

# Carnival-Amusement Safety Board Meeting

Meeting

Taken on: May 17, 2012

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STATE OF ILLINOIS  
DEPARTMENT OF LABOR  
CARNIVAL-AMUSEMENT SAFETY BOARD

BOARD MEETING

Report of proceedings had at the Board Meeting  
of the Carnival-Amusement Safety Board held at Hinsdale  
International Conference Room, 15 Spinning Wheel Road,  
Suite 308, Hinsdale, Illinois, on the 17th day of May,  
A.D., 2012, scheduled at the hour of 12:00 p.m.

PRESENT:

MR. JOSEPH COSTIGAN  
Director

Mr. Daniel s. Kirschner  
Board Chairman

Mr. Anthony J. Urbik  
Mr. Angelo Mazzenga  
Ms. Patty A. Sullivan  
Ms. Linda G. Rhodes  
Board Members

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APPEARANCES :

STATE OF ILLINOIS  
DEPARTMENT OF LABOR  
MR. RONALD M. WILLIS  
General Counsel  
Michael A. Bilandic Building  
160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

On behalf of the Department of Labor.

ALSO PRESENT :

Mr. Ryan R. Culton, Carnival Safety Manager  
Ms. Sara Meek, Legislative Liaison (via telephone)  
Ms. Anjali Julka, Spokesperson

\* \* \* \* \*

1 THE CHAIRMAN: Cheryl is our court reporter today.  
2 She's taking down everything being said. So if we could  
3 do her the courtesy of speaking one at a time because  
4 she can't take down people talking over one another.  
5 And, also, if you speak, if you could communicate with  
6 words as opposed to uh-huhs, uh-uhs, nods of the head,  
7 shrugs of the shoulder, which don't translate on the  
8 record.

9 Why don't we do a quick introduction of the  
10 Board members and the members of the Department of Labor  
11 today for the members of the general public who are  
12 attending today.

13 I'm Dan Kirschner, Chair, Member-at-Large.

14 MR. CULTON: I'm Ryan Culton. I'm the Division  
15 Manager for the Carnival and Amusement Ride Safety  
16 Inspection Division.

17 MR. URBIK: I'm Tony Urbik. I'm the insurance  
18 representative to the Board.

19 MS. RHODES: Linda Rhodes, public member of the  
20 Board.

21 MS. SULLIVAN: Patty Sullivan, public member of the  
22 Board.

23 MR. MAZZENGA: Angelo Mazzenga, public member.

24 MR. WILLIS: I'm Ron Willis. I'm the new General

1 Counsel for the Department of Labor.

2 DIRECTOR COSTIGAN: I'm Joe Costigan, Director of  
3 the Department of Labor.

4 THE CHAIRMAN: Going around the table is a slightly  
5 revised version of the agenda.

6 Did everyone have a chance to look at the  
7 agenda? Do I hear a motion to approve it?

8 DIRECTOR COSTIGAN: So moved.

9 THE CHAIRMAN: Second?

10 MS. RHODES: Second.

11 THE CHAIRMAN: All in favor?

12 (Chorus of ayes.)

13 THE CHAIRMAN: Any opposed?

14 (No verbal response.)

15 THE CHAIRMAN: The agenda is approved.

16 All right. Has everyone had a chance to  
17 review the minutes? And if so, do I have a motion to  
18 approve the minutes?

19 MS. SULLIVAN: So moved.

20 MR. URBIK: Second.

21 THE CHAIRMAN: All in favor?

22 (Chorus of ayes.)

23 THE CHAIRMAN: Any opposition?

24 (No verbal response.)

1 THE CHAIRMAN: Motion carried. The minutes are  
2 approved.

3 The first order of substantive business is old  
4 business. The first matter on the agenda, the insurance  
5 update.

6 (Exit Mr. Urbik.)

7 THE CHAIRMAN: And we just lost our member who's  
8 going to give the insurance update. Give us one minute  
9 here.

10 (Enter Mr. Urbik.)

11 THE CHAIRMAN: All in favor of approving the  
12 January 19th, 2012, minutes?

13 MR. URBK: Second.

14 MS. SULLIVAN: Aye.

15 THE CHAIRMAN: All in favor?

16 (Chorus of ayes.)

17 THE CHAIRMAN: All in favor of approving the  
18 January 20th, 2012, minutes?

19 (Chorus of ayes.)

20 THE CHAIRMAN: Any opposition?

21 (No verbal response.)

22 THE CHAIRMAN: Motion carries.

23 All right. Moving on to the insurance update.

24 Tony, you have copies of the proposal?

1 MR. URBIK: I have cartoons.

2 Basically a couple of meetings ago, we talked  
3 about how poorly written the statute is as it relates to  
4 the requirement for insurance. So Dan and I have been  
5 working on some proposed language that we'd like to  
6 submit for everyone's approval.

7 Do you have it, Dan?

8 THE CHAIRMAN: Yeah. I've got it.

9 MR. URBIK: And Dan has nicely outlined the  
10 redlined copy as well as the proposed verbiage. So does  
11 anyone have any questions?

12 THE CHAIRMAN: By way of history --

13 MS. SULLIVAN: Well, let us ...

14 MS. RHODES: We wanted to take a look at it.

15 MR. URBIK: Sure.

16 THE CHAIRMAN: They can read through it, and I'll  
17 give a --

18 MR. URBIK: Okay.

19 THE CHAIRMAN: -- little background on it.

20 (Discussion off the record.)

21 THE CHAIRMAN: Sara? Sara?

22 MS. MEEK: Yes.

23 THE CHAIRMAN: There's a question for you.

24 MS. MEEK: Okay.

1 THE CHAIRMAN: There is a reporter from the Tribune  
2 in the room who wants to know if it's permissible for  
3 her to record the meeting.

4 MS. GILLERS: It's not a big deal either way. It's  
5 just easier to copy over. But it's okay if -- If it's a  
6 problem, no problem, I could take notes.

7 THE CHAIRMAN: I mean, I could tell you the  
8 minutes -- or the transcript, I think, is a matter of  
9 public record. You could have access to the transcript.

10 MS. GILLERS: I think --

11 MR. URBİK: It's on the website once it's approved.

12 THE CHAIRMAN: Yeah.

13 MS. GILLERS: It's just that it's not approved for  
14 about six months, I think. But it's no big deal.

15 MS. MEEK: I don't know the answer to that  
16 question.

17 MS. GILLERS: Okay. I won't do it just to be safe.

18 MS. JULKA: I don't recall it being allowed.

19 MS. GILLERS: Thank you.

20 MS. SULLIVAN: Okay. I have -- I have a question.  
21 Since we do have a carnival member here -- or a carnival  
22 person here, what is the normal insurance that most  
23 people -- most owners --

24 THE CHAIRMAN: Well, I'll give you a little



1 background. Tony could probably speak best to this as a  
2 member of the insurance industry. The standard issue  
3 for a general liability policy is 1 million per  
4 occurrence, 2 million aggregate.

5 MS. SULLIVAN: Uh-huh.

6 THE CHAIRMAN: And the reason for the update of the  
7 statute is it's antiquated in that you can't purchase  
8 what the statute says you need. So the standard now in  
9 the industry is what the revision states.

10 Is that correct, Tony?

11 MR. URBİK: Uh-huh, yeah. There's -- There's a  
12 change in the form. The form used to be an Insurance  
13 Services Office form from 1973.

14 MS. SULLIVAN: Uh-huh.

15 MR. URBİK: And they used to have split limits like  
16 your car: \$100,000 each person; 300,000 each accident;  
17 and \$50,000 property damage.

18 MS. SULLIVAN: Uh-huh.

19 MR. URBİK: That has all gone away. Nobody does  
20 split limits on general liability anymore that I'm aware  
21 of. Everyone has gone to what's called combined single  
22 limits. So it's a million dollars of bodily injury or a  
23 million dollars of property damage or a combination of  
24 the two, any one occurrence and then 2 million for the

1 year. That's pretty standard throughout the industry.  
2 That does not prevent a carnival operator or any other  
3 operator to buy an umbrella to increase those limits  
4 beyond that.

5 MS. SULLIVAN: Right.

6 MR. URBIK: That would just be the minimum  
7 standard, which is, from a contemporary standpoint, what  
8 everybody is. If you're a shoe store, that's what  
9 you're carrying.

10 MS. SULLIVAN: Okay.

11 MR. JOHNSON: I have no issues. That's why I asked  
12 Bill with the rental company. I didn't know what their  
13 aggregate is.

14 MR. MEYER: We do -- We do \$3 million.

15 THE CHAIRMAN: You can always purchase -- You can  
16 always purchase more than what --

17 MS. SULLIVAN: Right.

18 THE CHAIRMAN: -- the standard is.

19 MS. SULLIVAN: Right. Because --

20 THE CHAIRMAN: But in terms of what the minimum  
21 is --

22 MS. SULLIVAN: -- this is just a minimum of.

23 MR. MEYER: Some of the towns require more than you  
24 guys do.

1 MS. SULLIVAN: Okay, okay.

2 MR. URBIK: It really just cleans up the language  
3 to bring it into the new form as opposed to the old  
4 form --

5 MS. SULLIVAN: Right.

6 MR. URBIK: -- is essentially what it does.

7 MS. SULLIVAN: Right.

8 MR. MEYER: There's a lot of companies out there  
9 that advertise -- I'm in the rental business. A lot of  
10 companies -- And I don't know if they're saying they  
11 have insurance and don't, but a lot of them say 250 or  
12 500,000. I see it all the time. I don't know if  
13 it's wrong or not. I just worry about my own company.

14 MR. URBIK: What do you rent?

15 MR. MEYER: Inflatable products, and we do rock  
16 walls and Eurobungies and stuff -- you know, anything  
17 for a party basically.

18 MR. URBIK: Uh-huh. Because that would be  
19 automobile limits and not the general liability.

20 MR. MEYER: No. Ours is general liability for the  
21 City, in Chicago. We're up with their standards, for  
22 the City of Chicago, and theirs are pretty high compared  
23 to everyone else.

24 MS. SULLIVAN: He's just saying there's some who

1 still have 250 and --

2 MR. MEYER: For general liability.

3 MS. SULLIVAN: -- 500.

4 MR. MEYER: They're advertising that's what they  
5 have. I don't know if they even have a policy or not.  
6 There's companies that say they have it and they don't  
7 have it.

8 MR. JOHNSON: They should have more, obviously.

9 MR. MEYER: Yeah.

10 A million is probably -- Really, when you  
11 think about it, if anybody gets hurt, a million is  
12 nothing anymore.

13 MR. JOHNSON: We just increased ours to 10 million  
14 per occurrence.

15 THE CHAIRMAN: You know, a lot of people are  
16 surprised at how small a premium hike it is going from a  
17 million to 5 million. They think it's five times more.  
18 It's not. It's a fraction of the existing premium.  
19 Because the risk in -- You know, the premium is based  
20 upon the risk. In terms of the money, it isn't adjusted  
21 substantially that much more.

22 All right. So I think that what we do at this  
23 point is --

24 DIRECTOR COSTIGAN: I just -- I think we, as the

1 Department, take the position that the policy is out of  
2 date and that we should require more.

3 THE CHAIRMAN: So what I'd like to do at this point  
4 is move for approval to forward this to the Department  
5 in support of their legislative liaison to forward it to  
6 the legislature for a vote in the legislature.

7 MS. SULLIVAN: I would -- I so move.

8 THE CHAIRMAN: Second?

9 MS. RHODES: Second.

10 THE CHAIRMAN: All in favor?

11 (Chorus of ayes.)

12 THE CHAIRMAN: All opposed?

13 (No verbal response.)

14 THE CHAIRMAN: Motion carries. We will forward  
15 this to the Department and go from there.

16 MS. MEEK: If I could just ask one question.

17 THE CHAIRMAN: Sure.

18 MS. MEEK: This is Sara.

19 MR. URBİK: Fire away, Sara.

20 MS. MEEK: Tony, I was just wondering if you might  
21 be able to send me a copy of the new form that's used.  
22 I don't need it anytime soon, but we'll probably pursue  
23 this, I would guess, next January for the next  
24 legislative session.

1 MR. URBIK: Do you mean the language that we just  
2 wrote, or do you want an actual copy of a general  
3 liability policy?

4 MS. MEEK: A copy of a policy.

5 MR. URBIK: Sure. I could do that.

6 MS. MEEK: Because -- Just so that I have it in my  
7 file for when we do pursue it in the legislature because  
8 I'll probably get asked about that. And I can follow up  
9 later if I need any additional information from you.  
10 Would that be all right?

11 MR. URBIK: That's fine. Do I have your e-mail on  
12 that -- our listing here? sarameeks@ -- Yes, I have it.

13 MS. MEEK: Yeah.

14 MR. URBIK: I'll e-mail it to you.

15 MS. MEEK: Okay. Thanks, Tony.

16 MS. RHODES: Dan, has Sara seen this language?

17 MS. MEEK: I do have the language --

18 MS. RHODES: Okay.

19 MS. MEEK: -- from PACER --

20 MS. RHODES: Okay.

21 MS. MEEK: -- the 2-14.

22 MS. RHODES: Yes.

23 MS. MEEK: And I don't see any issues with it  
24 offhand, so.

1 THE CHAIRMAN: All right. So moving on, any other  
2 old business before we move on to the Division Manager  
3 Report?

4 (No verbal response.)

5 THE CHAIRMAN: There are none.

6 I'd like to introduce our new Division  
7 Manager, Ryan Culton. Welcome aboard.

8 MR. URBIK: Welcome.

9 MS. RHODES: Welcome.

10 MR. MAZZENGA: Welcome.

11 MS. SULLIVAN: Welcome.

12 MR. CULTON: Thank you.

13 DIRECTOR COSTIGAN: If I could, before he -- take  
14 the liberty just to say a few words about Ryan.

15 We're very, very lucky to have him come on  
16 board. I think he started probably about a month ago,  
17 if I'm not mistaken. So he's -- He comes to the  
18 Department with a tremendous background in both -- with  
19 a professional engineering license and many years of  
20 experience on the job as an engineer. And, in addition,  
21 he is a graduate of the University of Illinois, which I  
22 am as well, so. And -- But he also has a degree, a  
23 Master's in Business Administration. So we really feel  
24 as a Department that he brings a tremendous upside and a

1 great deal of potential to help us in our work for the  
2 Carnival-Amusement Safety Program, and we're just  
3 delighted to have him on board. And he's new, but he's  
4 already hitting the ground running and he's doing great  
5 things for the Department, so.

6 MR. URBİK: One thing you should know is that the  
7 meteorology department of the University of Illinois  
8 schedules the January meeting, and it's the coldest day  
9 of the year every single year.

10 MS. SULLIVAN: And if there can be ice and snow --

11 MR. URBİK: Ice and snow, that helps too.

12 MS. SULLIVAN: -- so much the better.

13 MR. CULTON: Well, I will -- I will check, when  
14 it's time, to make sure we have our stars in line.

15 Well, no. I appreciate the kind introduction.  
16 And I've -- I've talked to or probably had some e-mails  
17 back and forth with a lot of the Board members. And I'm  
18 really excited to be here.

19 And, as Joe said, this is my first month. And  
20 we've hit right at the beginning of -- you know, the  
21 start of the season. So it's been -- it's been a  
22 challenge to hit the ground running and keep up with  
23 things, but that's okay. I've never shied away from a  
24 challenge.



1           And, you know, I think some of the things that  
2 I've -- Joe and I were talking, you know, in the  
3 interview process. I think that some of the things that  
4 I bring to the industry is not only my background but,  
5 you know, just some -- some of the internal Department  
6 efficiencies that we -- I know Joe has that same vision,  
7 to, you know, bring some of the maybe antiquated ways  
8 that we've done things in the past -- maybe try to  
9 improve on those efficiencies. Especially, you know,  
10 being in the climate that we're in, I think that's  
11 always helpful.

12           So I'm just looking forward to working with  
13 everybody. And thank you very much for the kind  
14 introduction. And I'm looking forward to it.

