVAN: Parks, manufacturers.
4 MR. KIRSCHNER: Manufacturers?
5 CHAIRWOMAN SULLIVAN: Yes.
6 MR. KIRSCHNER: Okay.
7 CHAIRWOMAN SULLIVAN: But I think we're trying
8 to discuss this actual language.
9 MR. KIRSCHNER: I'm here discussing the context
10 and how it's coming before us.
11 CHAIRWOMAN SULLIVAN: Well, why don't you read
12 it?
13 MR. KIRSCHNER: So this one you have today,
14 this is new for today? This is not the one passed
15 out at the last meeting; is that correct?
16 CHAIRWOMAN SULLIVAN: Correct.
17 MR. KIRSCHNER: What is the proposal with
18 respect to this proposal?
19 CHAIRWOMAN SULLIVAN: That is we pass it on to
20 the Department for them to consider adding it into
21 the Illinois Ride Safety Act. Question?
22 MR. KIRSCHNER: My understanding is that
23 procedurally before they do that, they have to
24 propose the rule back to us and put it up for public

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1 hearing; is that correct?
2 CHAIRWOMAN SULLIVAN: Yes.
3 MS. RHODES: Could you repeat what the reason
4 was that we're reading this so that what can happen
5 or be proposed?
6 CHAIRWOMAN SULLIVAN: So that it can be added
7 into the Illinois Ride Safety Act as a regulation.
8 MR. KIRSCHNER: You think it makes sense to
9 hand something out the day of the meeting for the
10 Board to make a decision that day?
11 CHAIRWOMAN SULLIVAN: We can always discuss it
12 today and vote on it next time, if you would prefer
13 to do that, but most of this is the same language we
14 handed out last time.
15 There were some things cleaned up in it,
16 such as in a permanent fixed -- in a permanent place
17 because then this applies to both carnivals and
18 parks and family entertainment centers.
19 MR. KIRSCHNER: May I ask you do you think it's
20 appropriate as a matter of course to have an
21 attorney represent the industry giving an opinion on
22 something to a Board whose charge it is to regulate
23 the industry?
24 CHAIRWOMAN SULLIVAN: Well, do you think it

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1 would be better to have somebody who knew nothing
2 about the industry to try to render an opinion?
3 MR. KIRSCHNER: Well, the question is: What
4 opinion are we rendering?
5 CHAIRWOMAN SULLIVAN: That nothing in here
6 presented anything untoward or unfair to the riders.
7 That nothing in here -- it doesn't present anything
8 bad. There are no penalties to the riders.
9 This is to help riders understand what is
10 needed; and if there is an injury, which is on the
11 last page, that it needs to be reported to the park
12 or the show or the SEC so that they can send it in
13 to their insurance company, and they can get it
14 handled quickly, rather than find out about it two
15 weeks later and then there's nobody who has any idea
16 what ride it was on.
17 MR. KIRSCHNER: Riders? Every one of these
18 you're speculating about the riders in the industry?
19 CHAIRWOMAN SULLIVAN: Yes, but a lot of these
20 things are written on signage at parks and shows,
21 but there's very little onus on the rider to do
22 anything written or verbally said to them, and that
23 this actually spells it out.
24 MR. KIRSCHNER: Do you believe the legislature

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1 created this body, this Board, to regulate not only
2 the industry, but regulate riders as well?
3 CHAIRWOMAN SULLIVAN: I think it created this
4 Board to improve the safety in the industry.
5 MR. KIRSCHNER: Do you think --
6 CHAIRWOMAN SULLIVAN: And most of the accidents
7 in the industry are caused by patrons not abiding by
8 the rules. So we are attempting to address the
9 biggest end of the accidents to see if we can't help
10 decrease the number of accidents in the industry.
11 If you would like, we could add something
12 in here saying that all these things should be on
13 signage at a park or carnival as well.
14 MR. KIRSCHNER: Can you tell me where in the
15 statute that it gives this Board, the Department of
16 Labor, the authority to regulate the rider as
17 opposed to regulate the operator and owner?
18 CHAIRWOMAN SULLIVAN: I think the Act is to
19 improve the safety of the riding public. It's a
20 Public Safety Act.
21 MR. KIRSCHNER: And provides certain provisions
22 to regulate the maintenance, regulate the owners?
23 CHAIRWOMAN SULLIVAN: If you have a problem
24 with putting it in --

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1 MR. KIRSCHNER: I'm asking where the authority
2 is. I'm asking where the authority is for. I'm
3 just asking, point to where in the statute that the
4 provision gives this Board and the Department of
5 Labor the authority to regulate riders.
6 CHAIRWOMAN SULLIVAN: Because this is a Public
7 Safety Act, and this has to do with public safety.
8 MR. KIRSCHNER: And that's the Public Safety
9 Act is there to protect the rider by regulating the
10 industry, and this regulates the rider.
11 CHAIRWOMAN SULLIVAN: But this protects the
12 rider, too, if the rider next to them behaves
13 according to the rules.
14 MS. RHODES: I have a question about it, too,
15 but I don't want to interrupt if you're not finished
16 with your questions.
17 MR. KIRSCHNER: Go ahead.
18 MS. RHODES: So I read it with a lens of a
19 safety professional, long-time safety professional,
20 and I don't read it as rider safety language as much
21 as I read it as a required responsibility language.
22 So the first question I had, and I would
23 like the opportunity to read it again versus what I
24 just did quickly. So I wouldn't be in any position

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1 to vote on it today, but --
2 CHAIRWOMAN SULLIVAN: That's fine.
3 MS. RHODES: -- I do want to, can I ask a
4 question.
5 CHAIRWOMAN SULLIVAN: Sure.
6 MS. RHODES: So forgive me for not knowing the
7 industry well enough to know the answer to this
8 first question, and that is: When it says "rider,"
9 when this document says "rider," am I correct in
10 understanding that it's talking about any member of
11 the public who is riding, regardless of their age?
12 CHAIRWOMAN SULLIVAN: Yes.
13 MS. RHODES: So if that's the case, then that
14 makes me even less comfortable with this body
15 championing this in the name of the safety of the
16 riding public, because it feels to me like in the
17 wintertime, the signs that the high-rises have up
18 that says, "Danger, falling ice," for me, that sign
19 is more of if someone gets hurt, we can say, "See,
20 we have that sign."
21 But as a safety professional, I see those
22 and then I cringe because there was work that could
23 have been done by people who have the power and
24 influence to protect the public, even if it meant

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1 closing that sidewalk.
2 And, to me, that sign was more I want to
3 be able to use it to hold the victim responsible,
4 not let me do the work I have to do to make this
5 area safe. I suppose that analogy is kind of how
6 this makes me feel when I read it.
7 I feel as though when we say in that
8 No. 5, a rider may not steer the ride in such a
9 manner as to harm another persona. I agree, we do
10 not want riders to do that. If the rider is three,
11 maybe there are no rides that allow the rider to do
12 that, but maybe there are; and it doesn't feel to me
13 as though we are putting this down here to protect
14 them as much as we're trying to hold them
15 responsible.
16 CHAIRWOMAN SULLIVAN: Isn't that our duty to
17 warn?
18 MS. RHODES: Warn the public about the risk?
19 CHAIRWOMAN SULLIVAN: Warn the public.
20 MS. RHODES: Yes. And there are ways to do
21 that. Forgive me for not remembering your name, but
22 I know that there are public safety campaigns.
23 CHAIRWOMAN SULLIVAN: Yes, there are.
24 MS. RHODES: That do that very well.

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1 CHAIRWOMAN SULLIVAN: Yes, they are.
2 MS. RHODES: Public safety campaigns, though, I
3 know aren't silver bullets. They do a tremendous
4 job, but they can't fix every rider who either
5 chooses or doesn't have the capacity to do the right
6 thing.
7 So I feel as though we are here to think
8 through how we can mitigate the risk associated with
9 the riding public, and this feels like we are trying
10 to figure out how to just figure out -- we're trying
11 to figure out how to point our finger at how they
12 did the wrong thing. So I'm not saying riders don't
13 do the wrong thing, they do.
14 CHAIRWOMAN SULLIVAN: Yes, they do.
15 MS. RHODES: What I am saying is I believe we
16 need to have better solutions for addressing that
17 than having a piece of paper that says, "We told you
18 not do it, and you did it. Even though you were
19 three, it was your fault." Because we had it on the
20 signs, and we had it on a piece of paper.
21 MR. KIRSCHNER: So we're regulating the
22 industry to provide proper education and supervision
23 for the rider.
24 CHAIRWOMAN SULLIVAN: I'm sorry, I was

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1 listening to Linda's question when you jumped in.
2 MR. KIRSCHNER: I think what she's saying is
3 the way to go about this is by putting -- your job
4 is to make sure the riders are well educated, and
5 that comes down to the operators to make sure
6 education is provided and supervision is provided.
7 CHAIRWOMAN SULLIVAN: Well, if you're talking
8 about a three-year-old, one might think parental
9 supervision might be provided there.
10 MS. RHODES: And it should be. So I guess I
11 want to make sure in my opinion, I'm not saying it's
12 okay if riders do whatever they want to do that
13 exposes themselves to harm and others to harm. It's
14 not.
15 So I'm not in support of that, but I'm
16 also trying to stay true to why we're here, which is
17 rider safety. This doesn't feel like rider safety
18 as much as it feels like rider responsibility, which
19 maybe should be somewhere else.
20 CHAIRWOMAN SULLIVAN: Well, then, let's talk
21 about signage to go along with this, that should be
22 in a park or carnival so that parents can educate
23 their children, and people who are old enough to
24 read and understand can educate themselves besides

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1 what -- you know, if it says, "You must obey the
2 operator," that's when the operator tells you get in
3 and checks your seatbelts, and keep your seatbelts
4 on, don't put your arms or legs outside the car.
5 Then you've been warned that you have to,
6 you know, follow what the operator says. And, I
7 mean, this is here so we can discuss it.
8 MS. RHODES: I understand. I appreciate the
9 opportunity.
10 CHAIRWOMAN SULLIVAN: We can change it. We can
11 add to it, and I think those are good comments, and
12 the ASTM requirements or standards already require
13 owners, owners/operators, to put signage in with
14 warnings and proper warnings at each ride about if
15 it can cause dizziness or blah, blah, blah.
16 MS. RHODES: Heart.
17 CHAIRWOMAN SULLIVAN: Heart issues. Do not
18 ride this ride. Things like that. I mean, I think
19 it would be great if parents and people who were
20 able to understand would watch a ride before they
21 ride it, so they know what the actual motion is.
22 And, say, "My little five-year-old Johnnie
23 doesn't like heights." Well, then, don't put him on
24 a tall Ferris Wheel.