15           MS. SULLIVAN: Well, we're -- we're all very happy  
16 to have you.

17           MR. CULTON: Thank you.

18           MS. SULLIVAN: We welcome you.

19           THE CHAIRMAN: It's your plate filled up?

20           MR. CULTON: Yes, but I can spin another plate,  
21 though.

22           THE CHAIRMAN: Welcome.

23           New business, Section 600- -- I'm sorry --  
24 6000- --

1 MS. SULLIVAN: Did he have anything else in his  
2 report?

3 MR. CULTON: The -- I think there will be another  
4 full Division Manager's Report in the -- in the  
5 snowstorm that we'll have in January.

6 MS. SULLIVAN: Okay, okay.

7 MR. CULTON: Reading the other minutes and what the  
8 Act says, I think that's in the Division Manager's  
9 Year-End Report.

10 MS. SULLIVAN: Okeydoke.

11 MR. CULTON: I mean, there's really not a whole lot  
12 to report at the moment.

13 MR. URBIK: That's a good thing.

14 MR. CULTON: That's a good thing.

15 THE CHAIRMAN: Any other questions for Ryan?

16 MS. RHODES: I think he just answered it.

17 But that means that there is no accident  
18 report, not at this time --

19 MR. CULTON: There is not.

20 MS. RHODES: -- which is also good.

21 MR. CULTON: Right.

22 MS. RHODES: Okay.

23 THE CHAIRMAN: In the past, I think we've always  
24 done a yearly accident report at the January meeting as

1 opposed to twice a year.

2 MS. RHODES: Okay.

3 THE CHAIRMAN: At the January meeting, a full  
4 accident --

5 MS. RHODES: Okay.

6 THE CHAIRMAN: -- report is --

7 MR. URBİK: I don't think we've ever had an interim  
8 report at the summer -- summer meeting.

9 MS. SULLIVAN: No.

10 THE CHAIRMAN: I don't think so.

11 MR. CULTON: I didn't find one.

12 THE CHAIRMAN: Mostly I think the data is ongoing,  
13 the investigations are ongoing, and it's compiled on a  
14 calendar basis.

15 MS. SULLIVAN: Yeah.

16 DIRECTOR COSTIGAN: Perhaps you want to comment  
17 just about some of the activity that -- since it is the  
18 beginning of the season.

19 MR. CULTON: Yeah. Some of the -- The inspectors  
20 throughout the state have been booked solid, really, for  
21 the last couple of weeks. And they are, you know, just  
22 getting to the start of the season, so they've been  
23 really busy.

24 You know, as far as any kind of technical

1 bulletins or safety bulletins that have come out on  
2 major rides or anything, we haven't had any of those to  
3 date.

4 And, really, the focus the last month, since  
5 I've been here, is just keeping up with all of the  
6 monthly -- or, I'm sorry, daily inspections and initial  
7 permits for all of the rides coming in, so.

8 THE CHAIRMAN: There have not been any  
9 safety-related shutdowns in the past six months, since  
10 January?

11 MR. CULTON: No, not -- at least not since I've  
12 been here, not safety-related shutdowns.

13 THE CHAIRMAN: Okay.

14 DIRECTOR COSTIGAN: We've had a couple instances of  
15 other shutdowns since then, right?

16 MR. CULTON: Yeah. There -- They -- There was a  
17 stop order, a stop order of operation that was sent out  
18 via mail to an inflatable company that was operating  
19 without a permit in Quincy. But since that time, we  
20 haven't had any reported incidences of this company  
21 operating since then.

22 THE CHAIRMAN: Okay. Thank you for your report.

23 Moving on to new business, you should have a  
24 copy that went around the table -- Well, maybe not yet.

1 It's going to be the new Section 6000.350 pertaining  
2 to --

3 MR. URBIK: Surprise evidence.

4 THE CHAIRMAN: What is that?

5 MR. URBIK: Surprise evidence.

6 THE CHAIRMAN: (Continuing.) -- which will pertain  
7 to zip lines.

8 MS. RHODES: Is it the same as what we have in our  
9 binder?

10 MR. URBIK: I don't know if it's in the binder.

11 MS. RHODES: Oh, no?

12 DIRECTOR COSTIGAN: I think this is -- -

13 MS. RHODES: This is different.

14 MR. WILLIS: This is --

15 MS. RHODES: Oh, no. You're right.

16 MR. WILLIS: -- in addition to.

17 MS. RHODES: This is -- Okay.

18 THE CHAIRMAN: Ryan, if you could discuss the  
19 upcoming issues with respect to zip lines.

20 MR. CULTON: Sure.

21 Okay. Just so we're clear, the handout that  
22 you just got is basically in addition to the first  
23 paragraph on -- under Section 6000.350. And, really, we  
24 want to insert this language into that first paragraph.

1 MR. MEYER: Could I ask you a question. Is there  
2 somewhere I could print off that -- the zip line is why  
3 I'm here.

4 MR. URBIK: I can make you a copy.

5 MR. MEYER: Make a copy?

6 MR. URBIK: Sure.

7 MR. MEYER: That would be great. Thank you.

8 MR. URBIK: You want it --

9 MR. CULTON: And these are not part of the rules  
10 yet.

11 MR. MEYER: Okay.

12 MR. CULTON: These are -- This is a draft section.

13 MR. URBIK: Ryan, you want to insert it where?  
14 Here (indicating)?

15 MR. CULTON: Right -- Yeah, right under there.  
16 Right there.

17 MS. SULLIVAN: It's kind of the introduction to the  
18 section.

19 MS. RHODES: I see.

20 MR. URBIK: Do you want it now?

21 MR. MEYER: That's fine. I'll wait till it's over  
22 with.

23 MR. URBIK: Okay. Ask me after the meeting.

24 MR. MEYER: Okay. Thank you.

1 MR. CULTON: The addition of this language is to  
2 basically cover some things that we had started to talk  
3 about internally with the -- because we're starting to  
4 scratch the surface of zip lines. And so this language  
5 was added in as we, you know, did some review, and this  
6 was a draft that we sent out. Because there -- You  
7 know, there are a few companies that are already in  
8 operation, and this has to do with -- it's technically  
9 like a grandfather clause.

10 MR. WILLIS: It comes to the fact that up until  
11 this time, while we've had general regulations that  
12 might cover certain parts of zip line operations, the  
13 regulations or the draft that we did send out before was  
14 a proposed -- or we were proposing to put in as  
15 emergency regulations to cover while -- specifically zip  
16 lines and to address zip lines until we could adopt  
17 formal regulations, you know, pursuant to, you know,  
18 statutory authority.

19 The insertion here is because we have  
20 discovered there are some existing zip lines. It's not  
21 the traveling zip line operation but the permanent,  
22 fixed zip lines that have gone through a considerable  
23 construction process. They've gone through a very --  
24 we've discovered, through a technical process. And the

1 problem becomes -- While the regulations are being  
2 prospective, it's what we do retroactively. And so this  
3 specific provision was designed to address the  
4 retroactive application of our regulations under the  
5 Act, which clearly under our authority we have a right  
6 to apply retroactively because of the dangerous nature  
7 and the inherent concern about public safety that we  
8 have a right to do.

9           And so, you know, there's a lot of law out  
10 there about retroactive versus prospective regulation.  
11 And so this regulation, this provision, is to address  
12 the retroactive effect, where you may have a company  
13 that has gone through -- one, you know, Ryan has visited  
14 and seen -- considerable expense, considerable  
15 engineering, considerable -- we're almost -- well, he  
16 can speak for himself. I'm sure that the State  
17 regulation was -- It may not technically have met every,  
18 one of the prospective regulations that are in effect  
19 but it will allow that company to be licensed and  
20 permitted because it meets our safety -- general safety  
21 standards. It may not meet every technical -- for  
22 future people who want to operate or construct a zip  
23 line. And that's what the purpose of the regulation is,  
24 to add it into effect where it wasn't addressed before



1 and someone could argue either I'm not covered or it  
2 could be argued, therefore, the regulations that apply  
3 would apply totally to that person. And this is to  
4 clarify how we're going to approach people that are  
5 currently existing and not the traveling one.

6 MR. URBK: So these are not appearing in carnivals  
7 but in a fixed location?

8 MR. WILLIS: Yes.

9 MR. URBK: In the State?

10 DIRECTOR COSTIGAN: In the State.

11 MR. URBK: And we're -- Like, the water parks up  
12 in Wisconsin that are having zip lines installed for --  
13 You know, you jump in the water from the zip line and  
14 that kind of stuff, is that the kind of stuff we're  
15 seeing in Illinois?

16 MR. CULTON: Not quite like that. The one that I  
17 visited was a fixed commercial site. And --

18 MR. URBK: Not dropping into the water but just  
19 going from point A to point B?

20 MR. CULTON: Point A to point B, in a canopy of a  
21 tree. That's why they call it a canopy too sometimes.  
22 And they're -- I believe that there's one educational  
23 one up here in the Chicagoland area. And there is a  
24 mobile operator that wants to come to the Illinois State

1 Fair.

2 So there's two different kinds. You have a  
3 fixed site where it can be over a big stretch of land or  
4 a mobile operation where it's on a very short course,  
5 like, on the order or magnitude of, like, 300 feet or  
6 something like that.

7 MR. WILLIS: It just came to, I guess, our  
8 attention this morning in speaking to another  
9 governmental agency that there was another fixed one  
10 apparently operating downstate. And then we got a call  
11 from somebody else who said there's apparently a fixed  
12 one in a park. He wasn't quite sure what it -- what it  
13 was --

14 DIRECTOR COSTIGAN: Yeah.

15 MR. WILLIS: -- but he -- he was going to the park  
16 and he happened to be reading the information about the  
17 park and in there it said zip line.

18 DIRECTOR COSTIGAN: But it's clear that zip lines  
19 are a fast-growing attraction and are -- we're going to  
20 see more of them in the future.

21 MR. CULTON: Yeah.

22 MR. URBIK: It's also not very difficult to  
23 construct.

24 DIRECTOR COSTIGAN: Right.

1 MR. URBIK: You need a pulley, some handlebars, and  
2 some airplane wire, and you're done.

3 MR. WILLIS: Or as opposed to this one, which was  
4 several hundreds of thousands of dollars because it's  
5 fixed, embedded in concrete, that is, the whole tower.  
6 I mean, we can go from one extreme to the other.

7 I mean, you read about the -- you know, the  
8 terrible person, you know, who's been on the news. It's  
9 a homemade zip line. And then you can go to Home Depot  
10 probably and get a rope and a couple of things and call  
11 yourself a zip line.

12 DIRECTOR COSTIGAN: There's been -- For those that  
13 may be -- I hope everybody has heard about it, but there  
14 has been a tremendous amount of coverage in the news  
15 lately about an accident where a young woman -- the line  
16 broke. She fell into a big -- a big water -- pool of  
17 water, and she's been hospitalized. But she also -- As  
18 a result of the accident and the tremendous injury that  
19 she had, she's contacted a flesh-eating bacterial  
20 disease and she's lost her leg. And so there is plenty  
21 of attention, you know ...

22 MR. URBIK: Well, if you have a zip line over a  
23 water feature, do we then start getting involved in the  
24 regulation of that water feature?

1 MR. CULTON: Do you mean, like, over a -- over,  
2 like, a stream or --

3 MR. URBIK: Over a stream, a pool, or a pond, where  
4 we'd have to have a certain chemical balance to be  
5 maintained. I mean, are we getting into that kind of  
6 chemistry? That's part of the feature obviously or the  
7 attractiveness of that particular ride.

8 MR. CULTON: Yeah. This one that you mentioned in  
9 Wisconsin, I had -- I have not seen anything like that,  
10 especially in our state or just in general research.  
11 But I -- From what I -- From my understanding, that part  
12 of the attraction would not be regulated under our  
13 Department. That actually would be the Illinois  
14 Department of Public Health because they -- they  
15 regulate bathing pools.

16 THE CHAIRMAN: Also water slides.

17 MS. SULLIVAN: If I could interject, there's  
18 also -- there are also water quality standards that ASTM  
19 has and is developing for, say, where you might just get  
20 sprayed with water, where you're not supposed to be  
21 immersed. But there's still water quality standards for  
22 those which would address this pool and the flesh-eating  
23 bacteria issue. And so I think if somebody is going to  
24 be over something like that, there should be something

1 that we would require because that is -- that's not  
2 just -- that's not the Health Department necessarily if  
3 it's just a -- if it's not intended for bathing or, you  
4 know, swimming, diving, whatever. If it's just  
5 something that might get splashed, there are even  
6 standards for that.

7 THE CHAIRMAN: Equivalent to the --

8 MS. SULLIVAN: And --

9 THE CHAIRMAN: -- log ride issues.

10 MS. SULLIVAN: Pardon me?

11 THE CHAIRMAN: Equivalent to the water -- the log  
12 ride issues.

13 MS. SULLIVAN: Right, right. But still that  
14 wouldn't be allowed to have flesh-eating bacteria.

15 And -- And I would think that if we're going  
16 to allow zip lines over a pond or anything else that  
17 perhaps we should -- that should be part of what we --

18 DIRECTOR COSTIGAN: Look at.

19 MS. SULLIVAN: -- what we --

20 MR. URBIK: That could really be a quagmire.

21 Because if you want to go over sand, now you've got to  
22 regulate the amount of cat and dog feces that might be  
23 in the sand or if you're doing it over land, how soft  
24 the land must be, there must be absorbent chips so if

1 you do, in fact, fall, you fall into something soft. I  
2 mean, I could see a whole bunch of areas that we would  
3 be regulating way beyond our scope.

4 MS. RHODES: I guess the question is, Is that  
5 beyond our scope? And maybe that's for us to discuss.  
6 But if you're supposed to land on something beneath that  
7 part of the ride -- and I wasn't sure --

8 MS. SULLIVAN: Well, that said --

9 THE CHAIRMAN: You're not talking about situations  
10 where something fails and you fall into the water;  
11 you're talking about where you're going over the water  
12 and there's spray from wind and --

13 MR. URBIK: Because you're meant --

14 MS. RHODES: It's part of the ride.

15 MR. URBIK: -- to fall into the water.

16 MS. SULLIVAN: Pardon me?

17 MR. URBIK: Because you're meant to fall into the  
18 water.

19 MS. SULLIVAN: If -- If you're meant to fall into  
20 water --

21 MR. URBIK: Then that's different.

22 MS. SULLIVAN: -- then -- then that should be. But  
23 even if there's a -- if you're going over a pond that  
24 has one of those aerators, aerators, whatever they're

1 called, then that -- that should be -- that should be  
2 part of what we -- we attend to in terms of if they  
3 could get just partial -- If they could be -- If they  
4 could be sprayed by it, then it should be part of our --  
5 our regulations, I think.

6 MR. URBIK: Do we regulate that now? If I'm taking  
7 a log ride and my buddy is up on the bridge shooting me  
8 with a water cannon, are we regulating the water quality  
9 presently?

10 MR. CULTON: That would fall under water parks.

11 MR. URBIK: Well, the ride certainly would be. But  
12 part of the ride would be the overhanging bridge that  
13 you put a quarter in and then shoot the people coming  
14 off with the water. I would liken it to something like  
15 that.

16 MR. CULTON: Well, I -- I believe that -- I don't  
17 know the answer to that question at the moment.

18 MR. URBIK: Okay.

19 MS. SULLIVAN: You haven't memorized our  
20 regulations yet?

21 THE CHAIRMAN: In the terms of the Department's  
22 role with respect to zip lines, what is the qualitative  
23 difference between a fixed zip line and a traveling zip  
24 line?

1 MR. CULTON: Well, the fixed zip line would be like  
2 this company in -- the place in Grafton, Illinois. They  
3 have a commercial zip line that's attached to trees, and  
4 it's immobile. You can't readily take it down.

5 Now, the mobile side would be a company that  
6 plans on coming to the Fair that has a -- It's basically  
7 like a truck. They have a platform, and it raises up,  
8 and you can tear it down and set it back up.

9 THE CHAIRMAN: Is the inspection of either the  
10 same, relating to the same issues in terms of stressors  
11 and wire tension?