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1 MS. RHODES: But I'm confident some parents do
2 that. I know a lot of us in here have done that.
3 CHAIRWOMAN SULLIVAN: Yes.
4 MS. RHODES: I'm also confident a lot of
5 parents don't. At the risk of going down a
6 different path, frankly, I hope that the operators
7 have support for if they see that something doesn't
8 seem right with one of their riders, they should
9 have the ability to stop it, kind of save the rider
10 from themselves.
11 CHAIRWOMAN SULLIVAN: Yes, if they can do it
12 quickly enough.
13 MS. RHODES: If they can. If they can, I
14 understand.
15 CHAIRWOMAN SULLIVAN: If they can do it quickly
16 enough.
17 MS. RHODES: So I understand this is not a
18 silver bullet. There is no magic wand.
19 CHAIRWOMAN SULLIVAN: There isn't for anybody.
20 MS. RHODES: Correct. So I agree with that. I
21 appreciate how challenging it is. I appreciate that
22 nobody, neither the rider, nor the operator or this
23 Board, wants anybody to get hurt. I'm confident of
24 that, but I'm also confident it is challenging for

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1 all sides to manage that.
2 What I am feeling strongly about, though,
3 is that this Board should focus on what falls within
4 our purview to help ensure the safety of the riding
5 public, such as the phenomenal inspections that our
6 inspectors do. That is an example of something I
7 believe we are, in fact, contributing to the safety
8 of the riding public.
9 I do not feel that with this, and that is
10 just a comment I wanted to put out there.
11 CHAIRWOMAN SULLIVAN: Okay.
12 MR. KIRSCHNER: It's helpful to put out
13 historically new members and new directors this
14 isn't new. This has been battered around this
15 community for 30 years. It hasn't been taken up by
16 any administration for 30 years.
17 Not only has it been battered around this
18 committee and this administration, there was a
19 proposed senate bill that couldn't get out of the
20 committee for years and years, and the industry
21 tried. That is really just an end run to do try to
22 by it by administrative rule when you can't do it by
23 committee.
24 CHAIRWOMAN SULLIVAN: And woman didn't have a

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1 vote for many years, and it was brought up and
2 brought and brought up, and it was finally passed.
3 So just because it hasn't gone through yet doesn't
4 mean it's not a good thing, or that it shouldn't go
5 through at some point in time.
6 MR. KIRSCHNER: I've looked at ten years of
7 injuries in this industry, in this state. I can't
8 find one that would have been prevented by any of
9 these rules.
10 Have you studied anything to tell me
11 whether or not when you say this will prevent --
12 CHAIRWOMAN SULLIVAN: I have studied many
13 injuries.
14 MR. KIRSCHNER: Okay.
15 CHAIRWOMAN SULLIVAN: I have studied people
16 standing up in a ride when the ride has side-to-side
17 motion that will throw them out, and right in front
18 of them it says there is a warning saying, "Do not
19 stand up."
20 And they get thrown out and either badly
21 hurt or killed. So, you know, those kinds of
22 things, when you have seatbelts, when you have lap
23 bars, when you have operators telling them, and they
24 do it anyway, you know, maybe one more thing that

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1 tells them --

2 MS. RHODES: Do we believe this will minimize

3 the number of people who stand up when they're not

4 supposed to stand up?

5 CHAIRWOMAN SULLIVAN: I think we should go at

6 every single avenue that we have available to us to

7 lower the number of injuries and incidents on

8 amusement rides, and this is one area where we have

9 almost nothing. This is from another state that is,

10 in fact, part of their state law.

11 MS. RHODES: Do they believe this has

12 influenced --

13 CHAIRWOMAN SULLIVAN: Yes.

14 MR. KIRSCHNER: Show me one study that shows

15 that their rule prevented --

16 CHAIRWOMAN SULLIVAN: Can I please talk without

17 being interrupted, Dan?

18 Ohio, for instance, has enacted a law

19 similar to this, and they said that their actual

20 incidents of accidents to passengers reduced after

21 it was put into effect because passengers felt like,

22 "Oh, I guess I can't do anything I want."

23 Now, does it make everybody behave and do

24 the right thing? No. We don't have a public that

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1 takes that responsibility; but in the states in

2 which these kinds of laws have been enacted, they

3 have actually reduced the number of accidents.

4 MS. RHODES: I would love to read that study if

5 you don't mind, either now or later, providing the

6 reference.

7 CHAIRWOMAN SULLIVAN: I talked to the

8 Department people, and they're the ones that have

9 the statistics.

10 MR. KIRSCHNER: There is nothing you can share

11 with us?

12 CHAIRWOMAN SULLIVAN: No.

13 MR. KIRSCHNER: Okay. Let me ask you, what

14 about situations where we all agree riders aren't

15 supposed to be putting their hands outside moving

16 cars and all that?

17 When the industry advertises on its own

18 website pictures of riders with their hands outside,

19 what kind of message does that send to riders? On

20 the one hand, you're saying, "Riders don't do this,"

21 but the advertisement the industry has it. It shows

22 it.

23 CHAIRWOMAN SULLIVAN: It's specific to the

24 ride. There are some rides where it's fine, and

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1 other rides where it's not.

2 MR. KIRSCHNER: And the rider is supposed to

3 figure that out?

4 CHAIRWOMAN SULLIVAN: Well, no, there would be

5 signage in front of the ride.

6 MR. KIRSCHNER: This is a one size fits all, is

7 it not, or are you suggesting that some of these

8 people on some of the rides should do?

9 CHAIRWOMAN SULLIVAN: Well, it says, "Follow

10 the directions of the operator and the posted rules,

11 warnings and prerecorded instructions."

12 MR. KIRSCHNER: But nothing from this Board is

13 governing what those warnings are, what those rules

14 are?

15 CHAIRWOMAN SULLIVAN: No, because they are

16 probably different for almost every ride. That is a

17 manufacturer and operator responsibility, and it's

18 already in the ASTM Standards that they have to do

19 that; and by being in the ASTM Standards, our

20 standards relate to those. So, yes, they have to

21 post what riders should not or should do.

22 MR. KIRSCHNER: How does reporting an injury

23 make the rider safer for that ride that they are

24 injured on?

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1 CHAIRWOMAN SULLIVAN: Because if it's not

2 reported, then often the rider or their parents, if

3 they're not with them, do not know what ride it

4 happened on; and if they don't know what ride -- on

5 what ride an incident happened, then the owner has

6 no way to look into it and see if something is wrong

7 with their ride, or call the manufacturer and say,

8 "Hey, I just had an accident on my ride, and this is

9 what happened."

10 And then the operators and the

11 manufacturers, and usually the inspectors who are

12 also called, work together and try to find a

13 solution to keep that from happening again.

14 MS. RHODES: I've worked at places where we've

15 asked customers to provide information about events

16 and where for that reason so we can learn.

17 CHAIRWOMAN SULLIVAN: If the operators don't

18 know.

19 MR. KIRSCHNER: I understand that aspect of it.

20 CHAIRWOMAN SULLIVAN: Then there's nothing they

21 can do to keep it from happening again.

22 MR. KIRSCHNER: But when you got your opinion

23 from riding them, did they advise you that there is

24 no other private industry in the State of Illinois

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1 that has those requirements?
2 Is that the only public industry that has
3 one? The last one was the CTA on the Metropolitan
4 Transportation Act that was abolished by the
5 legislature a couple years ago because it was using
6 to Draconian measures to bar people from litigation
7 and the reporting it.
8 CHAIRWOMAN SULLIVAN: This isn't to bar people,
9 and it says, in fact --
10 MR. KIRSCHNER: That actually was on the
11 required versions you passed around. It is your
12 agenda, is it not? It was on prior versions you
13 passed around.
14 CHAIRWOMAN SULLIVAN: It is part of the agenda
15 because if owners and manufacturers don't know that
16 accident happened, then we can't prevent it from
17 happening again, if we don't know what happened or
18 why it happened.
19 And that's very important to the whole
20 process of improving the safety, and it's not --
21 there's nothing in here that prevents someone from
22 suing or doing anything; but it also, if they don't
23 report it, then the company's insurance can't go
24 cover it right away, and it takes a lot longer for

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1 those people who may be get things worked out and
2 get their bills paid.
3 MS. RHODES: And that's true, but that also
4 feels like we're going away from the rider safety
5 piece, and we're trying to address some other things
6 that kind of get what I feel is more underlying
7 versus people not getting hurt.
8 CHAIRWOMAN SULLIVAN: Well, and again, you know
9 you, if somebody does get hurt, they want to be able
10 to take care of them and do the right thing. I
11 don't know of a carnival or park that is if someone
12 does get hurt, that they don't want to help take
13 care of it, be sure that person is taken care of,
14 and take them to the hospital, call the ambulance,
15 whatever needs to be done.
16 MR. KIRSCHNER: So if a carnival has actual
17 notice there's been an injury because they took care
18 of them, well, then, does the parent still have to
19 fill out a written report of the incident at the
20 carnival?
21 CHAIRWOMAN SULLIVAN: If the carnival is there,
22 if the carnival is notified then and there, then,
23 yes, they'll fill out a report.
24 MR. KIRSCHNER: If the carnival is aware of it.

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1 CHAIRWOMAN SULLIVAN: At the time.
2 MR. KIRSCHNER: Is there still an onus on the
3 rider to fill out in writing a separate report?
4 CHAIRWOMAN SULLIVAN: They would probably be
5 filling it out along with them.
6 MR. KIRSCHNER: Really, while they're in the
7 ambulance on the way to the hospital?
8 CHAIRWOMAN SULLIVAN: Did you not read this?
9 MR. KIRSCHNER: I did.
10 CHAIRWOMAN SULLIVAN: It said if they can't do
11 it at the time, it can be done later.
12 MR. KIRSCHNER: What if they don't do it later?
13 CHAIRWOMAN SULLIVAN: Well, then, how is the
14 carnival or park ever to find out?
15 MR. KIRSCHNER: Assume if a kid is taken away
16 by ambulance, the park knows what happens, right?
17 CHAIRWOMAN SULLIVAN: Not if they don't know
18 what ride it happened on or how it happened, and
19 part of the whole thing is to make our state safer.
20 If you don't know how something happened,
21 or on what ride it happened, you can't address it.
22 I mean, especially if the parent wasn't there with
23 the child, the child may not know. Say a
24 ten-year-old, 12-year-old, even 14-Year-old may not

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1 even know the name of the ride they got on.
2 MR. KIRSCHNER: Okay. So what's the purpose of
3 the rule if the person is not following the rule?
4 Someone doesn't do the report, what is the
5 implication? What is the rule without implication?
6 CHAIRWOMAN SULLIVAN: They should do a report
7 and let them know.
8 MR. KIRSCHNER: What is the purpose of the rule
9 if they're not following the rule? If someone
10 doesn't do the report, what's the affect on that
11 rider?
12 CHAIRWOMAN SULLIVAN: Then them not doing the
13 report may allow someone else to get hurt.
14 MR. KIRSCHNER: And you're saying it will have
15 no affect on them?
16 CHAIRWOMAN SULLIVAN: What affect does it have?
17 MR. KIRSCHNER: Well, prior versions exclude
18 their ability to pursue a remedy.
19 CHAIRWOMAN SULLIVAN: Well, did you read this?
20 This doesn't have this in it.
21 MR. KIRSCHNER: That is what makes no sense.
22 CHAIRWOMAN SULLIVAN: This does not have that
23 in it, so I don't know why you're arguing that.
24 This does not preclude them having a remedy.

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1 MR. KIRSCHNER: So how do we regulate a person
2 -- they can't do it at the scene. How do we
3 regulate someone who is no longer at the carnival
4 and tell them they have to do something later on?
5 CHAIRWOMAN SULLIVAN: Well, if the carnival,
6 for instance, calls them, if they got any kind of
7 information from them at the time, because a
8 carnival can't go to a hospital and say, "Okay, what
9 was the name of the person and what's their
10 address?" Because the hospital can't give that to
11 them because of HIPAA.
12 MR. KIRSCHNER: It doesn't stop them from
13 calling.
14 CHAIRWOMAN SULLIVAN: But they won't get it.
15 That's why the parent, the parent or the individual,
16 needs to give it to them. And if all they can fill
17 out is their name of and what happened, and what
18 ride it was on, at least it's that much helpful to
19 the park or carnival.
20 MR. KIRSCHNER: Okay. Why isn't your lobbyist
21 trying to get this through legislature?
22 CHAIRWOMAN SULLIVAN: Because it needs --
23 MS. VAUGHN: Because it hasn't been tried in
24 the legislature when you're talking about the past

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1 ten years. I've been with them for ten years, and
2 so we can reserve it for public comment.
3 CHAIRWOMAN SULLIVAN: So would we like to have
4 any real discussion of this and not just knocking it
5 to try to get rid of it? Are there ways that we can
6 change it so that's it's more accessible or things
7 that we can add to it.
8 Maybe first the onus is on all these
9 things to be written down in different signage in
10 front of rides or as the people come in, or at the
11 ticket box, or --
12 MR. KIRSCHNER: I think it's helpful if we
13 create a meaningful education program that operators
14 have to educate riders. This isn't a meaningful
15 education program.
16 CHAIRWOMAN SULLIVAN: I have actually developed
17 a meaningful education program and have offered it
18 to this agency, to different agencies in the U.S.
19 and Canada and other countries, and where someone
20 has taken hold of it and used it, because you're not
21 going to get people properly educated completely if
22 you say, "Okay, now you have to go to class before
23 you can ride the ride."
24 MR. KIRSCHNER: This is not is your education

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1 program? You said you have an education program.
2 That's not this?
3 CHAIRWOMAN SULLIVAN: I have an education
4 program, and it includes some of these things. It's
5 for grade-school children.
6 MR. KIRSCHNER: Why don't we try to draft the
7 education program that the operators use?
8 CHAIRWOMAN SULLIVAN: Do you think they're
9 going to have a classroom for people as they come
10 in? Do you want to put that into the law that they
11 have a classroom that all riders have to go through
12 before they go in to ride rides?
13 MR. KIRSCHNER: You're the education
14 specialist. Tell me about that how do you educate
15 riders. This doesn't educate riders.
16 CHAIRWOMAN SULLIVAN: You're the one arguing it
17 doesn't. You are the one saying we should have an
18 education program there. So you tell me. So you
19 don't have any good ideas about that?
20 MR. KIRSCHNER: My idea is this isn't
21 education, and it just doesn't fall under the
22 purview of this Board.
23 CHAIRWOMAN SULLIVAN: I think anything that
24 improves the safety of riders in the State of

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1 Illinois is the purview of this Board. It's a
2 Safety Act. Joe, do you have any comments?
3 MR. REDSHAW: I'm just taking it all in. I'm
4 not sure at this point.
5 CHAIRWOMAN SULLIVAN: Okay. Linda, do you have
6 any other comments that might be helpful to making
7 this a more palatable piece of education?
8 MS. RHODES: While I am not a lawyer, so I
9 don't try to speak in those terms, I'm still not
10 sure this is part of what we should be doing.
11 As a safety professional, I don't see how
12 a piece of paper of this sort helps to improve
13 safety. What I want us do is improve safety of the
14 riding public or continue to. So my request --
15 CHAIRWOMAN SULLIVAN: Okay.
16 MS. RHODES: -- is if this Board could be put
17 in touch with your resources in Ohio and the other
18 states who have adopted something like this, so that
19 we can talk to them, read some studies, perhaps,
20 that they've done; and if this has, as far as the
21 Board is concerned, proven to be something that has
22 mitigated rider injury or improved rider safety in
23 other states, then we'll be in a more informed
24 position to make some decisions about it.

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1 But at least right now, I'm not even in a
2 position where I think here is how it should be
3 changed. I don't feel like it fits, and I would
4 love that opportunity to consult with your
5 resources.
6 CHAIRWOMAN SULLIVAN: Okay. I will -- I don't
7 know how you want to go about that, have them give a
8 program at a meeting for us.
9 MS. RHODES: Whatever studies they used to make
10 their conclusion that this contributed to fewer
11 events, lesser risks, making those studies available
12 to us.
13 CHAIRWOMAN SULLIVAN: Their statistics?
14 MS. RHODES: Would be a start. No, their
15 statistics wouldn't say that this contributed.
16 There could be a number of things that they've done,
17 but they've done something to come to the conclusion
18 that this contributed to fewer events. So that is
19 what I would like.
20 CHAIRWOMAN SULLIVAN: If their accidents were
21 increasing, and after this was put into effect they
22 were decreasing.
23 MS. RHODES: I've been in safety 30 years, an
24 not necessarily.

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1 CHAIRWOMAN SULLIVAN: It would be cause and
2 effect.
3 MS. RHODES: Not necessarily. Unfortunately, I
4 know too much about event statistics to know that
5 that isn't necessarily the case, but I'm not saying
6 they don't have information that would be
7 informative to us. That's why I would love it if we
8 can speak with them.
9 CHAIRWOMAN SULLIVAN: I will contact those
10 people and see what I could find out.
11 MS. RHODES: Thank you.
12 CHAIRWOMAN SULLIVAN: As a safety professional,
13 do you warn your employees how to act safely in the
14 environment?
15 MS. RHODES: Warn them to act safely? It's
16 different because they work for us.
17 CHAIRWOMAN SULLIVAN: Yes.
18 MS. RHODES: But to answer your specific
19 question, apples and oranges. Of course we have
20 risk mitigation protocols within every organization
21 I've ever worked.
22 CHAIRWOMAN SULLIVAN: Okay.
23 MS. RHODES: We have risk mitigation protocols.
24 CHAIRWOMAN SULLIVAN: Then like with Ameren,

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1 for instance, because I have Ameren, I don't have
2 Commonwealth Edison, I receive things in the mail
3 saying, "This is what you should doing. These
4 things you should not do," trying to educate the
5 public. However --
6 MS. RHODES: I'm not saying let's not educate
7 the public. In fact, I'm saying let's educate the
8 public. I am a big proponent of educating the
9 public.
10 CHAIRWOMAN SULLIVAN: Okay.
11 MS. RHODES: I'm not here speaking on behalf of
12 Com Ed, but Com Ed has a very large safety outreach
13 program. I'm a big fan. That's one of the reasons
14 I went to work there. So I am a big fan of that.
15 There are a lot of different ways that
16 companies and organizations that are public facing
17 can use to mitigate injury and fatality risks. I
18 feel like this is a, you know, a careful-falling-ice
19 sign, and I would love to see us use our resources
20 better.
21 CHAIRWOMAN SULLIVAN: But you said -- but when
22 you were talking about that, you were talking about
23 cutting off the sidewalk to the public, and so
24 closing down the rides really isn't an option.

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1 MS. RHODES: And I wasn't implying that that
2 was one. What I was saying was there are steps that
3 people who are in charge can take to mitigate risks
4 besides just putting up a sign. Signs are
5 important.
6 You can't just put up a sign and say,
7 "Okay." That doesn't make this much safer, but if
8 something happens, then when I get in court I can
9 say I had a sign. That is how I feel when I see
10 those signs.
11 I was in no way saying that the operator
12 should shut down our rides. So maybe I shouldn't
13 give examples, if that's how it's coming across to
14 you and potentially someone else.
15 CHAIRWOMAN SULLIVAN: That was how that came
16 across.
17 MS. RHODES: That example meant that the
18 building owner could take a step to do something to
19 make it safer versus saying, "Let me just put out a
20 sign and still let the ice fall."
21 So if I have a ride that has ice falling,
22 I am going to close it down. I'm not going to put
23 up and sign that says, "Watch out, ice is falling."
24 So be careful in this particular situation." That's

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1 apples and apples.
2 But saying that I'm advocating for
3 shutting rides down, if we shut them all down, we
4 would have ultimate public safety. That's not what
5 I'm saying.
6 MR. CHAVIANO: If I may, because I think
7 there's been a lot of back and forth. I think it's
8 been very educational, but I think one key component
9 here is whether at the end believe of the day, this
10 falls within the purview of our rule-making
11 authority.
12 You know, Mr. Kirschner has phrased that
13 as an issue. I think it's a valid one. So what I
14 suggest is that this be submitted to us. I will
15 have my general counsel review it from that
16 standpoint; and if, in fact, this does not fall
17 within the purview of our rule-making authority,
18 then the question is moot.
19 If it does fall, then, you know, we've got
20 more discussion to be had. So that would be my
21 suggestion that at this point, there be a motion
22 presented to present that to the Department for the
23 purpose of making that determination, and we'll get
24 back to the Board.