12 MR. CULTON: Well, there -- It's different because  
13 you have longer spans, but essentially the equipment,  
14 like, as far as the ropes -- insofar as the metal  
15 strands going from one end to the other and the  
16 harnesses, is going to be pretty similar, but it's  
17 not -- it's not going to be "one size fits all." It's  
18 different for mobile than it probably would be for a  
19 fixed site.

20 DIRECTOR COSTIGAN: The example that we saw was --  
21 It had a climbing station. It had two inflatable type  
22 barriers that were only there in case of a braking  
23 failure. And then the end -- The other end adjacent to  
24 the climbing station, it was rigged up to, like, a



1 truck.

2 MR. CULTON: Yeah.

3 DIRECTOR COSTIGAN: That's the example that we saw.

4 MR. CULTON: Right.

5 DIRECTOR COSTIGAN: And I think that's the example  
6 of the type of company that's looking to do the -- put  
7 an operation in at the State Fair. And that's how --

8 MR. CULTON: Right.

9 DIRECTOR COSTIGAN: -- it began, the impetus for us  
10 to really start delving further into this question, so.

11 MR. WILLIS: Ryan, you might want to explain, you  
12 know, the state of the industry a little bit, what  
13 you've discovered regarding, you know, really, permanent  
14 regulations and how this is being approached in the  
15 industry.

16 MR. CULTON: Yeah. Currently the industry is  
17 essentially self-regulated. There -- There isn't -- Let  
18 me start there too. If this -- Typically what -- what  
19 you would -- what would be ideal is if we were able to  
20 adopt standards for zip lines from ASTM or ANSI. The  
21 problem there is that the ASTM standards are out for  
22 ballot and nothing will be available till 2013, at the  
23 earliest. So -- And that's a -- ASTM is a standard that  
24 we use a lot in looking at other rides that we -- that

1 fall under our regulation. Now, since that isn't out  
2 there yet, we can't adopt them. So this is kind of the  
3 point behind the emergency rules.

4 And, now, getting to the -- to the industry,  
5 since it's so relatively new, there's -- there's  
6 different variations. There's fixed. There's mobile.  
7 There's people going in the water. Yeah. I mean,  
8 there's some unknowns, but there's -- the industry  
9 itself kind of self-regulates.

10 So they have, you know, a couple of different  
11 organizations. One is called the Association for  
12 Challenge Course Technology. It's the ACCT. And  
13 this -- And there are professional companies out there  
14 that build these zip line canopy tours. And a lot of  
15 the companies that you see will say, Well, we, you know,  
16 design and manufacture in accordance with the ACCT. So  
17 there isn't like a standard like ASTM or ANSI that we're  
18 accustomed to. It's a lot more industry regulation.

19 But these -- Like, the ACCT and the -- the  
20 other acronym escapes me at the moment, but it's another  
21 zip line association that has a number of -- a bunch of  
22 other manufacturers. A lot of them talk about the need  
23 to have the course designed by a professional engineer  
24 and have the dynamic and static loads looked at by a

1 structural engineer and that a qualified person,  
2 essentially an arborist, comes out and ensures that the  
3 trees are adequate for designing zip lines and they're  
4 not dead. And it also has a lot of information in there  
5 about yearly inspections. The inspections would be  
6 from, you know, a qualified person from the ACCT  
7 organization, other than a third-party regulator such as  
8 the Department of Labor of wherever, in what state  
9 you're in.

10 So that -- that's essentially where we're at.  
11 I mean, you've got, you know, an industry that's kind of  
12 self-regulated. It's new. And some of the other  
13 standards that we're used to haven't quite caught up to  
14 it yet.

15 MS. SULLIVAN: Does TSSA have -- Because  
16 I was talking with Gord Kanani and they're -- they're  
17 involved in the ASTM task group.

18 MR. CULTON: I believe Angelo did.

19 MR. MAZZENGA: Here is a copy of --

20 MS. SULLIVAN: Oh, okay, good.

21 MR. MAZZENGA: I've been looking through it. And I  
22 think we shared this, Ryan and I did. I downloaded it  
23 and sent it on and --

24 MR. CULTON: Just to be clear, TSSA is out of

1 Canada.

2 MS. SULLIVAN: Right.

3 MR. MAZZENGA: Right. It's Canadian.

4 MR. CULTON: Canadian.

5 MR. MAZZENGA: It's very detailed.

6 MR. URBİK: They put it in French.

7 MR. MAZZENGA: No. It's in English.

8 MS. SULLIVAN: No. It's out of Ontario actually.

9 MR. MAZZENGA: Well, actually the reason we looked  
10 at TSSA is because we made contact with the ASTM working  
11 committee, Mike -- Mike Teske.

12 MR. CULTON: Teske.

13 MS. SULLIVAN: Teske.

14 MR. MAZZENGA: And what he indicated is that ASTM  
15 was two years away. They were three years into it, two  
16 years away from releasing a standard. And he suggested  
17 that we -- that Illinois fall back on existing amusement  
18 regulations and that we look at Canadian regulations  
19 because there are quite a few zip lines in Canada, you  
20 know, just to get ideas. And he said that they had been  
21 doing the same thing.

22 And there are a lot of good ideas in there.  
23 I'm not exactly sure, you know, we want to implement all  
24 of them. But they do bring up, you know, the idea --

1 the notion that there will be peer review, you know,  
2 peer review by other people who design zip -- zip line  
3 type attractions, that they have these so-called peer  
4 review organizations that establish rules.

5 And I read through this, and the technical  
6 part was all pretty good. I thought I understood it  
7 pretty well, but I didn't understand the legal  
8 implications of what the TSSA regulations invoke.

9 Also, in our review, we found that there are  
10 regulations out there that prohibit tying off the wire  
11 rope to a motor vehicle. And I wondered how you  
12 reconcile that with the notion that someone would have a  
13 mobile --

14 DIRECTOR COSTIGAN: Right.

15 MR. MAZZENGA: -- zip line.

16 DIRECTOR COSTIGAN: I think that's -- that's the  
17 issue that really struck us in the beginning. There's a  
18 need to -- Because we don't allow inflatables tied off  
19 to trucks, so.

20 MR. CULTON: In the -- In the draft rules,  
21 Angelo -- Let me see if I can find the section for you.

22 THE CHAIRMAN: Is the concern about that there's a  
23 tipping hazard due to the tension that -- if you're not  
24 using outriggers on the vehicle?

1 MR. CULTON: Well, 2, point, D --

2 DIRECTOR COSTIGAN: Somebody could get in the car  
3 and drive off too.

4 THE CHAIRMAN: Oh, driving off, okay. They could  
5 do that too.

6 MR. CULTON: Parked --

7 DIRECTOR COSTIGAN: It's true, though.

8 MR. CULTON: Parked vehicles shall not be allowed  
9 as tie-off points for the termination of zip lines for  
10 anchors.

11 MR. MAZZENGA: Yeah. That's good. I -- I agree  
12 with that. I agree with that.

13 MR. MEYER: The only reason, if I could, is --  
14 Like, the one I have has a sled, and we have weight on  
15 the sled, which gives you -- but we will -- the  
16 operator -- the guys that are there, they have a vehicle  
17 there anyway. They connect the truck to the front of it  
18 anyway just as an extra weight. I mean, the whole idea  
19 is just to give it more weight. I mean, the energy  
20 standard for, like, ours at the end is 3500 pounds, at  
21 the end. If I have a truck that's 4800 pounds, what's  
22 the difference of adding some more weight to the end of  
23 it? It's just extra security for it. That's the only  
24 reason we do it that way.

1           DIRECTOR COSTIGAN: But it's not the principal --

2           MR. MEYER: It has -- No. It's not the -- It's not  
3 the main holding weight. But if you're not using the  
4 truck and it's there, I -- as an owner, I'm more  
5 comfortable even having more weight. I can't -- It  
6 would be hard for me to take 10,000 pounds of weight --  
7 If I have an extra vehicle that weighs a ton and I  
8 already have weight on it, I don't need the truck hooked  
9 up to it but it's an extra thing in my -- just as my --  
10 You know, if I have more weight on it, I feel more  
11 comfortable with it.

12           MR. JOHNSON: I want to add too, the -- Spectrum  
13 Manufacturing is making a mobile zip line. I'm glad I  
14 didn't buy it in February because part of the end result  
15 is a truck with a trailer hitch that the zip line is  
16 tied to, a pickup truck.

17                   As far as somebody taking off, I mean, we're  
18 pretty responsible, so we're not going to leave a key in  
19 the truck and the door open and say, Go ahead and drive  
20 it.

21                   So that is what they're making for the  
22 portable course. Because you have to secure it  
23 somewhere portable. And what would you secure it to if  
24 you're out in the field? You have to have something --

1 I mean, you can't drive a stake in the ground. You  
2 can't, okay, tie it to a building. So I don't think  
3 there's anything wrong with having a -- a vehicle. You  
4 just maybe have to have regulations involved for that  
5 vehicle. That's my opinion.

6 THE CHAIRMAN: A lockout/tagout procedure.

7 MR. JOHNSON: That's fine. Disconnect the battery  
8 cable, whatever the case may be, or put a sticker on the  
9 window, whatever, you know --

10 DIRECTOR COSTIGAN: The lockout/tagout --

11 MR. JOHNSON: That's fine too.

12 DIRECTOR COSTIGAN: -- notion that could stop it  
13 then.

14 MS. SULLIVAN: Yeah.

15 MS. RHODES: And the --

16 MS. JOHNSON: Unfortunately --

17 MS. RHODES: -- outriggers --

18 MR. JOHNSON: -- it's common sense --

19 MS. RHODES: -- you're talking --

20 MR. JOHNSON: -- is really all it is.

21 THE CHAIRMAN: The court reporter can only take  
22 down one person talking at a time, so we have to be  
23 cognizant of her.

24 MR. MAZZENGA: I have a comment related to that. I



1 think -- I think a main feature of the zip line is the  
2 span between supports and the sag in the line and the  
3 weight loading, the weight loading, though that all  
4 determines the speed of the participant, the person in  
5 the seat, and it determines whether they can brake at  
6 the end.

7 DIRECTOR COSTIGAN: Right.

8 MR. JOHNSON: Right.

9 MR. MAZZENGA: So in addition to an anchor, I think  
10 you also have to be real accurate with respect to  
11 distances between supports. And I'm sure the rules and,  
12 you know, machinery could be developed to make it all  
13 work. I'm sure it will work. It's just a matter of how  
14 do you -- how do you implement it without knowing all  
15 the details at this point.

16 MR. JOHNSON: Spectrum had a brake on the cable.

17 Does yours have a brake?

18 MR. MEYER: Ours is -- is an auto. So the  
19 participant has no control over it. The cable senses  
20 it, and it slows them down as they come to the end. The  
21 participant has no control over that. It's all done by  
22 computer.

23 MR. MAZZENGA: On its own?

24 MR. CULTON: And does it send --

1 MR. MEYER: Yeah.

2 MR. CULTON: -- send the trolley back up to the  
3 top?

4 MR. MEYER: It will -- The cabling mechanism -- The  
5 braking mechanism will come off of the railing, and it's  
6 all -- it's all done by the computer, back and forth.  
7 So there's -- The sled will drop when the participant --  
8 when the two participants get to the end. The operator  
9 at the bottom has to actually hydraulically lower the  
10 line for them, at which time it locks out the top so you  
11 can't open the doors to let another rider down. The --  
12 The only way that it will allow them -- Because there's  
13 security doors at the top that stay locked. So once it  
14 is lowered down for them to get off the line, because it  
15 has to go up again -- It's not going to be right -- You  
16 know, some people are shorter; some people are taller.  
17 So we can lower the -- lower them down, and it locks out  
18 the top. Once they're off and the operator at the  
19 bottom then raises it back up to the locked position, it  
20 releases the doors for them to go ahead and send two  
21 more riders down. Do you understand --

22 MR. CULTON: What's the secondary if the computers  
23 fail?

24 MR. MEYER: There -- There is -- There is an

1 emergency -- If it gets to a certain point on the line  
2 and the computer stops, there's an emergency lockdown if  
3 it comes down the line and it locks out the rider.

4 MS. RHODES: So it's a fail-safe?

5 MR. MEYER: Yeah. The rider has no control over  
6 it.

7 Like, a lot of the -- A lot of the ones that  
8 are permanent like you're talking about -- I've done, I  
9 think -- I don't know if anybody has done zip lines.  
10 But if you do them out of the country, there's all sorts  
11 of different standards. Like, down in Mexico -- down in  
12 Mexico, you put a glove on and you put your hand on  
13 there and you brake yourself as you're coming to the  
14 end. If you don't push down on the glove, you hit the  
15 tree, that's it.

16 MR. WILLIS: We've seen -- We've seen that.

17 MR. MEYER: Yeah.

18 DIRECTOR COSTIGAN: We've seen the videos.

19 MR. MEYER: It really depends then. You know what  
20 I mean? And there's going to be a huge variety. Like  
21 he was saying, the other company is doing it with the --  
22 the vehicle and tying it up at the end. The company I  
23 have, Extreme Engineering, made a sled just for that.  
24 You took that out of play, but you can also, if you want

1 the extra -- Like I said, I could hook up my vehicle to  
2 it if I really want to. It gives me more weight, and it  
3 puts me more at ease.

4 It just depends -- There's a wide variety of  
5 them. You guys are going to have a hard time with it  
6 because there's a bunch of companies making it, you  
7 know. And that's the problem you're going to have.

8 Like, Extreme Engineering, I've had a rock  
9 wall with them, and it's cleared with you guys for  
10 years. They're a good company. They have engineers,  
11 and they work through the problems if they have  
12 problems. And I think that's just going to be kind of  
13 on a case-by-case basis on who has got the good product  
14 and who doesn't.

15 MR. URBIK: How are we going to be inspecting  
16 these? Are these strictly for commercial use? If a  
17 rental company wants to rent it to me for my kid's  
18 birthday party, do we inspect it? We don't inspect  
19 inflatables.

20 DIRECTOR COSTIGAN: It's public use. It's got to  
21 fall within --

22 MR. WILLIS: It's got to fall within our definition  
23 like any other ride.

24 MR. URBIK: I have a zip line in my park --

1 MR. WILLIS: If you had a --

2 MR. URBIK: -- and I don't charge for it.

3 MR. WILLIS: -- go-kart ride in your backyard, we  
4 aren't going to inspect it. It's got to be something  
5 that's available --

6 THE CHAIRMAN: Available to the general public.

7 MR. URBIK: It's not -- It's not necessarily a  
8 commerce-generating type of device. That's -- That's  
9 not the point. So if I have it for free in my family  
10 entertainment center, we're still going to inspect it?

11 MS. SULLIVAN: Yes.

12 MR. WILLIS: If it costs to get into the family  
13 entertainment center, you're saying? Yes.

14 MR. URBIK: Other than -- It's just -- It's just a  
15 feature. I'm not charging specifically --

16 MR. WILLIS: No, no.

17 MR. URBIK: -- for that ride. I'm not charging you  
18 admission --

19 MR. WILLIS: We'll still inspect.

20 MR. URBIK: -- to come in.

21 DIRECTOR COSTIGAN: If it's a private event, we're  
22 not --

23 MS. SULLIVAN: If it's open --

24 DIRECTOR COSTIGAN: -- we don't have jurisdiction.

1 MS. SULLIVAN: -- to the public to come to your  
2 family entertainment center, then it would fall under  
3 the Department.

4 MR. WILLIS: For example, I guess --

5 MS. SULLIVAN: Free or charge.

6 THE CHAIRMAN: Well, an example would be like a  
7 church picnic where they're bringing in an inflatable.

8 MR. URBIK: We exempt not-for-profits anyway.

9 THE CHAIRMAN: Well, okay. I'm thankful.

10 MR. WILLIS: This is going to issues with the  
11 question. Say I had --

12 THE CHAIRMAN: A for-profit church.

13 MR. WILLIS: -- I had an amusement park and then I  
14 put four trees and I ran a zip line between the -- over  
15 the four trees and say, Oh, this is an educational event  
16 in my amusement park because I'm going to tell you as  
17 you're going through it there's a Sequoia and there's a  
18 Whispering -- whatever. You aren't going to be --

19 MR. URBIK: That guy is nuts.

20 MR. WILLIS: You aren't going to be exempted  
21 because you call it an educational tour as part of your  
22 amusement park.

23 MS. RHODES: Because it's available to the public,  
24 right?

1 MR. WILLIS: Right, right. So it's not the  
2 individual. It's what -- where it's at.

3 MS. SULLIVAN: Uh-huh, uh-huh.

4 THE CHAIRMAN: Angelo, you had mentioned you  
5 reviewed some stuff. We haven't set up a formal  
6 subcommittee on zip lines yet. Maybe -- Perhaps we  
7 should do that today. Do you want to be on our --

8 MR. MAZZENGA: I'd be glad to.

9 THE CHAIRMAN: -- newly formed Board subcommittee  
10 on zip lines.

11 MR. MAZZENGA: Sure.

12 THE CHAIRMAN: Congratulations.

13 Do I have a second person that would like to  
14 join him? You don't need a second. You can be a  
15 subcommittee of one.

16 MS. SULLIVAN: Well, could I suggest that maybe  
17 somebody who has zip lines gets on the --

18 MR. MAZZENGA: Participate?

19 MS. SULLIVAN: Participates.

20 THE CHAIRMAN: Yeah. I think -- Yeah. I think  
21 part of your central work would be to reach out to the  
22 operators and discuss --

23 MS. SULLIVAN: Well, and --

24 THE CHAIRMAN: -- the operations.

1 MS. SULLIVAN: And maybe even if you can get ahold  
2 of a manufacturer. Like, if you -- if you think Extreme  
3 Engineering is a good, reputable manufacturer, then  
4 someone who actually designs them can be -- can be --

5 DIRECTOR COSTIGAN: Brought in.

6 MS. SULLIVAN: -- helpful too.

7 DIRECTOR COSTIGAN: Yeah.

8 MS. SULLIVAN: Which is the ASTM model, where you  
9 have, you know, the different people who all have --  
10 come from a different point of view and -- and you get,  
11 I think, the best --

12 THE CHAIRMAN: I don't think --

13 MS. SULLIVAN: -- overall --

14 THE CHAIRMAN: -- you can have non-Board members on  
15 the subcommittee, but the subcommittee can reach out and  
16 talk to whomever they want in the world and, you know,  
17 bring them into the fold.

18 MS. SULLIVAN: Is there anything that's saying --

19 MR. CULTON: I'd be happy to be --

20 MS. SULLIVAN: -- that we can't have?

21 MR. CULTON: -- on there, but I am --

22 THE CHAIRMAN: Well --

23 MR. CULTON: -- I'm not a Board member.

24 THE CHAIRMAN: Well, no. I'm suggesting he work



1 with you on it.

2 MR. CULTON: Sure.

3 THE CHAIRMAN: Yeah. The subcommittee would be  
4 Board members. And then --

5 MS. SULLIVAN: Well, since we've never had  
6 subcommittees before, what says we can't have non- --  
7 nonmembers?

8 THE CHAIRMAN: Because it's -- I think because  
9 it's Board work, and I don't -- I don't think --

10 MR. WILLIS: You're delegating your -- It depends  
11 what your responsibilities of your Board were. But I  
12 think traditionally you cannot -- a subcommittee has got  
13 to be composed of people that are on the -- -

14 MR. URBIK: He can be an adjunct committee.

15 MR. WILLIS: I mean, they can always reach out, and  
16 they can always --

17 THE CHAIRMAN: That's what I'm saying --

18 DIRECTOR COSTIGAN: I think it's -- That would be  
19 the -- certainly be the purpose of the subcommittee  
20 doing its work, is to reach out --

21 THE CHAIRMAN: Yes. It's not for them to create  
22 this in a vacuum. It's to reach out to the world and --

23 MS. SULLIVAN: Okay.

24 THE CHAIRMAN: -- bring back data and --

1 DIRECTOR COSTIGAN: And I think --

2 THE CHAIRMAN: -- information to us.

3 DIRECTOR COSTIGAN: And I think Ryan has got --  
4 We're learning more about who some of the participants  
5 are, and I think we've got a -- we've got some -- some  
6 good help that we could provide.

7 MR. MAZZENGA: I think Ryan did -- I saw a copy of  
8 the draft rules and I thought they were very good. And  
9 I made a comment to Ryan about that. So I --

10 DIRECTOR COSTIGAN: I mean, he's only been here  
11 30 days.

12 MR. MAZZENGA: 30 days.

13 So my comment was if you're going to have a  
14 subcommittee, what would be the scope? You know, I'm  
15 not --

16 THE CHAIRMAN: That is for the subcommittee to come  
17 up with.

18 MR. MAZZENGA: I'm not exactly clear on that.  
19 Maybe if we just keep -- keep doing pretty much  
20 exploration and reaching out?

21 MR. CULTON: I think this is going to be evolving  
22 for some time. And I think that's the best thing to do,  
23 is to reach out to the folks that are wanting to and  
24 letting them and have a practical look at it. And then

1 I think our -- And our role is to evaluate that and  
2 apply the safety guidelines.

3 THE CHAIRMAN: And then maybe when we come back for  
4 our January meeting, if we could have some type of  
5 nominal report on --

6 MR. CULTON: Yeah.

7 THE CHAIRMAN: -- on what's out there in Illinois  
8 at least and what's out there in the industry.

9 MR. CULTON: But keep in mind -- You know, we're  
10 going to introduce at this Board meeting -- Even now we  
11 have the State Fair and we know people are operating.  
12 We will have to -- Well, I don't know if I should say  
13 that. We need to discuss one way or another, you know,  
14 do we -- are we going to enact these rules.

15 THE CHAIRMAN: Oh, absolutely. And I think -- You  
16 guys go forward and do your job. What I'm saying is  
17 come back and report to us what you've accomplished,  
18 what you've done, and where we're going in the future.

19 MR. CULTON: Well, you're heading towards an  
20 advisory committee, and I think they need some --

21 MS. SULLIVAN: I would even suggest there's no  
22 reason we can't have another Board meeting before that.

23 THE CHAIRMAN: We can schedule that --

24 MS. SULLIVAN: We can -- We have to have a minimum

1 of two, but there's no -- nothing -- we've had numerous  
2 Board meetings a year --

3 MR. CULTON: Okay.

4 MS. SULLIVAN: -- when we had -- had things we were  
5 working on, so.

6 MR. WILLIS: Well, the reason that he came up  
7 with -- So you understand the reason the Department came  
8 up with the emergency rules -- and, Sara, are you there?

9 MS. MEEK: I'm here.

10 MR. WILLIS: Okay. We're getting into your  
11 bailiwick again.

12 (Continuing.) -- was that we looked and  
13 examined -- And certainly we could have looked and said  
14 harnesses are covered here and this is covered there.  
15 It just didn't make -- allow us to -- you know, to do  
16 it. That's why we -- why we came up with some emergency  
17 rules which would take into account the various  
18 nature -- You know, and, again, the magic word, I think,  
19 from, you know, the person over there who was  
20 representing zip lines is they've been mechanically  
21 engineered by somebody, you know. And that's really  
22 been our focus, is to make sure that whoever has a zip  
23 line -- I think the rules sort of focus on that area --  
24 is that there has been some engineering study that set

1 up this thing or guidelines. That's what it is, and  
2 that's why we've tried to address it on the emergency  
3 basis rather than saying, you know -- asking -- or  
4 eventually there were permanent rules and the industry  
5 turned around and said, Here's what you got to have.  
6 That would be a different issue.

7 But right now, as you said, there's three,  
8 four manufacturers, and they're, you know, all out  
9 there. And, you know, today I may look at this one as  
10 being the best, but we've got to make sure, you know,  
11 like we've done on all the rides -- and that's been our  
12 focus of these emergency rules -- that there has been  
13 engineering and standards and the operator, when he's  
14 going through this -- And what we've learned from the  
15 one which is permanent, while he -- he looked at the  
16 rules we had proposed, while he had not -- may not have  
17 complied with every feature that we had set up there,  
18 when we got all of the information and he laid it all  
19 out to us, we saw that it would have complied, we would  
20 have said, with -- with the safety standard. That's, I  
21 think, what we did on the other regulation, which was to  
22 say, you know, it's unknown, but if you could show that  
23 it's been engineered and done right, you're basically  
24 going to get permitted.

1 THE CHAIRMAN: You're looking at -- It's definitely  
2 helpful to the subcommittee. It's always helpful to  
3 have feedback from the industry at our meeting, but  
4 probably rather than trying to brainstorm at a second  
5 meeting, if we have, you know, a subcommittee that is  
6 brainstorming with the industry on an ongoing basis,  
7 then they can come in and refine down for us what the --  
8 more or less what the input is.

9 MS. RHODES: Dan, what is -- what is the next step  
10 then for the emergency rules?

11 MR. WILLIS: Sara? Sara?

12 MS. MEEK: I'm not clear if you all are wanting  
13 to -- We wanted to bring the emergency rules before the  
14 Board to get the Board's opinion on whether or not we  
15 should go ahead and proceed to adopt this for the time  
16 being. Emergency rules are good for 150 days from the  
17 date they're adopted. So we were expecting that these  
18 rules would cover this carnival season and the zip lines  
19 that are in operation for this carnival season. And  
20 then I guess at such time that this subcommittee could  
21 meet, they may have some changes to the rule that they  
22 see fit and we could then proceed with a regular  
23 proposed rule that would -- once adopted would become  
24 part of the overall rule that's lasting and doesn't

1 expire after a certain date.

2           So I'm not sure if you all are wanting to take  
3 up consideration of approving these emergency rules for  
4 adoption at this time or if you're wanting to wait until  
5 the subcommittee meets. If we wait until the  
6 subcommittee meets, I think we would have to inspect zip  
7 lines based upon the standards that are currently set  
8 forth in our rules just generally for amusement rides or  
9 attractions.

10           MR. WILLIS: And I guess our opinion was that those  
11 wouldn't be adequate.

12           MS. SULLIVAN: Right, right. I agree.

13           THE CHAIRMAN: My vision for the --

14           MS. RHODES: I agree too.

15           THE CHAIRMAN: -- for the subcommittee is not to  
16 delay implementation but, rather, to implement it,  
17 review the process --

18           MR. URBIK: Tweak it.

19           THE CHAIRMAN: -- when we get more feedback, come  
20 back in January --

21           DIRECTOR COSTIGAN: Look further.

22           THE CHAIRMAN: -- or sooner and refine it as we go  
23 along.

24           DIRECTOR COSTIGAN: We could start with the

1 emergency rules that we have, and then -- and then look  
2 further into it for any potential, possible changes down  
3 the road.

4 MR. URBIK: So we just need a motion to do that?

5 MS. SULLIVAN: No. Wait.

6 THE CHAIRMAN: Go ahead.

7 MS. SULLIVAN: I have -- I'd like to go through  
8 them because there are a few things in here that I think  
9 could be tweaked a little bit before we -- before we  
10 discuss approving them.

11 On page 2 of it, where it says Operating  
12 Manual, I would like to see that say Operation and  
13 Maintenance Manual because I think maintenance is just  
14 as important as operating and there should definitely be  
15 a maintenance portion in there that -- because there  
16 should be maintenance logs. There should be, you know,  
17 opening inspec- -- pre-opening inspections. There  
18 should be all of those sorts of things. And so I  
19 think -- We have some of those things in place already  
20 for -- for regular rides, so I think some of that  
21 language should be brought into this --

22 MR. CULTON: Okay.

23 MS. SULLIVAN: -- to be sure that we're not just  
24 looking at operation. Because if it's not being



1 maintained, the greatest operation in the world can't  
2 keep something from breaking.

3 MR. CULTON: Yeah. I agree.

4 MR. URBIK: That makes sense.

5 MR. MAZZENGA: Patty, G -- Or let's see. I don't  
6 know what page it is. Site Operating Manual and  
7 Documentation?

8 MS. SULLIVAN: Okay. Where ...

9 MR. MAZZENGA: 3G says: Maintenance standards and  
10 procedures. So it is in there.

11 MS. RHODES: It's just that what you read is the  
12 definitions, and there is no definition of the  
13 maintenance --

14 MS. SULLIVAN: I think that -- Yeah. I think that  
15 that -- it should also have inspection criteria in it so  
16 that -- so that everything is spelled out and that we --  
17 we have all of these things that are required and that  
18 then we -- then, for instance, the inspectors know to  
19 ask where's -- where's your -- you know, where are your  
20 maintenance --

21 DIRECTOR COSTIGAN: Logs.

22 MS. SULLIVAN: -- logs, where are your inspection  
23 logs, where are your training, you know, logs, where  
24 people have been trained on proper operation. All those

1 kinds of things, I think, are just as important for this  
2 as they are for all other rides.

3 THE CHAIRMAN: Ryan, do you have number on how many  
4 regulated zip lines in operation in Illinois there are?

5 MR. CULTON: I don't have a clear number because  
6 there's mobile, there's fixed. We -- We really don't  
7 know for sure.

8 MS. SULLIVAN: But they're working on it.

9 MR. CULTON: Yeah.

10 THE CHAIRMAN: Do you have a sense of whether it's  
11 12 or a hundred?

12 MR. CULTON: I would -- Yeah. It's not a hundred.  
13 But I'd say you're looking at a magnitude of anywhere  
14 from --

15 DIRECTOR COSTIGAN: A dozen maybe?

16 MR. CULTON: -- a dozen to 20 at the most.

17 Now, I've got another one that --

18 THE CHAIRMAN: Well, what's the best way to find  
19 out who has them and where they are? Is it to contact  
20 each of the operators and say, Hey, do you have any?

21 MR. CULTON: That's a good question.

22 MR. URBIK: I don't think you can find them stand  
23 alone necessarily.

24 MR. CULTON: Yeah.

1 MR. URBIK: No. I would think they would be part  
2 of something else. Because the zip line in and of  
3 itself wouldn't generate enough revenue to attract  
4 enough attention to make it worthwhile. The insurance  
5 has to be significant.

6 MR. CULTON: It's come up in the past where we've  
7 had to do public outreach and notify --

8 MR. WILLIS: Well, certainly on our website we'll  
9 go out after this meeting and say here. So, you know,  
10 it's going to be --

11 DIRECTOR COSTIGAN: Here's our intention.

12 MR. WILLIS: Here's our intention.

13 MR. MEYER: But the hard thing is you guys only  
14 regulate for public events.

15 MR. WILLIS: Right.

16 MR. MEYER: We do so many private country clubs --

17 MR. WILLIS: Right.

18 MR. MEYER: -- and private events that you don't  
19 regulate us on, so. And you're going to find a lot of  
20 companies that maybe don't do any public events because  
21 they don't want to be regulated by you guys. So you're  
22 never going to find those guys because they don't --  
23 they avoid going to a town, avoid going to -- they  
24 don't -- there's enough money to be made on private

1 events that they don't have to deal with all of this.  
2 So, I mean, that's the problem that comes up.

3 MR. URBİK: That's a problem regardless, to where  
4 we don't regulate it, regulate it anyway, so.

5 MR. MEYER: Yeah, yeah.

6 MR. WILLIS: Right. And, again, then you'll have  
7 the issue of: Are they part of the amusement park? Do  
8 they fall under the Act? Don't they fall under the Act?

9 DIRECTOR COSTIGAN: Right. What purpose --

10 MR. WILLIS: What purpose are they? That's  
11 probably more or less the -- not the roving, traveling  
12 ones but the fixed ones.

13 MR. JOHNSON: Change the Act. They all should be  
14 inspected.

15 THE CHAIRMAN: Talk to your State rep.

16 Angelo?

17 MR. MAZZENGA: I have a comment on his question,  
18 Dan.

19 When we looked at -- When we looked at the  
20 ASTM standards that are being drafted, they are referred  
21 to as Standard Practice for Special Requirements for  
22 Aerial Adventure Courses, all-inclusive. They're  
23 looking at ropes courses, carousel tours, adventure  
24 tours, this kind of stuff. And the State -- the CARSA

1 standard is specifically addressing zip lines, which is  
2 a wire rope.