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1 MS. RHODES: I support that. Thank you.
2 CHAIRWOMAN SULLIVAN: So are you making a
3 motion?
4 MS. RHODES: Did you need a motion here?
5 CHAIRWOMAN SULLIVAN: Well, that's what the
6 Director said.
7 MR. CHAVIANO: I think that would probably be
8 the best way to handle it, adopting it as going back
9 and forth here, and maybe that will put it to rest
10 one way or the other.
11 MS. RHODES: Thank you. Thanks, Patty. Yes, I
12 make a motion that this rider safety language for
13 the Illinois Ride Safety Act be presented to the
14 Department's legal team to determine whether or not
15 it falls within our purview before we do anything
16 else or spend any more time on it.
17 CHAIRWOMAN SULLIVAN: Okay. Do I hear a
18 second?
19 MR. KIRSCHNER: Second.
20 CHAIRWOMAN SULLIVAN: Okay, we have a second.
21 Those in favor?
22 (A chorus of ayes.)
23 MR. CHAVIANO: Thank you.
24 MS. RHODES: Thank you.

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1 CHAIRWOMAN SULLIVAN: The next thing is
2 introductions. Would you like to make the
3 introductions, Director?
4 MR. CHAVIANO: Well, I guess one of the people
5 that I would like to give the word to, to make an
6 introduction, is my Assistant Director who has
7 joined me here today, and she's got two very special
8 guests that she would like to also introduce.
9 MS. HUI: Oh, yes. With me here today are two
10 high school students who are very interested in the
11 state government. We invited them here to the
12 public meeting today. We have Ashley Fru. Fru is
13 her last name, from Hinsdale Central, and Domingo
14 Su, from Notre Dame Prep.
15 CHAIRWOMAN SULLIVAN: From where?
16 MS. HUI: From Notre Dame Prep, College Prep.
17 My name is Anna Hui.
18 CHAIRWOMAN SULLIVAN: Well, welcome. We're
19 glad you could come today.
20 MR. CHAVIANO: So not to steal the thunder from
21 our man of the hour, our new chief ride inspector,
22 Tom Coe, but I will pass it on for the division
23 manager, Bill, to take it from here.
24 MR. SZERLETICH: Okay, thank you. The name is

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1 Bill Szerletich. I'm the Acting Division Manager
2 for the Amusement Ride Safety Division.
3 First of all, I would like to recognize
4 the staff that we do have here, as far as the
5 Amusement Ride Division. Barbara Royer from the
6 Chicago area is here. Mat Roman is not here. He is
7 from the northwest or he inspects the northwest
8 portion of the state.
9 Brian Brown supports and inspects the
10 southern part of the state, and Pete Tomczuk is the
11 other Chicago inspector, and he inspects Chicago
12 areas south.
13 And I just want to recognize them for the
14 amount, as you'll see when we get into the slide,
15 the amount of inspections that we've done this year.
16 Everything has increased, and we were able to do
17 that with this staff, and one of those staff
18 actually being on limited duty for a portion of that
19 duty. So they did a good job, you know, with the
20 smaller work force, a larger workload, and they also
21 did it with minimal comp time. So my recognition
22 for that.
23 CHAIRWOMAN SULLIVAN: I think they deserve a
24 big hand.

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1 MR. SZERLETICH: I'll pass that on.
2 CHAIRWOMAN SULLIVAN: Yes.
3 MR. SZERLETICH: So we've got a new chief ride
4 inspector that came April 15th, and he I believe is
5 DCEO you came from?
6 MR. COE: Yes.
7 MR. SZERLETICH: And he brings a lot of
8 experience to our division. He's definitely an
9 asset to our division. He's really stepped up
10 because when he came into this, we had quite a few
11 things waiting for him.
12 So he took it on, you know, head on and
13 completed it all. None of the inspections or the
14 facilities that he was, you know, involved in, they
15 all opened up on time. They didn't have any delays.
16 It was quite a bit to take on, but Tom Coe is our
17 new chief ride inspector.
18 MR. COE: Well, thank you for the opportunity.
19 To give you a little bit of background on myself, I
20 graduated in 1986 from the University of Illinois
21 with a Bachelor's in Mechanical Engineering.
22 I've been a licensed professional engineer
23 for the last 25 years. As Bill said, I have worked
24 for the State for the last 29 years, which is

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1 basically my whole working career.
2 During that career, we focused entirely on
3 the energy-efficiency field. We did most of the
4 work for the State of Illinois owned buildings,
5 design work on their HVAC he question, energy
6 efficiency.
7 The last portion of my tenure with DCEO, I
8 was one of the prime developers of the
9 energy-efficiency program for the STATE Of Illinois,
10 in conjunction with the utility companies, Com Ed
11 and Ameren, and ran that program for seven years.
12 It was a \$120,000,000 roughly budget that we worked
13 with.
14 On a personal note, some of what I do
15 correlates fairly well with the current job that I'm
16 going to hold. When my son was younger for four,
17 five years, I was actually the racing director of
18 safety and tech for our racing club.
19 For the last 15 years, I have worked
20 part-time in a racing fabrication shop. That is
21 where I learned to weld and do a lot of high-end
22 fabrication.
23 CHAIRWOMAN SULLIVAN: This is cars?
24 MR. COE: Race cars, midjets and sprint cars,

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1 was a big portion of it. A lot of that developed
2 from the racing that my son did.
3 As Bill said, April 15th is when I
4 started. There was quite a lot to do. There was a
5 lot to cover, and I'm very new at this; and, believe
6 me, I have a lot to learn.
7 Bill is a great teacher. You know, the
8 information that he hasn't said, hopefully I'll be
9 able to grasp all that in less than ten years. As
10 Bill said, we had a huge backlog on the
11 non-destructive testing reports.
12 One of the things that was odd this year
13 was the number of new zip lines that came into the
14 state. There is two completely brand new zip lines
15 that came in, and two existing zip lines, which all
16 four of those companies had significantly different
17 elements that needed review and improvement from
18 DOL, and that is pretty much where we are right now.
19 Questions?
20 MR. SZERLETICH: Zip lines are fairly new,
21 really, to us. Not only did we deal with two brand
22 new installations coming into the state right when
23 Tom came on, we had one that was adding on to it,
24 and one of those new ones was also a zip line that's

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1 up here in Chicago, a zip line and a ropes course.
2 So there was a lot of variables in these
3 zip lines that Tom literally walked into, and he did
4 a great job with talking with the engineering, and
5 going out and seeing the sites and, you know, really
6 just sponging it all up and collecting all the
7 information he can from the engineering and also his
8 own experience, and brought up some very interesting
9 points to their engineering and together worked it
10 out to where everybody was happy.
11 Permits, they are all permitted and ready
12 to go. So another thing I'll go over is the
13 statistics. Like I mentioned earlier, everything is
14 up. All the way across, initial inspections are up
15 90. Our total inspections 40, 13 new companies, 17
16 new locations, 60 rides, 58 rides.
17 So that's quite a bit, and this is mid --
18 this is just six months. We usually see another,
19 you know, handful of companies or better coming in
20 around the State Fair later on in the year. So I
21 expect by the time we have this meeting again in
22 January, those numbers will be more. So they are
23 up.
24 We are back full strength with all our

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1 inspectors. We should be able to meet that demand.
2 We have so far. Seven incidents we've had so far:
3 We had a simulator had a shoulder injury; a swinger,
4 a head and neck injury, concussion; go cart, broken
5 wrist; an octopus ride, dislocated hip; inflatable
6 slide, someone fell off and hurt their arm, arm
7 injury; and two of them here, two coasters, the X
8 Flight and the Demon Coaster, they were both
9 seizures. The CDH is the injured party. So that's
10 where we're at with that.
11 Some of the office updates that we've had,
12 we've enhanced the ePay part of our program to where
13 it's a little easier for people that are getting on
14 to register the rides that they have, you know,
15 whether it be registering rides or paying a fine or
16 paying an expedited fee, it's all separated, and
17 it's easier for our people to see what those charges
18 are for.
19 Before it would just come in, and we would
20 have to figure out what they're for. That sometimes
21 would prove to be difficult. So we've enhanced it
22 to where they are separated. We did the same thing
23 with the rides program.
24 So we can actually, you know, separate it

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1 and see what fees are for what. It makes life a lot
2 easier for the people that have to go through those
3 and, you know, look at the numbers on that.
4 Another thing we're trying to accomplish
5 hopefully by the next meeting, we will have this
6 done, but we're trying to pre-populate applications
7 that's going to help the operators.
8 A lot of times we find ourselves chasing
9 our tail because they'll register the rides with one
10 serial number. The inspector goes out and inspects
11 it, writes down another serial number.
12 And then when we verify the permits, we'll
13 change the number to what the inspector put down,
14 because we figured the inspector is there. He sees
15 the ride. He's wrote the number right off the ride.
16 Then when they register again, they put
17 their number back on it again. So we're constantly
18 chasing our tail. If we pre-populate the
19 applications with their rides, all the serial
20 numbers are on there, the rides are on there.
21 The only thing the operator would have to
22 do is any type of change throughout the year,
23 whether it is an addition of a ride, or taking a
24 ride off or two, whatever, that's all they've got to

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1 do is take that ride off or add on whatever they
2 want.
3 And, for the most part, all the rides stay
4 the same, except for maybe an addition or
5 subtraction of one or two rides. So it's going to
6 make everybody's, you know, job a little easier.
7 What we'll do is basically send out an
8 E-mail that has their application to, you know, send
9 an E-mail to each operator with their application
10 and their rides on there, and they make any changes
11 that need to be made. We're hoping to have that
12 done.
13 CHAIRWOMAN SULLIVAN: If I could ask. The ePay
14 Illinois, they can just use a credit card or
15 something?
16 MR. SZERLETICH: Credit card. You can do an
17 eCheck. We do not -- well, ePay Illinois does not
18 accept Visa yet. So discover, American Express,
19 eCheck, MasterCard, but not Visa.
20 This is just some things that I've been
21 hearing around the industry. Mainly the same County
22 Fair, I heard a report that their revenues are up,
23 which is good news. I've talked to some of my
24 operators, they're having good years.

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1 You know, the rain is not hurting them.
2 The heat is not hurting them too bad. The people
3 I've talked to are pretty happy. The Illinois State
4 Fair, Adventure Village is getting some new track
5 work done for the train that operates at Adventure
6 Village. That's going to be good.
7 That's been a long time coming. It's
8 finally getting done. It's been a long time so
9 we're glad to see that. Margaret, I wanted to ask
10 you how about the people in Chicago area that you
11 talked to, have you talked to any of your operators?
12 MS. ROYER: Yes, we absolutely have, I think,
13 seen an uptick in things going well these past few
14 seasons. We have some operators here that possibly
15 could back it up, too.
16 People are purchasing rides. I know for a
17 few years that things were kind of -- people were
18 maybe a little more cautious, maybe redoing their
19 rides as opposed to going out and purchasing new
20 once.
21 I've actually had a couple of cities that
22 have had -- they brought their carnival back. When
23 the economy was kind of down, and a lot of them lost
24 funding and things likes that, they actually

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1 canceled their carnivals, and I have had a couple
2 that have actually -- their carnival has come back,
3 and they're having it again this year.
4 So I think that there is definitely
5 hopefully a rebound on that. But like I said, we
6 have had several shows get new equipment, new big
7 equipment, as opposed to just maybe a kiddie ride
8 or, like I said, refurbishing a ride.
9 MR. SZERLETICH: Well, it will be interesting
10 to see how the other county fares when the season
11 wraps up how they did. So the last thing I would
12 like to talk about is some of you guys may or may
13 not be aware about XtremeAir 5K or same inflatable
14 5K or a couple companies that are coming to
15 Illinois.
16 I'm sure there is no companies that have
17 these, but these are huge inflatables coming to
18 Illinois by year's end. I know that XtremeAir 5K is
19 coming to Joliet by October, I think it is.
20 Basically, what it is it's a competitive challenge
21 course.
22 I mean, they lay these huge inflatables
23 out in a train like, you know, and make it a course
24 that you go from one to the other to the other to

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1 the other, and it's designed to work you well.
2 MS. RHODES: It's designed to what?
3 MR. SZERLETICH: Work you out, running a 5K.
4 MS. RHODES: Okay.
5 MR. SZERLETICH: So these are some pictures
6 that I included in the handout. You can see how
7 steep it is. They start with handles. So, I mean,
8 it's challenging.
9 MS. RHODES: I was trying to think what this
10 was like. It's like the TV show that I can't think
11 of.
12 MS. ROYER: American Warrior.
13 MS. RHODES: There's another one, too. Wipe
14 Out.
15 MR. SZERLETICH: Wipe out. That is exactly
16 what I thought of when I seen it. That's probably
17 the easiest one to go through.
18 The pictures don't really do it any
19 justice, but you'll see, when I get up to a certain
20 picture, how big these things are, but a lot of
21 activity.
22 MR. CHAVIANO: Wall to wall.
23 MR. SZERLETICH: Yes. Ain't that something?
24 This is a guy. These balls are five-foot tall and

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1 four-foot tall, and you run through these things,
2 and just a little bit of space you see in between
3 them. You know those things are bouncing you all
4 over the place.
5 So a lot of these inflatables -- say, for
6 instance, a regular slide. A regular slide probably
7 takes one blower that's a horse-and-a-half,
8 horsepower-and-a-half, or maybe two blowers that's a
9 horsepower. These take six to eight, two horse
10 blowers. So they're pretty extreme.
11 CHAIRWOMAN SULLIVAN: So what do they do, they
12 go on top of the ball?
13 MR. SZERLETICH: They run through them.
14 CHAIRWOMAN SULLIVAN: In between them?
15 MR. SZERLETICH: Yes, see how the little space
16 is?
17 MS. RHODES: Like a maze.
18 MR. SZERLETICH: You just get it moving, it's
19 just going to bounce you against the wall and bounce
20 you back. So it kind of beats you up as you are
21 going through it.
22 CHAIRWOMAN SULLIVAN: I don't want to do that.
23 MR. SZERLETICH: These pictures don't do it any
24 justice. You know, like this one, it looks like it

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1 may be about 90 feet long. Some of them are 30-foot
2 wide. Some of them are 50-foot wide, 50-foot tall.
3 They are huge. 118-foot long, 26-foot wide, 21 feet
4 high. Uneven surfaces.
5 You see a lot of angles getting caught up
6 in that. There's another picture of a guy. And
7 then, you know, the last picture I want to show you
8 is the layout.
9 So what I've been hearing, and of course
10 we're going to go check it out when they come, but
11 they'll lay all these out, as you see, and this is
12 the course. They've got hydration stations.
13 They've got medics standing by.
14 CHAIRWOMAN SULLIVAN: That's good.
15 MR. SZERLETICH: They've got thousands of
16 people, supposedly anywhere from 2 to 9,000 people,
17 that show up for this event. You know, and a lot of
18 them is multi-lane, you know, six people at a time
19 and they're racing.
20 MS. RHODES: Bill, you probably said this, but
21 it's an event? It's not something that is coming?
22 It's going to be an attraction for a long period of
23 time? I'm just curious.
24 MR. SZERLETICH: This is an event that's

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1 coming. They travel from state to state. Margaret,
2 I think you've said that you've seen one of these or
3 two of these in the state?
4 MS. ROYER: I actually have some of my larger
5 companies that have inflatables have some of these
6 individual pieces, especially geared towards that
7 show like the Wipe Out.
8 They have the red ball challenge where you
9 don't run between those balls, you jump from ball to
10 ball to ball. There's a lot of interactive ones,
11 and they are geared towards more teenagers, high
12 schoolers.
13 They do have a lot of high school
14 lock-ins, college events. You know, in other words,
15 it's not just your five-year-old in a bounce house
16 anymore. I mean, they are very much geared towards
17 adults, and they are very interactive.
18 A very popular one is called The Gauntlet.
19 I think there is a picture of one there, but that's
20 not the same one I seen. It has a mechanical arm
21 that literally goes around in a circle, and you
22 stand on a pedestal; and when the arm comes, you
23 have to jump it.
24 MS. RHODES: I've seen that on TV.

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1 MS. ROYER: Yes. And so, yes, they are very,
2 very popular. Like I said, I have companies that
3 have individual pieces like this. I've never
4 actually seen them where they put them altogether
5 like a race yet.
6 MS. RHODES: Is there an opportunity for, and
7 would it be appropriate for us, to capture any
8 lessons learned from places that have hosted these
9 events in the past, just so that we could kind of
10 get ahead of it being here?
11 MR. SZERLETICH: I'm sure we can, you know,
12 give them a call, or even call the other
13 jurisdictions that's have them. They schedule them
14 on the website.
15 MS. RHODES: Places where they went, just for
16 lessons learned, something they wish they had known
17 before it got to their town.
18 MR. SZERLETICH: True.
19 MS. RHODES: If they had known, they would have
20 worked with us.
21 CHAIRWOMAN SULLIVAN: Do we inspect these?
22 MR. SZERLETICH: Yes.
23 CHAIRWOMAN SULLIVAN: Really?
24 MR. SZERLETICH: Yes.

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1 MS. ROYER: It's an inflatable.
2 MR. SZERLETICH: They have purview of an
3 inflatable, the definition of an inflatable. It's
4 everything that an inflatable is, the tie-downs, the
5 sand bags. It's just everything is a lot bigger.
6 CHAIRWOMAN SULLIVAN: Well, it seems to me like
7 they are kind of designed to hurt people.
8 MS. RHODES: That's our generation, that's all.
9 CHAIRWOMAN SULLIVAN: It's a not our
10 generation.
11 MS. RHODES: That's our generation that these
12 are that way.
13 CHAIRWOMAN SULLIVAN: It's the new generation.
14 MS. RHODES: It's our generation that feels
15 that way would.
16 MR. KIRSCHNER: Finally, something I would go
17 on.
18 CHAIRWOMAN SULLIVAN: Pardon me?
19 MR. KIRSCHNER: Finally something I would go
20 on.
21 CHAIRWOMAN SULLIVAN: You just go right ahead.
22 MR. SZERLETICH: Joliet in October. There is
23 the website. They've got a lot of information on
24 there about it. Like I said, it pretty much it said

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1 it all. It talked about having medics on hand and
2 hydration stations.
3 MS. RHODES: The way they do for 5Ks though, in
4 fairness, is when there is a 5K or a half marathon
5 or marathon, there are medics and hydration. It's
6 intensity.
7 CHAIRWOMAN SULLIVAN: Yes.
8 MS. RHODES: I understand that. I just wonder
9 if there are other things we could learn from the
10 jurisdictions. It would be nice for us to know that
11 we could pass on to the inspectors, for example.
12 CHAIRWOMAN SULLIVAN: Are they for adults?
13 MR. SZERLETICH: Sure. I think those are, but
14 I think they have some smaller challenges for
15 younger ones, too.
16 CHAIRWOMAN SULLIVAN: What happens when people
17 get hurt on them? I mean, there's got to be broken
18 ankles.
19 MR. SZERLETICH: I would think so. That would
20 probably be one of the things I would ask. I think
21 I'll petition the fair site and see what other
22 jurisdictions have had to deal with and ask them,
23 you know, what they've had as far as injuries with
24 them and such. Some states may not allow them. I

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1 don't know.
2 CHAIRWOMAN SULLIVAN: To me, these look like
3 they're a whole lot more dangerous than the balls
4 are.
5 MR. SZERLETICH: Yeah. Well, the wild balls
6 have the air issue. Everything zipped up in the
7 hamster ball. That was one of the big things that
8 the CPSC was concerned.
9 CHAIRWOMAN SULLIVAN: Back to where all those
10 balls are and things, where you're supposed to walk
11 in, what if somebody has a heart attack in there?
12 MR. SZERLETICH: They have operators at every
13 one, just like regular inflatables.
14 CHAIRWOMAN SULLIVAN: Do they get through them
15 any easier?
16 MR. SZERLETICH: I'm sure they do.
17 CHAIRWOMAN SULLIVAN: Get people out any
18 easier?
19 MR. SZERLETICH: I'm sure they have a training
20 program and they practice their --
21 MR. CHAVIANO: Hope for the sign.
22 MR. SZERLETICH: And they practice.
23 CHAIRWOMAN SULLIVAN: If you don't want to get
24 hurt, don't go on this ride.