3 MR. CULTON: Right.

4 MR. MAZZENGA: I'm just wondering if that -- if  
5 that's exactly what the intent of the CARSA standard is,  
6 is to just look at zip lines for now or whether carousel  
7 tours should be included.

8 MR. CULTON: Oh, included.

9 MR. MAZZENGA: Or maybe a carousel tour includes a  
10 zip line then and then it is included, right?

11 MR. CULTON: It's probably something we need to  
12 address in our subcommittee.

13 MR. MAZZENGA: Going forward or --

14 THE CHAIRMAN: Let me ask you this, Patty. In  
15 terms of the additional things we need to put in this --

16 MS. SULLIVAN: Uh-huh. And just -- And I'm just  
17 talking about putting it into the Operating Manual  
18 because Ryan does have things in the -- in the back  
19 that -- that specify some of those things, but I  
20 think -- I think this -- when an operator sees what it  
21 is, then -- then -- we want the whole thing spelled out  
22 in a manual and not just have different forms and here's  
23 a procedure sitting out here and here's this over here.  
24 It should all be together so --

1 DIRECTOR COSTIGAN: Kind of a whole.

2 MS. SULLIVAN: -- when our -- so when our  
3 inspectors go to inspect, everything is there. It's  
4 not, you know: Oh, yeah, we have that somewhere. It's  
5 on a clipboard. I don't know. It's out by the ride, or  
6 it's out -- you know.

7 THE CHAIRMAN: My only question is, Do you want to  
8 see a fuller proposal come back to our Board --

9 MS. SULLIVAN: Yes.

10 THE CHAIRMAN: -- or are you saying take this  
11 information, put it in there, and then run with it?

12 MS. SULLIVAN: I think if he would -- if both of  
13 you, when you get something --

14 THE CHAIRMAN: Here's what -- Maybe we could do  
15 this rather than having to reconvene another meeting to  
16 approve it. Could I put you on the subcommittee.

17 MS. SULLIVAN: Okay.

18 THE CHAIRMAN: And then you and Angelo work that  
19 out with Ryan, the language, and then give that to Ryan.

20 MS. SULLIVAN: Okay.

21 THE CHAIRMAN: Does that work for you?

22 MS. SULLIVAN: Okay.

23 MR. WILLIS: If your subcommittee meets within the  
24 next day, it's wonderful. If it doesn't meet within the

1 next day, we have nothing --

2 MS. RHODES: We're exposed.

3 MR. WILLIS: -- to run with, we're exposed. We are  
4 out there right now at the height of season, and we have  
5 to get the inspectors --

6 THE CHAIRMAN: Well --

7 MR. WILLIS: Whatever --

8 THE CHAIRMAN: -- what if we put this into play and  
9 then you and Ryan come up with additional language to  
10 insert in it and then add to it?

11 DIRECTOR COSTIGAN: Does this suffice for a  
12 starting point? I mean, it's not the end point.

13 MS. SULLIVAN: For -- For right now --

14 DIRECTOR COSTIGAN: Yeah.

15 MS. SULLIVAN: -- if he just changes the name of  
16 the manual to include -- to include --

17 DIRECTOR COSTIGAN: I mean, we could amend it.

18 MS. SULLIVAN: -- all of these things --

19 MR. WILLIS: Right now.

20 DIRECTOR COSTIGAN: Right now.

21 MS. SULLIVAN: Because -- Because right now it  
22 lists the things that should -- that should happen, but  
23 right up front the -- you know, I would just --

24 DIRECTOR COSTIGAN: I would --

1 MS. SULLIVAN: Like that --

2 DIRECTOR COSTIGAN: I would --

3 THE CHAIRMAN: Let's -- Let's --

4 DIRECTOR COSTIGAN: I would propose --

5 THE CHAIRMAN: Okay. Let's move to amend it on its  
6 face --

7 MS. SULLIVAN: Right.

8 THE CHAIRMAN: -- to add your language.

9 MS. SULLIVAN: And then I have another thing on --  
10 under General Compliance Criteria.

11 MS. MEEK: Patty, could I just interrupt real  
12 quick.

13 MS. SULLIVAN: Yes.

14 MS. MEEK: I got that you're wanting to change the  
15 title, Operation and Maintenance Manual. Are there  
16 changes before your subcommittee gets together or ...

17 MR. WILLIS: What we're talking about, Sara, is  
18 that -- making certain changes right now and after those  
19 we'll stop --

20 DIRECTOR COSTIGAN: As opposed to --

21 MS. SULLIVAN: It could just say Operations,  
22 Maintenance, and Inspection Manual.

23 MS. MEEK: And that's good for right now, until --

24 MS. SULLIVAN: Yes.



1 MS. MEEK: -- the committee meets?

2 DIRECTOR COSTIGAN: Well, and --

3 MS. SULLIVAN: Yes.

4 DIRECTOR COSTIGAN: -- the training. I think the  
5 training piece should be added as well.

6 MS. SULLIVAN: Yes. Operation, Training --

7 DIRECTOR COSTIGAN: Maintenance.

8 MS. SULLIVAN: -- Maintenance, and Inspection  
9 Manual.

10 MS. MEEK: Okay.

11 MS. RHODES: Because I have two comments on this  
12 also, but both of them can wait, meaning neither of my  
13 comments are such that they should hold up the emergency  
14 rules. I don't know how you feel, but it sounds like  
15 yours is easy, just add the definition for operation,  
16 maintenance, and inspection. I have questions that I'll  
17 just make sure Ryan gets --

18 MR. CULTON: Okay.

19 MS. RHODES: -- for when they meet to improve it  
20 for the next iteration, but I don't have any issues with  
21 the emergency rules based on what I read.

22 THE CHAIRMAN: And just so you know, as guidance  
23 for the subcommittee, under the Open Meetings Act, if  
24 you're less than a majority -- the majority, it doesn't

1 have to be published. So the majority -- If our Board  
2 is five, the majority of that would be three. So as  
3 long as you're two, you can just talk.

4 MS. SULLIVAN: Okay, okay. Then under G, under the  
5 General Compliance Criteria, Equipment, I would -- if --  
6 I'm not sure why it's bolded, but it says  
7 "manufacturer's specification."

8 DIRECTOR COSTIGAN: You're talking about c, I  
9 think, right?

10 MS. SULLIVAN: No.

11 MS. RHODES: No. G.

12 MS. SULLIVAN: G.

13 DIRECTOR COSTIGAN: G, under General --

14 MS. SULLIVAN: I would like that "manufacturer's"  
15 to be changed to "engineer's."

16 MS. MEEK: Is this under part c and then G under  
17 part --

18 DIRECTOR COSTIGAN: Yes, yes.

19 MS. SULLIVAN: Correct.

20 MS. MEEK: -- under General Compliance?

21 MS. SULLIVAN: Correct. General Compliance  
22 Criteria --

23 MS. MEEK: Okay.

24 MS. SULLIVAN: -- and No. 1 is Equipment and then

1 under Equipment, the G.

2 MS. MEEK: Okay. And you're talking about the word  
3 "manufacturer"?

4 MS. SULLIVAN: Yeah.

5 And I would like to see that be "the  
6 engineer's criteria."

7 MR. URBİK: Whose engineer? Ours?

8 MS. SULLIVAN: No. The engineer of the zip line.

9 MS. RHODES: Within the manufacturer?

10 MR. URBİK: Within the manufacturer.

11 MS. SULLIVAN: No, not necessarily. Because the  
12 engineer could be in a whole different company, in a  
13 whole different place than whoever manufactures it.

14 MR. WILLIS: What did you find out, Ryan, on the  
15 one you looked at?

16 We had -- This was an issue that came up. We  
17 were looking at this one, about the engineer and who the  
18 manufacturer versus the engineer was.

19 MR. CULTON: Yeah. Interviewing this company with  
20 the zip line, they hired a company who came in and  
21 constructed the zip line. And on their -- their  
22 literature they state that they have licensed  
23 professional engineers to help design --

24 MR. URBİK: But the manufacturer -- The engineers

1 are agents of the manufacturers, on behalf of the  
2 manufacturers, so it eventually is the manufacturers'  
3 work.

4 MR. WILLIS: Is that what you found?

5 MR. CULTON: I think here we're talking  
6 specifically -- What Patty brought up was about pulleys  
7 and trolleys shall be of the double-wheel type  
8 construction per the -- this says the manufacturer's  
9 specification. Because there -- there might be a  
10 difference between a manufacturer of a product versus  
11 the engineer of the --

12 MS. SULLIVAN: Zip line.

13 MR. CULTON: -- the whole zip line. There could --  
14 There very well could be.

15 MR. URBIK: I guess I'm confused if I'm inspecting  
16 this.

17 MR. MAZZENGA: Well, maybe can I -- Can I offer --

18 MR. URBIK: Yeah. Go ahead.

19 MR. MAZZENGA: -- offer an idea.

20 MR. URBIK: Sure.

21 MR. MAZZENGA: Maybe the owner, the owner of the  
22 facility, would hire an engineer to do the plan. There  
23 would be a structural engineering plan and there would  
24 be a mechanical engineering plan per -- per the CARSA

1 standard, a structural and two licensed engineers or  
2 one. And they would integrate components, off-the-shelf  
3 components --

4 MR. CULTON: Yeah.

5 MR. MAZZENGA: -- ANSI-approved, carabiners,  
6 whatever. And they would integrate them into a design  
7 plan. And, therefore, I think the engineer does not  
8 represent the manufacturer of the individual component.

9 MR. CULTON: That's right.

10 MR. MAZZENGA: They represent the owner.

11 MR. CULTON: Right.

12 MR. MAZZENGA: And there would be a plan -- There  
13 would be a design that the owner would have in his  
14 possession, his or her possession. I believe that's how  
15 that would work. It's just like an architect designing  
16 a building for someone.

17 MR. URBIK: And I agree with you on a fixed  
18 location. What about a mobile application?

19 MR. MAZZENGA: That's a different -- I think mobile  
20 applications are kind of a different -- a different set  
21 of rules. It would -- They will require some tweaking,  
22 I'm thinking. That's my opinion.

23 MR. CULTON: But in this case, a pulley or a  
24 trolley is probably going to be manu- -- you know,

1 bought from a manufacturer and the engineer probably  
2 would specify it. So it's not necessarily the engineer  
3 creating -- you know, making it from scratch and saying  
4 here's the pulley and trolley you're -- that's  
5 specifically designed for this. It would be like a  
6 pulley or a trolley manufactured by, you know, whoever.

7 MS. SULLIVAN: Well, you might be able to buy them  
8 from Grainger --

9 MR. CULTON: Yeah.

10 MS. SULLIVAN: -- and then -- and then it wouldn't.  
11 But the -- the designing engineer would be the one who's  
12 already looked at the load specs and -- and those kinds  
13 of things to say which ones were appropriate for this  
14 design.

15 MR. URBİK: As an operator, would you know that?

16 MR. MEYER: I might be able to help you.

17 MR. URBİK: When --

18 MR. MEYER: If you -- When you do your  
19 subcommittee -- If I could get one of your cards or  
20 numbers. I could contact Extreme Engineering, the  
21 company that designed their own ride. And they have  
22 their own engineers on staff, and they designed the ride  
23 themselves. So, yeah, they're going to be buying parts  
24 from other people, but their engineers have specified

1 what they wanted for that ride. And that might make it  
2 a little easier for you if you talk to a company that's  
3 doing it and has their own engineers on staff. Is that  
4 what you're kind of looking for?

5 MS. SULLIVAN: Well, but this -- This was a big  
6 controversy in ASTM when we did the design standard.  
7 And -- Because in this industry there's so many  
8 different ways that a ride or device can come to  
9 fruition. And basically the design engineer is the one  
10 who figures loads and -- and chooses the right  
11 mechanical parts to go into it. So I'm just saying I  
12 think this should say "the engineer's specification."

13 MR. CULTON: If the -- I -- I understand where  
14 you're coming from, but I think most of -- most of the  
15 time the engineer usually works for the manufacturer.  
16 And that engineer --

17 MS. SULLIVAN: No.

18 MR. CULTON: -- that engineer would be covered  
19 under --

20 MS. SULLIVAN: Not necessarily.

21 MR. URBIK: Either by contract or is directly  
22 employed.

23 MS. SULLIVAN: But the engineer is the one who  
24 specifies what should be there. The manufacturer

1 doesn't. The manufacturer builds to print. The  
2 manufacturer builds to the design specifications.

3 MS. RHODES: That the engineer develops.

4 MS. SULLIVAN: And that's the engineer who develops  
5 that information.

6 MR. WILLIS: Ryan, did you get that? Maybe when  
7 you go and look at it -- I mean, really -- Assuming the  
8 engineer works for the manufacturer, just taking an  
9 example, you know, you're going to have -- you're not  
10 going to have anything that would say -- You'd have  
11 something that says this thing has been manufactured  
12 under engineering supervision, but you're not going to  
13 have anything that's going to specifically say that the  
14 engineer designed the pulleys. I mean, it's implicit,  
15 but most of these things are based upon the manufacturer  
16 who's going to make representations that we could check  
17 out his engineer of the product. It's not just going to  
18 be someone who manufactured a product because my  
19 brother-in-law said this works. You're going to have to  
20 check the manufacturer to see that there's an -- you  
21 know, who knows they have to -- who's the engineer.

22 MS. SULLIVAN: And I'm not saying that the  
23 manufacturer can't give them the proper information.  
24 I'm just saying that the engineer specifies what -- what



1 the correct parts are.

2 MR. URBİK: I think ultimately it's the  
3 manufacturer's responsibility to make sure that the  
4 product they have is within contemporary standards.

5 MS. SULLIVAN: But how do they know? They're not  
6 engineers necessarily.

7 MR. URBİK: Well, they hire engineers. They're in  
8 the business of building something.

9 MS. SULLIVAN: Okay. You're right back to the  
10 engineers.

11 MS. RHODES: It's almost semantics. Because we're  
12 not disagreeing with you. We know it's the engineer who  
13 comes up with the specs. We're just saying the  
14 manufacturer is who has the accountability to build to  
15 the engineer's specs, and I think that's why it's  
16 written this way. But it doesn't mean what you're  
17 saying is incorrect.

18 MR. WILLIS: I think it's written that way also  
19 because we look at it as a point of enforcement,  
20 especially if that person goes out there. And, again,  
21 just from -- I'm limited to going out there once -- you  
22 know, a couple of times and seeing these things and  
23 saying, What do you have, and then getting these -- you  
24 know, these booklets and we followed up and it says it's

1 all through the manufacturer. And then we get to the  
2 manufacturer, and he says: It's all engineered. Here's  
3 all the engineering. And eventually it is, I mean, more  
4 on the manufacturer who has the engineered product.

5 MR. URBK: Right.

6 MR. WILLIS: That's what we have discovered, and  
7 that's why we've written it per the manufacturer.

8 MS. SULLIVAN: But the engineer has told -- If the  
9 engineer doesn't write the -- the -- a lot of the manual  
10 itself, they still specify to the manufacturer what  
11 should be in the manual --

12 MR. URBK: I think --

13 MS. SULLIVAN: -- and as far as -- as parts.

14 MR. URBK: I think that's an affirmative defense,  
15 but it's not a -- a -- a passing off the liability of  
16 whatever product you're manufacturing --

17 MS. SULLIVAN: I'm not talking --

18 MR. URBK: -- to an engineer.

19 MS. SULLIVAN: -- about passing off liability. I'm  
20 talking about if you don't incorporate the engineer's  
21 responsibility into this, then you may essentially be  
22 leaving them out.

23 MR. URBK: No. If you've got stamped plans and  
24 you're relying on his stamped plans, then his

1 professional responsibility and professional liability  
2 is at stake and that's where the manufacturer --

3 MS. SULLIVAN: Okay. Then --

4 MR. URBIK: -- gets their --

5 MS. SULLIVAN: -- his plans will tell you what  
6 to -- what these pulleys and trolleys have to be.

7 MR. WILLIS: You won't see that. See, that's our  
8 problem. This is for the --

9 MS. RHODES: Operator.

10 MR. WILLIS: We've got to go out there and inspect  
11 it and say to the person -- And he's not going to -- Oh,  
12 well, Joe, the engineer from the manufacturer, is the  
13 one who specified this. The manufacturer, we found out,  
14 has represented that we've had this thing engineered  
15 from all these people on staff, and that's what they  
16 present us. And then we made one quick phone call and  
17 said, Okay, we'll talk to the manufacturer, and then we  
18 found out that the manufacturer did have all of these  
19 engineers. But there's no way when we go out in the  
20 field that we're going to see an engineer's name on  
21 there unless it's been a guy who's been there -- you  
22 know, I hired someone to design the thing from, you  
23 know, square one. Most of it is bought from a  
24 manufacturer.

1                   And so it's really -- We had -- We had -- I  
2 think there's enforcement to say it's the manufacturer,  
3 but if we just said my brother-in-law manufactured this  
4 for me and that's why it's satisfactory, that wouldn't  
5 satisfy our inspection unless we knew that that company  
6 had the engineer doing it. As a matter of enforcement,  
7 we go out there and look. Because that's what the  
8 operator is going to have, you know, the manufacturing  
9 stuff. And we follow up the next step before we just  
10 accept, you know -- I'll be very simplistic. You know,  
11 Joe manu- -- I went to my brother-in-law who has a  
12 company. I said, Manufacture for me this thing. Then  
13 he comes back. Well, we'll just take Joe Costigan's  
14 representation as the manufacturer, and, therefore,  
15 you've complied with the statute.

16                   MR. MAZZENGA: What is the -- Can I ask, what is  
17 the -- what is the paragraph that we're questioning?

18                   MS. RHODES: It's the fourth page in.

19                   MR. URBİK: It's General Compliance Criteria, c, G,  
20 under Equipment.

21                   MS. SULLIVAN: Here, General Compliance, this, G.

22                   MR. MAZZENGA: "Per the manufacturer's  
23 specification." Okay.

24                   MR. WILLIS: Well, the engineered manufacturer's

1 specifications?

2 MR. MAZZENGA: Well, one --

3 MR. WILLIS: I mean --

4 MR. MAZZENGA: One solution -- One solution might  
5 be to tie that into the site plan and equipment signage  
6 instruction. You're requesting a sign-off -- You're --  
7 You're requesting a PE sign off on the design and  
8 construction and the site plan, and so pulleys and  
9 trolleys can also be --

10 MR. CULTON: How about "per the design  
11 specification"?

12 MS. SULLIVAN: I would go for that.

13 MR. MAZZENGA: Per the manufacturer's --

14 MS. SULLIVAN: No. Per design specification.

15 MS. RHODES: Ryan, where were you an hour ago? I'm  
16 just kidding.

17 MS. SULLIVAN: He was thinking.

18 THE CHAIRMAN: That's why you've got to let these  
19 things play out, as the Chair.

20 MR. WILLIS: He's only been here 30 days.

21 MR. URBIK: He was holding out on us.

22 MS. SULLIVAN: I would -- I would -- I would be  
23 comfortable with that.

24 MR. CULTON: Okay.

1 THE CHAIRMAN: All right. With that in mind then,  
2 can we move to approve the emergency measures as amended  
3 on their face?

4 Go ahead.

5 MS. SULLIVAN: One more thing. On the -- I think  
6 it's the next page. Under 2, Zip line, the next page,  
7 under C, what's that first word?

8 MS. RHODES: It's "RESERVED" spelled incorrectly.

9 MS. SULLIVAN: Well, I was assuming that's what it  
10 is, and then I was thinking, well, I don't know.

11 MS. RHODES: I could be wrong, though.

12 MS. SULLIVAN: Reserved?

13 DIRECTOR COSTIGAN: Spell check could be wrong.

14 MS. RHODES: Well, it's all capped.

15 MR. WILLIS: Well, now Ryan could be faulted for  
16 being here.

17 MS. RHODES: It's all --

18 MS. SULLIVAN: No, no, no. It's -- I mean, I don't  
19 know of anybody --

20 THE CHAIRMAN: We'll move to spell-check the  
21 document --

22 MS. SULLIVAN: -- who hasn't made --

23 THE CHAIRMAN: -- before we publish it.

24 MS. SULLIVAN: I don't know of anybody --

1 MR. URBIK: As part of the motion.

2 MS. SULLIVAN: If you don't make a mistake once in  
3 awhile, you're not doing anything. So no. I'm -- I'm  
4 happy with that. I just wanted to be -- be sure.

5 MR. URBIK: Are you making a motion, Patty?

6 MS. SULLIVAN: Yes, I am.

7 MR. URBIK: I'll second.

8 THE CHAIRMAN: What is your motion?

9 MS. SULLIVAN: That we accept the --

10 MS. RHODES: The emergency rules?

11 MS. SULLIVAN: -- the emergency rules as revised  
12 and until -- for 150 days and -- or until the  
13 subcommittee can get back to the Board and the Board can  
14 approve something else.

15 THE CHAIRMAN: Second?

16 DIRECTOR COSTIGAN: Should we -- Should we just be  
17 clear --

18 MS. SULLIVAN: If that comes first.

19 DIRECTOR COSTIGAN: -- about the changes just so  
20 that --

21 THE CHAIRMAN: Sure.

22 Patty, could you put on the record what we've  
23 changed.

24 MS. SULLIVAN: Yes. The name on the manual.

1 THE CHAIRMAN: And what is the name to be changed  
2 to?

3 MS. SULLIVAN: Operating, Training, Maintenance,  
4 and Inspection Manual or in some -- all those four --

5 DIRECTOR COSTIGAN: We'll get it -- We'll get it  
6 all in there.

7 MS. SULLIVAN: Yeah. As long as those four  
8 terms --

9 DIRECTOR COSTIGAN: Operating, Maintenance --

10 MS. SULLIVAN: -- are all in it.

11 MS. RHODES: Inspection, and training.

12 DIRECTOR COSTIGAN: -- Inspection, and Training.

13 Yeah.

14 MS. SULLIVAN: However you want to put it is good  
15 with me.

16 And then on the next page changing  
17 "manufacturer's" to "designer's."

18 MR. CULTON: Okay.

19 MS. SULLIVAN: And then just the -- just the --

20 MS. RHODES: Typo?

21 MS. SULLIVAN: Typo. There was just a typo. It  
22 must have been the computer.

23 THE CHAIRMAN: All in favor of the motion say aye?  
24 (Chorus of ayes.)



1 THE CHAIRMAN: Any in opposition?

2 (No verbal response.)

3 THE CHAIRMAN: Hearing none, the motion carries.

4 Thank you for the very helpful and good  
5 discussion.

6 MS. SULLIVAN: And I do like that very last  
7 comment, the --

8 THE CHAIRMAN: We're done with our discussion here.

9 MS. SULLIVAN: Well --

10 DIRECTOR COSTIGAN: I'd like to hear your  
11 last comment.

12 MS. SULLIVAN: I like that very last thing. The  
13 Department's approval shall specifically not be used in  
14 any advertisement, brochures -- I think that's a good --  
15 a good comment in there.

16 MS. RHODES: That is good.

17 MS. SULLIVAN: It's kind of -- I mean, if they're  
18 ASTM --

19 THE CHAIRMAN: That is good housekeeping too.

20 MS. SULLIVAN: Yeah. If it's ASTM-compliant,  
21 that's one thing, but I think the Department's name  
22 should be kept out of that kind of thing just for  
23 liability reasons. That was a nice addition.

24 THE CHAIRMAN: Moving on, for discussion/other

1 business. The first bullet point, I think this is --  
2 this is a holdover from our last discussion. I don't  
3 think we had the discussion today, but I think Ryan, who  
4 came on board afterwards, has reviewed the discussion  
5 from the last meeting, and I think just in general terms  
6 he just is following up on issues in the past and is  
7 going to be looking into industry issues, what other  
8 states are doing and whatnot with respect to interplay  
9 between height requirements, age requirements, passive  
10 restraints, active restraints. And we'll go back to  
11 that in the January meeting and --

12 MR. CULTON: Yes. We'll be addressing that in  
13 the -- in the future meeting.

14 MR. JOHNSON: Are you talking the companion issues?

15 THE CHAIRMAN: I'm sorry. The what issue?

16 MR. JOHNSON: Companion. Because it says some of  
17 the rides say adult but what is an adult --

18 THE CHAIRMAN: I think you're right. It goes the  
19 whole -- the whole gamut.

20 DIRECTOR COSTIGAN: The whole gamut, yeah.

21 THE CHAIRMAN: The whole gamut, yeah.

22 MR. JOHNSON: The OABA was talking about that three  
23 weeks ago.

24 MS. SULLIVAN: ASTM has been talking about that for

1 12 years.

2 THE CHAIRMAN: Can I -- Since we're on a roll here,  
3 could I appoint a subcommittee to interact with Ryan on  
4 this issue.

5 Linda, would you like to be on the  
6 subcommittee on that point.

7 MS. RHODES: Sure, I will.

8 THE CHAIRMAN: All right. The next -- Any -- Any  
9 more discussion on that point?

10 (No verbal response.)

11 THE CHAIRMAN: Hearing none, moving forward. WOW  
12 Ball updates/discussion.

13 Joe or Ryan, could you bring us up to date on  
14 where the WOW Balls stand.

15 DIRECTOR COSTIGAN: Well, we had -- we had a  
16 discussion this morning with the folks from the CPSC.  
17 And they have asked us to -- or they're asking states to  
18 stand by the -- Let me just get my notes on this. They  
19 had -- As you know, they've issued a pretty strong  
20 warning against the -- against the WOW Balls. And we,  
21 you know, have taken that position as a Department as to  
22 not allow their use as -- as -- the ones that are --  
23 that are the blowup kind and that are airtight systems.  
24 We spoke to the CPSC. They maintain that position, and

1 they're asking states not to allow their use. But,  
2 furthermore, we found that they have issued -- I don't  
3 know how you say it --

4 MR. WILLIS: They found --

5 DIRECTOR COSTIGAN: -- that they're --

6 MR. WILLIS: They've issued --

7 DIRECTOR COSTIGAN: -- they're defective.

8 MR. WILLIS: They've issued a defective warning  
9 which has now prohibited the -- The Customs people are  
10 now, I think, within the last several months, I guess,  
11 seizing -- they aren't allowing them into the United  
12 States, the sealed ones. Because they're so defective,  
13 they are not allowing them in. The parks have been  
14 instructed that you cannot allow the sealed ones to be  
15 used on the premises and they're taking an absolute  
16 defective stance. And I guess they've had six or seven  
17 seizures so far, anything that looks like them coming in  
18 from overseas, and basically nothing has been  
19 challenged. And their position is even more firm than  
20 they were before on this position on the sealed balls.  
21 We just had that conversation with them at 10:00 o'clock  
22 this morning.

23 THE CHAIRMAN: Has their position changed with  
24 respect to the dual-wall, the air interchange model?

1           DIRECTOR COSTIGAN: They -- They take the same  
2 position --

3           MR. WILLIS: On the one with the opening?

4           DIRECTOR COSTIGAN: Yeah, with the opening.

5           MR. WILLIS: But they don't -- They take the  
6 position, but they allow them.

7           DIRECTOR COSTIGAN: But they're not -- they  
8 aren't -- they aren't categorizing those as defective.

9           THE CHAIRMAN: Those aren't being seized?

10          MR. WILLIS: No. They are not categorizing them as  
11 being defective.

12          DIRECTOR COSTIGAN: They think they -- They think  
13 those have their own issues, so they are -- they  
14 don't -- they come into the same category as the  
15 airtight.

16          MR. WILLIS: They just had, I guess, a death in one  
17 of the seized ones of a child who suffocated.

18          DIRECTOR COSTIGAN: It was out on the East Coast.

19          MR. WILLIS: Out on the East Coast.

20          THE CHAIRMAN: A private one or industry?

21          MR. WILLIS: It was an industry one, they said, but  
22 the problem was it was a person who was an undocumented  
23 person.

24          DIRECTOR COSTIGAN: It was an immigrant --

1 MR. WILLIS: Immigrant person --

2 DIRECTOR COSTIGAN: Immigrant family.

3 MS. SULLIVAN: Well --

4 MR. WILLIS: -- who was afraid to come forward.

5 And people found out about it. They reported it. They  
6 didn't take any action on it.

7 MS. SULLIVAN: What were the conditions that  
8 allowed them to suffocate?

9 MR. WILLIS: They said that -- From their  
10 interview, they -- It was from their interview. The  
11 child had a respiratory problem, and then the effects --

12 DIRECTOR COSTIGAN: They said -- They said that --  
13 The notes I took were that the child went into the ball,  
14 it overheated, the child lost consciousness. There may  
15 have been a pre-existing condition.

16 MR. WILLIS: Some sort of --

17 MS. SULLIVAN: How long was the child in the ball?

18 DIRECTOR COSTIGAN: Not that long.

19 MR. WILLIS: It was -- And, again, they didn't --  
20 they didn't give us a specific time.

21 MS. SULLIVAN: What's "not that long"?

22 MR. WILLIS: They didn't give us a specific time.

23 MS. SULLIVAN: My -- My -- My issue is -- I think  
24 some of these are operation issues. They're not as much

1 the design as they are operation. And if we don't  
2 define operational issues, it could happen in any -- in  
3 anything. How a child was left in a ball long enough  
4 to -- to -- to die --

5 DIRECTOR COSTIGAN: To expire?

6 MS. SULLIVAN: -- to expire is kind of -- I think  
7 that's poor operation. Because most operators -- It's  
8 like a minute and a half. And there's more than enough  
9 air, especially for a child, according to the statistics  
10 for a minute and a half.

11 MS. RHODES: We don't know any more details about  
12 this case, correct? We don't know if it was --

13 MS. SULLIVAN: And --

14 MS. RHODES: -- operating ten at a time?

15 MR. WILLIS: It just gave us the -- you know, the  
16 example of what --

17 MS. SULLIVAN: Well --

18 MR. WILLIS: -- of something that occurred.

19 MS. SULLIVAN: I have dealt with the CPSC a number  
20 of times, and they are very knee-jerk reaction. They  
21 don't explain -- They don't give the details oftentimes  
22 of the whole event, what -- what actually was part of  
23 it. They have -- I've even had instances where my ride  
24 was involved and they had experts talking about this and

1 that. It wasn't even -- And it was a seat issue. It  
2 wasn't even my seat. So I don't have a great deal of  
3 confidence in the CPSC because I've dealt with it for  
4 long enough and enough times that many times they do  
5 knee-jerk reactions and they don't look at the real  
6 cause of the problem, they just say, Oh, no more.

7 And -- And the fact that someone tragically  
8 died in there and was asphyxiated is -- is horrible, but  
9 what was the real cause? They don't -- They don't tell  
10 us what the real cause was.

11 MR. URBK: Putting the Consumer Product Safety  
12 Commission aside, my feeling after everything I've seen  
13 and I have personally heard and I've -- I've personally  
14 observed this particular ball, there is no way you can  
15 tell me that inside that ball, unless you're cleansing  
16 it every single time after every single kid, it's going  
17 to be safe. If some kid gets in there with TB, we're  
18 going to have an outbreak. It's a Corvair. There's no  
19 way to make this thing safe.

20 THE CHAIRMAN: I think part of the issue is -- We  
21 have very conscientious operators in Illinois. You  
22 guard against the unconscientious ones. The problem is  
23 when you have a product that has such a small margin for  
24 error on so many different levels, whether you're



1 talking about hygiene or --

2 MR. URBIK: Safety.

3 THE CHAIRMAN: -- the heat index going up in there  
4 or air, and you're trying to look at all these different  
5 angles and figure out which operators have their finger  
6 on all these different issues and which don't -- I think  
7 that's really the problem with the product. It's too  
8 fraught with error on too many different levels as  
9 opposed to looking at, well, in this one case what was  
10 the issue. Because essentially I don't know if it  
11 really matters if there's a whole list of potential  
12 issues that could arise in different cases.