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1 MR. SZERLETICH: I'm sure they have a drill,
2 just like the haunted houses. They have a drill as
3 to how to get in there, get through there.
4 MR. KIRSCHNER: Is there a rapid deflate
5 mechanism?
6 MR. SZERLETICH: I don't think so. Well, I
7 don't know, actually, I should say. If anything, it
8 would probably be -- well, they'll want it to be a
9 slow deflate, but whether they have flaps to allow
10 it to collapse quickly, I don't know. I would
11 assume so. We'll find more out about it when they
12 get here.
13 MS. RHODES: Thanks for the heads up.
14 MR. SZERLETICH: Yep. Like I said, there's the
15 website if you want to find out any more information
16 on it. I'll see what I could do about asking the
17 other states. Like I said, they have their schedule
18 on the website. So I could see what states that
19 have them and whether they regulated them.
20 CHAIRWOMAN SULLIVAN: I don't think there's --
21 I mean, considering the whole point of these things,
22 it's a concern to me that we're even inspecting them
23 because they're not designed for -- I mean, these
24 are designed to hurt.

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1 MR. SZERLETICH: It's a competitive versus a,
2 you know, a fun outing, you know. So when you look
3 at --
4 CHAIRWOMAN SULLIVAN: What's is the State's
5 liability in letting them in?
6 MR. SZERLETICH: Well, how can you not, though?
7 I mean, it's an air-inflated structure that we
8 regulate. So I think it falls under the, you know,
9 what our rules say. I agree. I agree.
10 CHAIRWOMAN SULLIVAN: I think if the State
11 inspects the permits, they are putting themselves
12 out there for a lot of liability. I mean, I don't
13 know what kind of animal this is.
14 I don't know what to say, what kind of
15 animal this is, but this is a different animal than
16 where the amusement industry tries to keep people
17 safe. This isn't. This is not the point of these.
18 MS. RHODES: I see what you're saying. It's an
19 obstacle course, it is not an amusement ride.
20 MR. SZERLETICH: Right.
21 CHAIRWOMAN SULLIVAN: Right. This is not an
22 amusement rider device. It may blow up, but so do
23 explosives.
24 MR. SZERLETICH: Well, I mean, that's something

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1 we can certainly look into.
2 CHAIRWOMAN SULLIVAN: And what's the permit
3 cost on these?
4 MR. SZERLETICH: Well, we were actually talking
5 about that. Fifty-five dollars is what the permit
6 is.
7 CHAIRWOMAN SULLIVAN: Fifty-five?
8 MR. SZERLETICH: For a regular inflatable.
9 CHAIRWOMAN SULLIVAN: I don't think these come
10 under regular inflatable at all. These are least a
11 spectacular. For you guys to have to get on these,
12 because you have to go up on those, I think that's
13 asking --
14 MR. CHAVIANO: Fifty-five dollars per
15 inflatable, every ball is 55 bucks.
16 CHAIRWOMAN SULLIVAN: That's more like it.
17 MR. SZERLETICH: Price them right out of
18 Illinois. Anyway, that's something -- we actually
19 were kind of discussing whether we thought, you
20 know, it should be more and how could we do that.
21 CHAIRWOMAN SULLIVAN: Well, I think it's a
22 spectacular, at least, because this is not -- I
23 mean, inflatables are typically more the kiddie ride
24 thing, and that's why inflatables were in that price

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1 range.
2 MR. SZERLETICH: Right.
3 CHAIRWOMAN SULLIVAN: And this ought to be our
4 very highest because to make you guys go up on
5 those, and if it's an extreme course, you know, I
6 think that is asking a lot of our inspectors to try
7 to do that. What if our inspectors get hurt on
8 them?
9 MS. RHODES: That is a good point, Patty.
10 CHAIRWOMAN SULLIVAN: It's kind of like
11 trampolines. I mean, people broke their necks on
12 trampolines, and now they're coming back so big
13 time. Don't they remember? I guess some of those
14 people are dead, I guess.
15 MR. SZERLETICH: We're getting more and more
16 extreme with everything.
17 CHAIRWOMAN SULLIVAN: Yeah. But that doesn't
18 mean we, as the Department of Labor, have to take
19 this particular animal on.
20 MR. SZERLETICH: Well, I think we need to
21 review, you know, what the law says or what the
22 definition of an inflatable is.
23 CHAIRWOMAN SULLIVAN: It's for pleasure.
24 MR. SZERLETICH: I don't remember word for word

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1 what it says. I would have to look at it. I mean,
2 it's something we should definitely discuss and
3 investigate it for sure.
4 CHAIRWOMAN SULLIVAN: I think for sure.
5 MR. KIRSCHNER: It is not a liability because
6 the Illinois Tort Immunity Act provides immunity for
7 state inspectors that do the inspections and that
8 issue permits.
9 CHAIRWOMAN SULLIVAN: Say that again.
10 MR. KIRSCHNER: The Illinois Governmental Tort
11 Immunity Act provides immunity to public employees
12 performing inspections and the issuance of permits.
13 You can't sue the inspector of the state.
14 CHAIRWOMAN SULLIVAN: What if the inspector
15 gets hurt?
16 MR. KIRSCHNER: If he gets hurt, then, yes.
17 I'm talking about in terms of if he didn't do
18 something and someone gets hurt. There is safety a
19 safety concern here having to get up there and
20 inspect it.
21 MS. RHODES: I recommend you use drones.
22 CHAIRWOMAN SULLIVAN: There you go. But,
23 really, I mean, our --
24 MR. KIRSCHNER: You need a lift to get up there

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1 safely.
2 MS. RHODES: They should not be expected to
3 climb.
4 MS. ROYER: I climb the rollercoasters at Six
5 Flags all the time.
6 CHAIRWOMAN SULLIVAN: But they have a 5K
7 course, though.
8 MS. ROYER: The rollercoasters are like
9 200 feet in the air. 50 is nothing.
10 CHAIRWOMAN SULLIVAN: You have a fall
11 protection.
12 MS. ROYER: Yes.
13 MS. RHODES: Where is the tie-off?
14 CHAIRWOMAN SULLIVAN: There is no tie-off on
15 these babies.
16 MR. SZERLETICH: They are, but they are on the
17 ground.
18 CHAIRWOMAN SULLIVAN: That helps. You won't
19 fall down farther than the ground.
20 MR. SZERLETICH: Yeah, I think, you know, that
21 sounds reasonable to take a look at that, and maybe
22 compare the websites and see what other
23 jurisdictions are doing to get a better idea because
24 they are relatively new. I haven't heard about them

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1 until not even a month ago.
2 CHAIRWOMAN SULLIVAN: This is usually like
3 something that is on TV and, I mean, they get
4 waivers from the people who run or who, you know,
5 are the contestants.
6 MR. SZERLETICH: Well, this particular company
7 went through quite a bit of stuff, submittals of
8 their operation to Joliet. So we have an inspector
9 right there in Joliet that could probably gather a
10 lit bit more information for that, too.
11 CHAIRWOMAN SULLIVAN: I'm sure it's going to be
12 a money maker for whoever brings it in and hosts it
13 because people are crazy.
14 MR. GAYLIN: Bill, this may not or it may be of
15 help to you. This is being advertised right now on
16 the Big Ten Network. This is sponsored by the Big
17 Ten Conference.
18 I think they are the ones that are
19 sponsoring the activity. I think it's scheduled for
20 August here in Chicago. This is the third time the
21 event has been held. I think they held it in two
22 previous cities before this, before Chicago. They
23 are marketing it as an athletic competition.
24 There's an entry fee. They are also using

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1 the 14 Big Ten Conference Colleges as a field of
2 competition against each other for this 5K Xtreme
3 competition. That's the way this is being marketed
4 right now.
5 CHAIRWOMAN SULLIVAN: So this isn't for the
6 public.
7 MR. GAYLIN: No, it's advertised to the public
8 and people from outside -- it's primarily being
9 marketed to the 14 universities at the Big Ten
10 Conference to try to get a captive audience to make
11 this financially viable. That's what's happening.
12 I don't know who the owners of the
13 obstacles are, but I know the Big Ten has a lot to
14 do with it, and the individual you need to talk to
15 in the Big Ten Conference office is the gentleman by
16 the name of Brad Travioli.
17 CHAIRWOMAN SULLIVAN: Travioli?
18 MR. GAYLIN: Yes. It's spelled just how it's
19 pronounced, Travioli. He's the assistant
20 commissioner for the Big Ten Conference, and it's
21 through his office there I think this is being
22 coordinated.
23 They should be able to give you a track
24 record on previous cities where this event was held,

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1 as far as incidents and accidents are concerned.
2 But what's interesting about this, it is an
3 inflatable, and there is an admission charge for
4 participation in this. So it's going to be tough to
5 circumvent the current statute.
6 CHAIRWOMAN SULLIVAN: Thank you.
7 MR. SZERLETICH: Does XtremeAir 5K, does that
8 ring a bell with you as far as --
9 MR. GAYLIN: It's not being marketed as
10 XtremeAir 5K. That's probably the company who owns
11 the obstacles.
12 MR. SZERLETICH: Right.
13 MR. GAYLIN: But the event is being advertised
14 and marketed as an Xtreme 5K sponsored by the Big
15 Ten Conference. That's exactly how it's being
16 advertised, and it's being advertised like that with
17 the letter X and not e-x.
18 MR. SZERLETICH: Okay. Well, thank you.
19 MR. CHAVIANO: Just to add to Bill's
20 presentation, you know, you hear so much about, you
21 know, the negative news in Illinois and what doesn't
22 work.
23 But I can tell you that under our
24 administration, you can see it's part of the budget

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1 challenges that we've had, the reduction in staff
2 and so forth under this Governor's leadership. The
3 Department of Labor has continued to improve its
4 performance.
5 When I say "improve its performance," I'm
6 talking about each and every person in our
7 Department. Here Bill has shown you the numbers in
8 terms of what they have been able to do with their
9 improved metrics, with their improved management.
10 So I shout out to Bill and his team as
11 well as my other, you know, division managers, you
12 know.
13 CHAIRWOMAN SULLIVAN: It's very impressive what
14 they've been able to do and what's been going on
15 with less staff. I think some of the computers with
16 pre-fill will help everybody and, you know, there is
17 less work for you guys in the office to do. That's
18 a big one.
19 MR. SZERLETICH: That is going to streamline
20 line it so much and make everybody efficient. We're
21 all about that. The easier the better.
22 CHAIRWOMAN SULLIVAN: You don't have enough
23 time to do everything.
24 MR. SZERLETICH: If anybody has any questions.