13 MR. URBIK: Yeah, from electrocution --

14 THE CHAIRMAN: And it's not --

15 MR. URBIK: -- to asphyxiation --

16 THE CHAIRMAN: -- that it can't be done safely.

17 The question is, Is the risk of it not being done safely  
18 greater -- too great to let it operate?

19 MS. SULLIVAN: Well, I mean, we have -- Almost --  
20 You can say that about almost any ride, though. And it  
21 comes down to -- to a good operator, good training, good  
22 inspection. And -- And -- And I think if we're going to  
23 allow any WOW Balls at all, we need to look at what  
24 we're requiring for operation and what the environmental

1 requirements are of that WOW Ball because one that's a  
2 double wall could get hot.

3 I mean, we're -- My -- My concern is we're not  
4 looking at the cause of the accident. They're ignoring  
5 that and just saying, you know, no WOW Balls. And  
6 instead of saying, okay, this child was in there for ten  
7 minutes and ran out of air, already had an asthma  
8 problem, but -- but, you know, ran out of air. That's a  
9 whole different issue than, you know -- And it got too  
10 hot. Well, after ten minutes I could see how it could  
11 get hot. Because a child running around and flailing in  
12 there, regardless of what the heat index is, is going to  
13 raise the temperature. But if you're -- if you're  
14 letting out all the air every time you let somebody out  
15 of a ball and then, you know, blowing new air in, and --  
16 and say you Lysol it or -- or do whatever -- okay, not  
17 Lysol, but sanitize it --

18 MS. RHODES: That's not a bad idea.

19 DIRECTOR COSTIGAN: Bleach.

20 MS. RHODES: Lysol is not a bad idea.

21 MS. SULLIVAN: Say if you sanitized it in between  
22 each one, then that's one less issue. If it's TB,  
23 that's going to be -- that's going to be an issue with  
24 all WOW Balls.

1 MR. URBİK: I agree.

2 MS. SULLIVAN: But it's also going to be an issue  
3 if -- if it's in a bounce, if it's in a -- like, a  
4 haunted house. If you have a kid with TB around all the  
5 other kids, if they're just in a car together, a  
6 vehicle, it -- you know, it's just as likely.

7 MR. URBİK: Yeah. My issue is -- Putting the  
8 Consumer Product Safety decision aside, my own personal  
9 intellect tells me we should not allow these things.

10 DIRECTOR COSTIGAN: Right.

11 MS. SULLIVAN: But if we're going to allow any of  
12 them, then we should look at operational issues and --  
13 and help determine what the operational requirements  
14 should be to help -- For instance, if they're in a  
15 pool -- And even if it's a double -- a double-walled WOW  
16 Ball, if they're in a pool, how many operators are there  
17 to keep them going now?

18 MR. URBİK: I once had an underwriting manager tell  
19 me that I will insure anything you bring to me,  
20 anything, on my terms. So if you want to sell  
21 firecrackers in Illinois to four-year-old kids, as long  
22 as you're dispensing them in a bucket full of water, I'm  
23 okay with that. That's what we're talking about here.

24 MS. SULLIVAN: Well, but we're also talking about

1 still letting the double-walled WOW Balls --

2 MR. URBİK: I don't think that resolves the hygiene  
3 issue at all.

4 THE CHAIRMAN: Linda, did you have a comment?

5 MS. RHODES: My comment was -- Actually it was a  
6 question to Patty. And that is: Do you agree that  
7 the -- while operating issues are a factor, so are  
8 design issues?

9 MS. SULLIVAN: Uh-huh.

10 MS. RHODES: So like with any other ride, the issue  
11 for the public safety has to be what are all of these  
12 factors as you laid them out, Dan, and then what's in  
13 place for each one to help ensure the safety of the  
14 public. And I don't know that, for the design issue,  
15 I've at least heard -- And I have not done the extensive  
16 research some of the others have done. I don't know  
17 that I have come to a comfort level personally that  
18 there's something in place to address all of the  
19 potential design issues.

20 THE CHAIRMAN: Well, that's what I'm talking about.  
21 It's not fair to the operators to have them presented  
22 with a product where they're not given all of the  
23 information of how to operate it safely. Because it  
24 seems to be -- the problem with the WOW Balls is the

1 overseas manufacturers don't appreciate -- I don't  
2 think -- They're not saying what the hazards -- I don't  
3 think they appreciate all of the hazards in terms of --  
4 you know, the things we talked about in terms of  
5 drowning if it collapses in the water, the hygiene  
6 issues, the heat issues.

7 DIRECTOR COSTIGAN: Well, the zipper --

8 MR. WILLIS: The escape.

9 DIRECTOR COSTIGAN: The escape hatch. There's  
10 no -- You can only get out of it from --

11 THE CHAIRMAN: You know, so we tell the operators  
12 to operate them according to the manufacturing specs,  
13 but the manufacturing specs are limited in terms of what  
14 the hazards are. That's not --

15 MS. SULLIVAN: Well --

16 THE CHAIRMAN: -- fair to the operators.

17 MS. SULLIVAN: But --

18 MR. URBIK: You could put air into it with a leaf  
19 blower, for God's sake, you know. So if it's a gas leaf  
20 blower, you're putting in carbon monoxide, into the  
21 ball.

22 THE CHAIRMAN: Essentially --

23 MR. URBIK: So technically --

24 THE CHAIRMAN: -- you're putting it in at an

1 elevated temperature based -- in addition to what  
2 the ambient is. So if it's a 90 degree day, you're  
3 blowing in 100 degree air. But -- Right. I mean, that  
4 could all be addressed, but there doesn't seem to be a  
5 mechanism now to go through it line by line and do that.

6 MS. SULLIVAN: Well, let me ask a question. Are we  
7 going to be allowing any WOW Balls to operate in the  
8 State of Illinois?

9 MR. CULTON: I think at the current time the policy  
10 is to allow the open air exchange WOW Balls to operate,  
11 but the closed air, the ones that are referenced in the  
12 CPSC report, are not permitted to operate.

13 MS. SULLIVAN: Then --

14 DIRECTOR COSTIGAN: Yeah. I think that's --

15 MS. SULLIVAN: -- my question is --

16 DIRECTOR COSTIGAN: I mean, should we take up the  
17 whole issue?

18 MR. CULTON: Yeah.

19 DIRECTOR COSTIGAN: I think -- Is that what you're  
20 suggesting, is we take up the issue of WOW Balls in  
21 general?

22 MS. SULLIVAN: Yes. I -- I think we need to look  
23 at operational issues. And say they're using a vacuum  
24 cleaner to -- to fill them up instead of a leaf

1 blower --

2 MR. MEYER: Now, you guys are just talking about  
3 the ones -- And it's a negligible part of my business.  
4 I could count on one hand in the last two years how many  
5 hamster -- We call them hamster balls. They are not --  
6 They are inflated themselves, but they're double-wall  
7 inflated. So if they -- They're like a bounce house.  
8 They do deflate. It takes a while for the air to come  
9 out because they're double-wall inflated. There's a big  
10 whole in the center which never closes.

11 It doesn't go out very often. I think in the  
12 last two years, two times, you know, because it has to  
13 only go on grass, You have to have a huge field to  
14 operate it in. It's a negligible part of the business  
15 for me. But they're -- they're inflated and they stand  
16 on their own. And they'll stay inflated all day unless  
17 someone comes up with a knife and cuts a hole in it.  
18 But then, again, anything can happen. You know what I  
19 mean? But it's not -- it's not inflated by -- where you  
20 get in it and they inflate it. You crawl into it  
21 already inflated.

22 MR. JOHNSON: That's the one you approve? No? You  
23 don't approve that?

24 MR. MEYER: You're talking about --

1 THE CHAIRMAN: That's a different animal.

2 MR. MEYER: -- all balls? Are you talking about --

3 THE CHAIRMAN: That's not --

4 MS. RHODES: That's not a WOW Ball.

5 MR. MEYER: Just the -- Just the ones that would  
6 inflate after you get in?

7 THE CHAIRMAN: We're talking about just water WOW  
8 Balls.

9 MR. MAZZENGA: I believe a Zorb -- I believe a Zorb  
10 ball -- Yours is like a Zorb ball, right? It's got two  
11 open ends, and it's got --

12 MR. MEYER: One open end, one open end.

13 MR. MAZZENGA: One open end?

14 MR. MEYER: One.

15 MR. MAZZENGA: Well, I think that those --  
16 that's -- I think that's approved, isn't it?

17 MR. MEYER: No. I'm just talking about if you're  
18 saying -- Because I didn't understand --

19 DIRECTOR COSTIGAN: Where there's open air -- Where  
20 there's open air --

21 MR. CULTON: If there's open air, it's approved.

22 MR. JOHNSON: It's approved. You inspect those?

23 MR. CULTON: Yeah.

24 MR. JOHNSON: I'm booking them at the Kane County



1 Fair and DuPage County Fair from the same guy that  
2 showed us a year ago the WOW Balls, Peter. He showed us  
3 how the WOW Balls work. I think he's a great operator.  
4 And I think you should talk to him as far as  
5 inspections. Because I've seen bad operators, with the  
6 leaf blower, with the electric line being 4 feet --  
7 3 inches from the water. So I've seen the bad operators  
8 and I've seen Peter talk to us at the -- in Springfield.

9 THE CHAIRMAN: And that -- And ultimately that's  
10 our concern, not the good operators but the bad  
11 operators. The problem is --

12 MR. JOHNSON: Right, absolutely.

13 THE CHAIRMAN: -- if we can't feel comfortable  
14 controlling the bad operators, then the only option is  
15 to not allow them out there.

16 MR. JOHNSON: Right.

17 DIRECTOR COSTIGAN: We can't assume that there's  
18 ideal conditions. You can't assume safety and ideal  
19 conditions is what the issue is. It's like -- You know,  
20 I mean, I had this discussion this morning.

21 When I was young, and --

22 MS. SULLIVAN: And you're not still?

23 DIRECTOR COSTIGAN: It was a long time ago, a long,  
24 long time ago.

1                   When I was young and going to the amusement  
2 rides, I was always -- you would also try to escape  
3 detection so I could get a longer ride. And it's  
4 like -- You know, it's like -- something like that in  
5 the circumstance of --

6                   THE CHAIRMAN: Do you want this off the record?

7                   DIRECTOR COSTIGAN: It's okay.

8                   MS. RHODES: It's okay now.

9                   MR. WILLIS: He's old now. He doesn't do that.

10                  DIRECTOR COSTIGAN: I wanted to stay on the -- on  
11 the --

12                  MR. JOHNSON: Tilt-a-Whirl?

13                  DIRECTOR COSTIGAN: No.

14                  Yeah. Well -- The Go-Karts, as long as I  
15 could. But in any event, you know, a mistake like that  
16 in the WOW Ball situation --

17                  MS. RHODES: Unforgiving.

18                  DIRECTOR COSTIGAN: -- is critical. And it's  
19 irreversible. And we can't assume that -- There are  
20 great operators. There are wonderful operators who  
21 stand by this, who have excellent safety records. We  
22 have to -- We have to take into account those nonideal  
23 situations that could occur up there.

24                  MR. JOHNSON: Well, I'm glad you're inspecting

1     them, and I think you should. And your inspectors do a  
2     good job. So I'm all for it.

3             But I actually -- He actually e-mailed to me  
4     today to make sure that he's okay to be in the two  
5     fairs. So I'm glad I could fulfill his wish. I had him  
6     booked last year, but then we had to cancel. I actually  
7     had to give him money back because he gave me a deposit.  
8     So I had to give him money back.

9             DIRECTOR COSTIGAN: Well, we heard about that too.

10            MS. SULLIVAN: So -- So my issue is still then  
11     let's talk to some of the good operators and find out  
12     what the operational boundaries should be and -- and  
13     make those into requirements. Because if -- if we have  
14     good operators who know, like, how long somebody should  
15     be in there, they -- they do regular -- you know,  
16     what -- whatever makes them the safer operator and the  
17     safety-conscious operator, then I think we -- we could  
18     have operational guidelines, which is totally within our  
19     purview. And either -- You know, either people meet  
20     them or they don't.

21            THE CHAIRMAN: Because here is my problem. And the  
22     key is safety consciousness. The inspector can go out  
23     there and look at the product and look at the logs and  
24     look if they have the manuals. But once the inspector

1 leaves, there's very little control over how they then  
2 operate from that point forward, how long they leave the  
3 kids in there, how many balls they put in the water.  
4 And that's where a lot of the problems follow. There's  
5 very little in terms of oversight that we can do to  
6 prevent -- or even know if someone is a bad operator.  
7 Because, you know, the inspector is out there, he looks  
8 at the product, he can see how --

9 MR. URBIK: He may not even be a bad operator. If  
10 you've got two shows going in two different locations,  
11 you cannot supervise both locations. You've got people  
12 to do that, but they're certainly not going to be as  
13 diligent as you doing it.

14 MR. JOHNSON: Well, with your inspections, I think  
15 it's okay in --

16 MR. URBIK: At least we'll know specifically that  
17 it is okay --

18 MR. JOHNSON: Yeah.

19 MR. URBIK: -- but the operational --

20 MR. JOHNSON: That's why we have training. I mean,  
21 that's -- You know, as far as my end with the carnival  
22 rides, we do two locations probably ten times a year.  
23 And I -- Absolutely. I can't be at one site or the  
24 other, but I have managers and we have training and --

1 and that's why you have it. I mean, many carnivals do  
2 three, four locations.

3 So are -- are other people's eyes as good as  
4 mine? Not always, but you try to train them to see what  
5 you may see.

6 The other thing with the WOW Balls, the one  
7 guy that had a real good operation, he had timers for  
8 each person in -- in the enclosed ball. So he -- he  
9 knew how long -- And, you know, the timer would go off,  
10 and they're out of the WOW Ball, so.

11 MR. WILLIS: On that issue we were just talking  
12 about -- You know, again, this came up in the  
13 conversation this morning. If a kid is in the WOW Ball  
14 and he has a panic attack in two seconds, he can't get  
15 out.

16 MR. JOHNSON: Right.

17 MR. WILLIS: There is no internal mechanism of  
18 release. And that is a big issue. You're talking about  
19 the control factor being operational. I don't care, you  
20 know -- If anyone has a panic attack -- I mean, that --  
21 it's unforeseen. You don't know. It happens in two  
22 seconds, and you hyperventilate, and the whole thing --  
23 I mean, you're now in an enclosed container.

24 MS. RHODES: In the water, though, right?

1 MR. WILLIS: It could be in the water. It could  
2 not be in the water.

3 MS. RHODES: So it may or may not be --

4 MR. WILLIS: But you're -- The problem is --

5 MR. JOHNSON: It should have an inside zipper.

6 MR. WILLIS: -- there is no inside zipper.

7 MS. SULLIVAN: And so those are some of the kinds  
8 of things that we should be writing into our  
9 regulations, that there's an inside --

10 MS. RHODES: Escape.

11 MS. SULLIVAN: -- escape plan as well as an outside  
12 escape plan. There should be --

13 MR. URBIK: Now you're talking about being in the  
14 business of designing a WOW Ball. I mean --

15 MS. SULLIVAN: Well, because we -- we set up  
16 requirements for machinery. They have to be --

17 MR. URBIK: Generically, but we don't --

18 MS. SULLIVAN: No. There's nothing generic about  
19 having to meet generally accepted engineering design  
20 requirements.