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1 That is pretty much my report.
2 CHAIRWOMAN SULLIVAN: Very good.
3 MR. KIRSCHNER: Just one thought. There is a
4 provision at the end of the rules that allows for
5 the director to waive an inspection if they provide
6 an alternative inspection that's been done within
7 the recent past by either public or private bodies.
8 Would that be something that is an
9 alternative to something like this as opposed to
10 having our inspectors go up there and invoke the
11 waiver provision?
12 CHAIRWOMAN SULLIVAN: I don't know. I think
13 it's a dangerous precedent to set, unless it's just
14 set for this particular thing.
15 MR. KIRSCHNER: If it's a short-time setup for
16 a weekend event, rather than --
17 CHAIRWOMAN SULLIVAN: Are you volunteering to
18 go inspect it?
19 MS. ROYER: No. I was going to say that in the
20 past, we did have a situation, it was actually with
21 go carts races that were done at I believe it was
22 White Sox Park that the Director waived the
23 inspection for that particular event because there
24 were other things in place to cover it.

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1 That's the only time I know of when we
2 have waived an inspection, though.
3 CHAIRWOMAN SULLIVAN: Okay. Because I have
4 personally seen results of some insurance
5 inspections that weren't worth two cents, and the
6 ride came in to our building, and it was like how
7 has this been permitted for the last five years with
8 all of these glaring things on it that should have
9 shut it down? And that kind of thing is scary.
10 I have a lot of confidence in our
11 inspectors, not so much maybe some of the
12 independent inspectors.
13 MR. KIRSCHNER: Are there reputable independent
14 ones?
15 CHAIRWOMAN SULLIVAN: There are some very
16 reputable independents, but there are some that,
17 frankly, just have no clue. Maybe they have a few
18 rides that they're good at, but they are certainly
19 not good at a whole carnival worth of rides.
20 MR. KIRSCHNER: Is it something to think about
21 to see if the Director might have a short list of
22 what might be reputable ones, or should we just not
23 even approach that topic?
24 CHAIRWOMAN SULLIVAN: No, I can give him some

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1 names of some very reputable ones that I would have
2 absolutely no qualms about, but I also know some
3 that I, frankly, called the insurance company and
4 said, "Your guy who inspected this had no clue what
5 he was doing."
6 And I took pictures of the past five years
7 worth or six or seven years worth of permits, and
8 the ride should not have been permitted, ever, in
9 that -- at least not in the last five or six years,
10 because there were things on there that had already
11 passed their life, acceptable life, and they had
12 never been changed. They were damaged.
13 There was just an -- so I would have -- I
14 think if the Director is interested in getting names
15 of reputable people, I think, and OABA could maybe
16 help come up with some of those names, because I'd
17 say the members of OABA can pretty much tell you the
18 good from the bad, because we've got inspectors out
19 there who, not in this state, who, frankly, do a
20 kitchen-table inspection, or drive-by inspection,
21 and we don't want that in this state.
22 But I know of a number of very reputable
23 ones. I think OABA could help with that. Would you
24 agree, Bob?

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1 MR. JOHNSON: There are both AIMS and NAARSO
2 have a list of inspectors who are certified on their
3 website. Trying to discern which are the better
4 versus the bad, I'm not sure I even want to go
5 there, and we would never produce a list like that
6 as a trade association.
7 CHAIRWOMAN SULLIVAN: No.
8 MR. GAYLIN: Especially not knowing the purpose
9 of what the list was for.
10 MR. JOHNSON: But I don't disagree with what
11 Patty is saying. I mean, there are some engineers
12 that are better than other engineers. We all know
13 that, different professions.
14 But, you know, we like to think that if
15 they're certified, NAARSO, AIMS, state certified, I
16 think California, whatever, a lot of state people
17 have gone into the independent third-party
18 inspection business.
19 So I think, you know, again, I would tread
20 very carefully relative to producing a list of what
21 we think are the best inspectors out there.
22 MR. KIRSCHNER: Whisper to Patty.
23 CHAIRWOMAN SULLIVAN: Well, I know Tom and Wes
24 could both -- I mean, they want their rides to be

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1 properly inspected, and if there's anything not
2 right, they want it found before the public gets on.
3 MR. JOHNSON: That's a point. That's a good
4 point because these two folks are also
5 well-certified, level-three NAARSO, the highest
6 level you can be certified. So, you know, they
7 know. They know their rides and their business
8 better than any third-party inspector or state
9 inspector. They should. I think that's your point.
10 CHAIRWOMAN SULLIVAN: Hopefully, there is a lot
11 of give and take helping educate state inspectors.
12 MR. JOHNSON: Right.
13 CHAIRWOMAN SULLIVAN: And state inspectors
14 helping educate them.
15 MR. JOHNSON: Good point.
16 CHAIRWOMAN SULLIVAN: Maybe I would just
17 quietly ask some of the members of OABA are there
18 people that you would recommend?
19 MR. JOHNSON: And we know that the various
20 large state fares and some large county fares hire
21 third-party independent inspectors as well as
22 another set of eyes to both the carnival and to, you
23 know, the public.
24 CHAIRWOMAN SULLIVAN: Yes, if they inspect in

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1 Dallas, they are probably pretty good.
2 MR. JOHNSON: Right. Most of our State Fares,
3 the big state fares, all have third-party
4 independent inspectors. They are there all the time
5 on the property. You do that for the State Fair I'm
6 sure.
7 CHAIRWOMAN SULLIVAN: And they do it at the
8 Minnesota State Fair.
9 MR. JOHNSON: Right.
10 CHAIRWOMAN SULLIVAN: They do in California.
11 There are lots of very, very good inspectors.
12 MR. SZERLETICH: We actually go up during the
13 State Fair with the third-party guy for the sky
14 glider, and he educates us. We educate him, and we
15 work together. And, you know, then right before the
16 fair opens, we go up again with the ride operator.
17 So, yeah, there's a lot of harmonious work
18 we do with third-party guys.
19 MR. JOHNSON: Bill, that's the way it should
20 be. That's a great relationship.
21 MR. SZERLETICH: It's like you said, you know,
22 the operators and the ride operators, the owners,
23 they should know that ride better than anybody.
24 They live it and see it every day, and we learned a

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1 lot from them.
2 We all pass the knowledge along. That's
3 how you get better. That's it. That's all I've
4 got.
5 CHAIRWOMAN SULLIVAN: Thank you so much, Bill.
6 I appreciate it. Open to public comment? Are there
7 any public comments?
8 MS. VAUGHN: I did look up the law, in other
9 words. Margaret Vaughn with the Upper Amusement
10 Business Association, and in the Carnival 50
11 Amusement Act, it talks about the role of the Board,
12 "The Board shall advise the Department of
13 playground, carnival, amusement enterprise and
14 amusement safety matters."
15 And then I also looked up Corboy &
16 Demetrio's website. It did say the Board was
17 created to advise the Department of Labor on the
18 protection of on general public while they're using
19 amusement rids and attraction. So there seems to be
20 kind of a general consensus out there. Your law
21 firm seemed to kind of confirm it.
22 MR. KIRSCHNER: Protecting the public, that's
23 what it is for.
24 MR. CHAVIANO: Can you guys speak up? I can't

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1 hear.
2 MR. KIRSCHNER: I wholeheartedly agree the act
3 is to protect the safety of the public and regulate
4 the industry.
5 MS. VAUGHN: Well, we're talking about --
6 because your website talked about how you were on
7 the Board, and how they were a leader in personal
8 injury and wrongful death suits against the
9 amusement industry.
10 And then it went on to say that the Board
11 was created to advise the Department of Labor on the
12 protection of the general public while using
13 amusement rides and attractions.
14 MR. KIRSCHNER: That is on the website.
15 MS. VAUGHN: Do you see it as a conflict of
16 interest at all?
17 MR. KIRSCHNER: No. If you could send those
18 E-mails, I'd appreciate that.
19 MS. VAUGHN: It's pretty much public use.
20 CHAIRWOMAN SULLIVAN: Why don't you introduce
21 yourself.
22 MR. JOHNSON: Bob Johnson. I'm president of
23 the Upper Amusement Business Association. I've
24 attended these meetings in the past. Thank you for

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1 letting me know the meeting was going on. I had to
2 be here on other business so this was perfect for
3 us.
4 I found the discussion interesting, and I
5 think helpful in many ways on your rider safety
6 language. Being both on the theme park side of the
7 industry for 17 years with Six Flags and running the
8 trade association for the mobile amusement industry,
9 you know, I've seen the rider safety, patron safety
10 laws involved and, you know, Mr. Kirschner knows it
11 started with the ski industry.
12 And, again, I think the bottom line,
13 Patty, as you said, and the net-net of the
14 discussion, or at the end of the day, whatever you
15 want to say, is to try to protect patrons, and we
16 know people do foolish things.
17 We had several incidents this past weekend
18 in theme parks around the country. Unfortunately in
19 a park in Pennsylvania, as we all know, a very, very
20 good operating park, had a four-year-old boy drown
21 in three feet of water.
22 I mean, so you ask yourself, how does that
23 happen? You know, where are the parents? You know,
24 and you can't -- we just can't protect people

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1 against everything that's going to happen in life.
2 We try. We try very hard, and I think it's a
3 healthy discussion to have and, you know, from
4 different viewpoints.
5 But we know, and we know you are an ASTM
6 state, and ASTM has struggled with this same issue
7 on the national standards basis. We also know that
8 many states have gone forward and tried to put some
9 language to further protect patrons in their
10 regulations. It's a healthy discussion.
11 I think it's encouraging, again, the
12 continued discussion through the Department to see
13 where this all falls out. And, you know, we know
14 certain states are more litigious and more, you
15 know, than others in the country.
16 And, you know, I can tell you that
17 certainly Illinois, Texas, California, perhaps
18 Florida, you know, are some of those states where we
19 have a lot of plaintiff's attorneys. Not that
20 that's bad.
21 I'm just saying there are states where we
22 recognize these issues may not ever get done because
23 the plaintiff's attorneys have a very large lobbying
24 group to fight some of this stuff and that's fine.

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1 That's the way we have to live, but I
2 think, again, to continue the dialogue and just try
3 to say, "Hey, what can we do as an industry, and
4 what can these owners do with, you know, education,
5 with signage, POs for children," Patty, in schools
6 that you developed over the years, I think we're
7 fabulous.
8 I think it is about education. I agree
9 wholeheartedly. It is about education, but we can't
10 get -- and maybe this is the way we educate people
11 anymore today. You know, everybody is on these
12 things. You know, we're looking at different
13 education and training methods as well.
14 We just updated your, as you know, the
15 children's safety video. Really it was cute. It
16 was done by a large carnival operation based out of
17 Phoenix, and they operate at big fares in
18 California, and that's on our website, and that's
19 free.
20 You can download it and, you know, take it
21 to schools. You know, people are going in to talk
22 to teachers and talk to schools. You could download
23 it and show it to the young people in the schools.
24 It's fun. It's a great video.

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1 And you can just go on www.oaba.org, and
2 you can download it right there on the home page.
3 Just take a look at it. I mean, it's just
4 designed to help educate -- you know, get these
5 people thinking, young people thinking, and their
6 parents thinking about, you know, we're going to the
7 carnival. We're going to the theme park. You know,
8 what do we do?
9 We should have a conversation about
10 safety. You're going to ride rides. You should
11 have that conversation. You know, it's like any
12 other, you know, major issue or parenting today.
13 It's important.
14 We're not seeing enough of that,
15 unfortunately, as we all know, but don't give up.
16 Don't give up. So again, Patty, I think it's a good
17 discussion, and it's a healthy discussion, and I
18 know there's different viewpoints on it. We realize
19 that. We accept that.
20 I also note -- and I think, you know, and
21 the ASTM Standards are still currently under review
22 in that regard. So there will be some more coming
23 out on the national perspective on the standards.
24 The other thing I thought discussion-wise

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1 was very interesting is on the inflatable, these
2 inflatable challenges courses and devices. Again,
3 ASTM is dealing with that right now.
4 Patty and I both know the individual
5 heading up those tasks groups, very confident, very,
6 very good person, and also it's updating the old
7 inflatable standard; and there is a myriad of new
8 creative design, you know, attractions coming to
9 market like we just saw.
10 So, you know, you first have to look, as
11 you all said, is this an amusement ride or device,
12 as defined by ASTM. And I think those should be the
13 people you need to listen to, in terms of the
14 definition, because these are experts all over the
15 world that develop these is standards.
16 My concern, in talking to -- I think we
17 have to be careful because, you know, these are
18 coming in from outside of our country. They are not
19 manufactured here. And we know with the old
20 standards, there were certain flammability studies
21 you know, certain requirements, a lot of different
22 things in that ASTM Standard. Now you've got
23 something that is, wow, this is altogether
24 different.

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1 CHAIRWOMAN SULLIVAN: A different animal.
2 MR. JOHNSON: And I think you've got to be --
3 somebody has got to be looking at, "Well, where are
4 they coming from and what standards are they
5 meeting?"
6 And that's the problem with the inflatable
7 devices, in general, around this country. We're not
8 seeing the standards, the manufacturing standards,
9 that perhaps we have in the states.
10 I know at the big theme park convention in
11 Orlando, they had some patent infringement issues,
12 and they kicked vendors out from the trade show
13 floor who had inflatable devices that were
14 infringing on other patents and other manufacturers.
15 So it's -- you know, we're in this world
16 unfortunately. You know, this is fun work. We're a
17 global, you know, society, and you just to have
18 caution and be careful of what's coming into the
19 country, especially in these attractions.
20 You know, the amusement rides on the other
21 hand, I think pretty well covered there, in most
22 cases. There have been some copyright infringements
23 there, too, with some of the Slovak countries, but
24 most of them are geared to standards that European

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1 standards or German standards. Patty, you know all
2 the standards better than I do being a manufacturer.
3 CHAIRWOMAN SULLIVAN: And the Indian, rides
4 from India, too, are getting -- are trying to go
5 just --
6 MR. JOHNSON: Right.
7 CHAIRWOMAN SULLIVAN: -- copy American.
8 MR. JOHNSON: These are issues that I'm dealing
9 with as Chairman of the Florida Bureau Advisory
10 Board, and I'll still sit on the amusement Board in
11 the State of Massachusetts.
12 And, you know, it's a good give and take.
13 It's good you guys have a great relationship with
14 the Department and with certainly the inspectors in
15 the industry. You know, don't give up. Keep
16 pushing, yeah. It's important, very important. So
17 thank you.
18 CHAIRWOMAN SULLIVAN: Thank you. Anybody else?
19 Would our two students like to make any comments?
20 MS. HUI: Are you guys going to sign up for the
21 5K?
22 MS. VAUGHN: Patty, another point I think with
23 the Xtreme inflatables, as Margaret was saying,
24 like, you know, if they have them at schools and at

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1 difference activities, well, then, they would not
2 need to be permitted by the State because it's
3 considered a private function.
4 So, you know, it's one thing if they have
5 a little bouncy house, but now you got these Xtreme
6 rides; and, in some cases, you know, just depending
7 on what the setup is, whether there is an addition
8 mission or not.
9 CHAIRWOMAN SULLIVAN: And, yeah, if they are
10 invitings the public, then it's kinds of a catch-22.
11 MS. VAUGHN: So that might be something they
12 see when they look at what the new ASTM standards
13 and maybe reclassify them for the State. Maybe they
14 could look at, regardless whether they are open to
15 the public or not. There should be an inspection.
16 CHAIRWOMAN SULLIVAN: Well, I think this Board
17 does have the ability to set fees, and I would
18 definitely set the fees a whole lot higher on those
19 Xtreme pieces; and I would multiply it by the number
20 of pieces that they have, that you have to inspect,
21 because some of those didn't look --
22 MR. SZERLETICH: Especially if they're adult
23 only.
24 CHAIRWOMAN SULLIVAN: Yeah.

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1 MR. SZERLETICH: We need to research it more
2 for sure.
3 CHAIRWOMAN SULLIVAN: I think that's a good
4 idea.
5 MR. SZERLETICH: It's just so new, you know.
6 CHAIRWOMAN SULLIVAN: I don't think you would
7 find a problem with anybody on the Board charging
8 permit fees for a spectacular ride, you know.
9 I think just like the higher
10 rollercoasters have a higher fee, when you guys have
11 to go way up there. It takes longer. Because that
12 whole course is going to take a while to inspect.
13 MR. JOHNSON: Bill, I think the zip line
14 challenge are springing up all over the country.
15 They are springing up in zoos now in America.
16 That's something that, again, ASTM is
17 dealing with as well. You know, you probably will
18 have more of those than you would with rides like
19 that coming into the state.
20 CHAIRWOMAN SULLIVAN: Something else, one of
21 our Board Members, Bill Sparks, was out for back
22 surgery and his son Wes is here. How is he doing,
23 Wes?
24 MR. SPARKS: So far so good. He's moving a

1 little bit.
 2 CHAIRWOMAN SULLIVAN: Well, good.
 3 MS. VAUGHN: Was he on a 5K inflatable?
 4 MR. SPARKS: No, this is round number three for
 5 surgery.
 6 CHAIRWOMAN SULLIVAN: Which is why he couldn't
 7 be here. Wes is one of the ones that I've met in
 8 the operator people who have been very active in
 9 learning about ASTM Standards and getting their
 10 inspector rating and certification, and so we would
 11 like to see even more of that. Yes, Bill?
 12 MR. JOHNSON: Not to belabor, make this meeting
 13 any longer than it is, but I did want to introduce,
 14 again he spoke before, Tom Gaylin. Tom is from the
 15 Baltimore, Maryland, area. He is a
 16 fourth-generation carnival owner.
 17 His family, I'd say, has a good-size show
 18 with 25, 30 rides. Tom, how many?
 19 MR. GAYLIN: 35.
 20 MR. JOHNSON: About 35 rides.
 21 MR. SZERLETICH: About 35 rides, wow. And Tom
 22 is the chair of the OABA this year of our trade
 23 association. So, again, I want to just recognize
 24 Tom.

1 CHAIRWOMAN SULLIVAN: And he's my adopted
 2 brother.
 3 MR. JOHNSON: Right.
 4 CHAIRWOMAN SULLIVAN: My dad adopted him.
 5 MR. GAYLIN: That was in another lifetime.
 6 CHAIRWOMAN SULLIVAN: I don't know, as long as
 7 he's still alive. Is there anything else?
 8 MR. KIRSCHNER: Motion to adjourn.
 9 CHAIRWOMAN SULLIVAN: If not, I would entertain
 10 a motion to adjourn. Is that what you said?
 11 MR. KIRSCHNER: Yes, motion to adjourn.
 12 CHAIRWOMAN SULLIVAN: Do I hear a second?
 13 MS. RHODES: Second.
 14 CHAIRWOMAN SULLIVAN: Those opposed?
 15 (No response.)
 16 CHAIRWOMAN SULLIVAN: I hear none, then we're
 17 adjourned.
 18 (WHICH WERE ALL THE PROCEEDINGS HAD.)
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 21
 22
 23
 24

1 STATE OF ILLINOIS)
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4 PAMELA A. MARZULLO, C.S.R., being first duly sworn,
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