21 MR. URBIK: And the generally accepted design  
22 requirements for a WOW Ball are what?

23 MS. SULLIVAN: Well, that's what we're talking  
24 about. That's what we're talking about. If --

1 MR. URBIK: You're talking about us writing it?

2 MS. SULLIVAN: Well, with -- with --

3 THE CHAIRMAN: I take it --

4 MS. SULLIVAN: -- with the help of -- of people who  
5 are designing them and using them, the -- the good  
6 operators. What -- What do you have to mitigate this  
7 kind of issue? What do you have -- Because as  
8 manufacturers and -- and engineers, we are required to  
9 do hazard analysis. And for any hazard that we can come  
10 up with -- And not to say that the public isn't more  
11 creative than we are. But once we hear about it,  
12 then -- then we're -- then we're responsible to mitigate  
13 that hazard as well. And so we look at the hazards that  
14 we have heard about or -- or just -- The CPSC, you know,  
15 if they would actually release what caused it instead of  
16 just, well, this kid, you know, expired because it was  
17 too hot and blah, blah, blah. Well --

18 MR. JOHNSON: And the age.

19 MS. SULLIVAN: Yeah.

20 MR. JOHNSON: Sorry.

21 MS. SULLIVAN: And -- And how long was he in there?  
22 What -- You know, shouldn't we have a time requirement?  
23 Shouldn't we have a -- say, the internal zipper?  
24 What -- Should we have -- Shouldn't we have a way to get

1 fresh air in? What -- You know, whatever it is,  
2 there -- there are mitigations for many of the issues.  
3 And --

4 DIRECTOR COSTIGAN: So as long as -- So as long as  
5 the -- I mean, I think it's -- I see what you're saying.  
6 I think it's incumbent on the people who are developing  
7 these to come up -- It's not for us to say, okay, here's  
8 what you need and we'll let you operate. They need to  
9 go back to the drawing board based on the fact that  
10 there are several factors of danger that the Department  
11 has listed and that they need to address those and then  
12 come back and say: Okay. Here's how we've addressed  
13 those. Can this operate in the future?

14 But it's like for us to -- I agree with you,  
15 Anthony, that for us to do the design recommendation,  
16 that's not our purview -- that's not in our purview or  
17 role.

18 MR. URBIK: I know what's not going to work, and  
19 that's not going to work. You know, that's -- that's  
20 the position we have to take, not we'll show you how to  
21 make it work.

22 DIRECTOR COSTIGAN: Right.

23 THE CHAIRMAN: Yeah. I mean, I guess to the  
24 extent -- You know, our role is to take the product



1 that's brought to us and say yes or no. And we can  
2 provide reasons as to why we're saying yes or no, and  
3 they'll -- they can go back and redesign it and come  
4 back.

5 But you're talking about -- Again, you know,  
6 your situation is a very conscientious manufacturer. I  
7 don't have that confidence in the overseas  
8 manufacturers --

9 MR. URBIK: In Golden Dragon's plastic balls from  
10 Taiwan.

11 MS. SULLIVAN: Well, and I'm not -- I'm not arguing  
12 with that. But sometimes there are designers over here  
13 that just have things made over there because they can't  
14 find -- you know, they can't find people here who are  
15 doing that yet or they're not comfortable with who they  
16 find over here. They -- They know that -- that, you  
17 know, they have designed a product that has addressed  
18 the issues, and they have mitigated the -- the issues  
19 and then just sent the design over to China to make. So  
20 it's -- I don't know that we can say everything coming  
21 from there is -- is -- hasn't had a good engineering  
22 analysis. I think the -- We're right back to design.

23 WOW Balls or any -- any kind of -- any kind of  
24 ride, you know, needs to go through the design process,

1 the hazard analysis process that all the rest of us do.  
2 They have to have operational guidelines. They have to  
3 have training. They have to have inspections. And we  
4 have lots of that in place. And if we want to say WOW  
5 Balls or anything that's going to work in the State of  
6 Illinois must have found a way to mitigate this, must  
7 have found a way to mitigate this, list our concerns,  
8 and then we can ask, And where are your operational  
9 guidelines?

10 MS. RHODES: That's what I thought Patty was  
11 saying, which is different than --

12 MR. URBİK: Well --

13 MS. RHODES: -- here's how to design it.

14 MR. URBİK: There's --

15 MS. RHODES: We're saying make sure they can get  
16 out, in the design.

17 MR. URBİK: There are two issues. There is a  
18 design issue that we still have way -- a lot of concerns  
19 about.

20 You were talking about that ride that's coming  
21 out in Great America. If you have a ride that's so  
22 violent that you have to have a strap across your legs  
23 that has to cut off the circulation to keep your butt in  
24 the seat, our requirement would be cut the circulation

1 off, but you can't have a ride that allows circulation  
2 to be cut off of a rider. I mean, that's kind of where  
3 we're at with the WOW Ball.

4 THE CHAIRMAN: Can I ask a question in terms of the  
5 current status quo. So the double-walled ones with air  
6 interchange are being operated presently in Illinois.  
7 And there's no immediate plan to stop that or is there?

8 DIRECTOR COSTIGAN: We haven't seen anything -- You  
9 know, we haven't taken a look at that. I mean, the  
10 specific issue we came to grips with was as a result of  
11 the warnings issued by the CPSC on the -- on the  
12 airtight models. So --

13 THE CHAIRMAN: Is the department looking to our  
14 Board to give our opinion of whether or not the  
15 double-walled air interchange is --

16 MR. URBİK: That's what Patty was asking for.

17 THE CHAIRMAN: Or is it -- Are we comfortable --

18 DIRECTOR COSTIGAN: Yeah. We're allowing it now.

19 THE CHAIRMAN: Well, I guess, my question -- Is  
20 there -- Is there an issue for us right now? If they're  
21 being allowed right now and there's -- we don't intend  
22 to take them off anytime soon --

23 DIRECTOR COSTIGAN: Unless it's being raised today,  
24 I mean --

1 THE CHAIRMAN: So you're not looking for us to  
2 raise the issues. Maybe it's kind of moot right now.

3 MR. CULTON: It might be kind of moot. But it  
4 was -- The reason why it's on the item for discussion is  
5 because it never really was resolved at the last  
6 meeting.

7 MR. URBİK: What is left unresolved?

8 MR. CULTON: I'm sorry?

9 MR. URBİK: What is left unresolved?

10 DIRECTOR COSTIGAN: I think -- I think we had said  
11 at the last meeting that there was a desire to have a  
12 more fuller discussion of the --

13 MR. WILLIS: Of the closed ones.

14 DIRECTOR COSTIGAN: Of the closed ones.

15 And the thing is, is that we had -- before I  
16 got here, there was -- somebody came to demonstrate this  
17 at a Board meeting that we had previously. I don't know  
18 if you were -- I -- I was not around at that time.  
19 However, you know, I think it -- it was sensed that we  
20 needed to continue to have further discussion about this  
21 issue. So that's --

22 MR. WILLIS: The closed ones.

23 DIRECTOR COSTIGAN: Yes, on the closed ones.

24 THE CHAIRMAN: In terms of the ones that are

1 operating right now with the double wall and the air  
2 interchange, are the manufacturer's specs and operation  
3 manual so specific as to talk about water height, number  
4 of balls in water per operator, ambient temperature,  
5 things like that?

6 MR. CULTON: I'm not for sure. I don't know. I've  
7 got to look into it. It's probably --

8 THE CHAIRMAN: And you're --

9 MR. CULTON: It's probably different --

10 THE CHAIRMAN: What you're talking about is --

11 MR. CULTON: -- for every one of them.

12 THE CHAIRMAN: -- getting to that point where we  
13 have each one --

14 MS. SULLIVAN: Yes, yes. Because when it's -- when  
15 it's a whole new type of attraction or ride, whatever  
16 you want to call it, I think -- I think, you know, for  
17 us to say, well, it needs to be made out of this  
18 material and this many mils thick and blah, blah, blah,  
19 we don't have -- we don't have the experience to say  
20 those kinds of things, but operationally we do have  
21 enough experience to know that here are some -- here are  
22 some problems that have been seen and what are you doing  
23 to mitigate them. And if you haven't been able to  
24 mitigate them, then we don't want you to run in the

1 State of Illinois.

2 MR. URBIK: On an individual -- individual  
3 operator-by-operator, location-by-location basis?

4 MS. SULLIVAN: It would be --

5 MR. URBIK: That's an awful lot of  
6 responsibility to put on the inspector.

7 MS. SULLIVAN: The inspectors inspect all of them  
8 anyway.

9 MR. URBIK: I understand that.

10 MS. SULLIVAN: And how many -- You know, I don't  
11 know how many manufacturers there are of the ones that  
12 were -- we are allowing in the State, but that would be  
13 something to ask. I mean, there are manufacturer names  
14 on every other ride out there. So I'm sure WOW Balls  
15 have manufacturer names or whatever these Zorb type  
16 balls are. And -- And I don't see why as a Department  
17 or -- I mean, as a Board we can -- we can list some of  
18 the hazards we see.

19 Ryan may hear from inspectors even more  
20 hazards, and then he and -- and the inspectors can, you  
21 know, look at the -- the -- the ones that we are looking  
22 at letting operate and see if they meet the criteria and  
23 do they have operational guidelines because -- and do  
24 they have training and do they have inspections.

1 Because those things are already required. The  
2 inspectors already ask to look at their -- their  
3 training and their inspections and their maintenance, or  
4 they can ask for them. They want to know that -- that  
5 they're all doing what they're supposed to be doing.

6 And there are a lot of the same issues for a  
7 WOW Ball that there are for any ride as far as operator  
8 training and inspections and -- and those kinds of  
9 things and maintenance. And whatever we decide or  
10 whatever should be done for maintenance, whether it's --  
11 whether it's using some sort of antibacterial or  
12 microbial or whatever kind of sanitizer, then, you know,  
13 that -- that should be on their maintenance list of  
14 things that are done and how often.

15 I mean, there -- there -- there are a lot of  
16 things in our current requirements that would apply.  
17 And those things can still apply for -- for the balls as  
18 well as anything else. And if we have specific hazards  
19 that we want to call out and that have to be mitigated,  
20 then --- Ryan, I'm sure, gets with his inspectors on a  
21 regular basis or talks to them or e-mails with them.  
22 And -- And, you know, they can talk about, well, here's  
23 what we see in this one and here's what we see in that  
24 one and, you know, maybe look at a best practices type

1 of thing. But if they see -- if they see something  
2 that -- that just isn't right, then we don't allow it.

3 But I think -- I think we're taking a bigger  
4 liability on by just saying, okay, ones with holes in  
5 them can operate; you know, ones with -- with --

6 MR. URBİK: I don't see a bigger liability there.

7 MS. SULLIVAN: Pardon me?

8 MR. URBİK: I don't see a bigger liability there.

9 I'm seeing -- I'm seeing that there are four  
10 specific areas of concern on the enclosed balls. One is  
11 suffocation. One is temperature. One is infectious  
12 disease, and one is -- is drowning.

13 THE CHAIRMAN: And there's --

14 MR. URBİK: And --

15 THE CHAIRMAN: -- another, collision. That's why  
16 you have a double wall.

17 MR. URBİK: I'm sorry?

18 THE CHAIRMAN: Collision. That's why the double  
19 wall --

20 MR. URBİK: Right.

21 DIRECTOR COSTIGAN: And the escape mechanism.

22 MR. URBİK: That would be the suffocation --

23 DIRECTOR COSTIGAN: Oh.

24 MR. URBİK: -- I was speaking of.



1 MS. SULLIVAN: And if there's one hole and it's on  
2 the ground and they're standing in there --

3 MR. URBIK: If they can get out, fine.

4 MS. SULLIVAN: What -- What if they're having a  
5 panic attack and they're -- they're sitting on the hole  
6 and there still isn't -- they - they -- they don't get  
7 it that they can get out that way?

8 MR. URBIK: Then that becomes an operational issue.

9 MS. SULLIVAN: Yes. And so what are -- What do we  
10 do --

11 MR. URBIK: But without the hole, the operational  
12 issue can't be fixed. That's the difference.

13 MS. SULLIVAN: Well, the heat can still be an  
14 issue.

15 MR. URBIK: It still can be.

16 MS. SULLIVAN: The --

17 MR. URBIK: To a lesser extent when you've got air  
18 interchange but yeah.

19 MS. SULLIVAN: But even if there's air interchange,  
20 the, you know, possibility of getting TB or something  
21 else can still be an issue.

22 MR. URBIK: Uh-huh.

23 MS. SULLIVAN: Just because there's some fresh air  
24 coming in doesn't --

1 MR. URBIK: I'm not in favor of any of these  
2 things. But if we're going to allow them, then let's  
3 allow the safe ones.

4 MS. RHODES: Well, nothing is safe about them.  
5 Safer.

6 MS. SULLIVAN: Safer, yes.

7 THE CHAIRMAN: Patty, can I just ask you: Are you  
8 proposing that we suspend the operation of WOW Balls  
9 until we have more operational plans in place, or are  
10 you proposing we continue status quo and we work towards  
11 greater operational --

12 MS. SULLIVAN: I'm suggesting --

13 THE CHAIRMAN: -- guidance?

14 MS. SULLIVAN: -- that we work towards operational  
15 guidance on those and, you know, at a minimum, talk to  
16 the good operators and say --

17 MR. URBIK: We've got one here.

18 THE CHAIRMAN: Can I put something out here. Could  
19 I make Tony and you a subcommittee.

20 MS. SULLIVAN: You already made --

21 MS. RHODES: I was getting ready to say I think  
22 she's the head of the subcommittee.

23 MS. SULLIVAN: We already made a subcommittee --

24 MS. RHODES: For WOW Balls.

1 MS. SULLIVAN: -- last time, and I'm the head of  
2 the subcommittee.

3 THE CHAIRMAN: Well, get working. What have you  
4 done for the last six months?

5 MS. RHODES: She's in charge -- She's in charge --

6 MR. URBIK: Where's your report, Patty?

7 MS. RHODES: I think I'm on it.

8 MS. SULLIVAN: Yes, you are. Yes, you are.

9 So we were -- But I think there was a third  
10 person.

11 MS. RHODES: Yes.

12 MS. SULLIVAN: And so my concern was three of us  
13 can't talk together --

14 MR. URBIK: At the same time.

15 MS. SULLIVAN: -- because then it's a -- it's  
16 not -- it doesn't meet the Opening Meetings Act. And  
17 so, no, we haven't had a meeting because --

18 THE CHAIRMAN: Sara, are you on the phone?

19 MS. MEEK: Yes. I'm here.

20 THE CHAIRMAN: Could I -- Could I ask you for a  
21 point of clarification on the Open Meetings Act. I was  
22 going to say if you have three people on the committee  
23 but only two are talking at a time, can three  
24 communicate but not at the same time? Is that

1 permissible?

2 MS. MEEK: Honestly, I -- I don't know.

3 DIRECTOR COSTIGAN: Ron -- Ron -- Ron has some --

4 MS. MEEK: I don't know enough about --

5 MR. WILLIS: I think even if you have three --

6 MS. MEEK: -- the Open Meetings Act.

7 MR. WILLIS: -- and if they're all talking --

8 MS. MEEK: I can look into it.

9 MR. WILLIS: As long as they aren't talking  
10 opinions, feelings -- Like, they can all be gathering  
11 information and say, I got this information, I found  
12 this, I found this, and the other one says, I found  
13 this, as long as they aren't expressing views and  
14 opinions --

15 MR. URBIK: Or voting.

16 MS. SULLIVAN: Well, we are --

17 MR. WILLIS: Or voting.

18 MS. SULLIVAN: We would be expressing views and  
19 opinions on -- Hey, I found this, and I think this is --

20 THE CHAIRMAN: I can't imagine you --

21 MS. SULLIVAN: -- a good thing.

22 THE CHAIRMAN: -- expressing opinions.

23 MR. WILLIS: Well, that's it. If you just say  
24 we're all going to get together and I'm going to get

1 together this and did you find that and did you find  
2 that and then I think we should go find more, I don't  
3 think that's a violation of the Open Meetings Act.

4 If you say, okay, I think this is enough, and  
5 I think we should vote on this one because it's great --

6 MS. SULLIVAN: Okay. That was an opinion.

7 MR. WILLIS: Then you're in violation. That's what  
8 I said.

9 MS. SULLIVAN: See, that's --

10 MR. WILLIS: But if you're saying -- you're just  
11 going out there and saying, I found from operator A --  
12 here's the following 12 factors and then another one  
13 says, I think we should go out -- even as an opinion, We  
14 should find more factors, as long as you're not  
15 expressing an opinion on the overall -- what you're  
16 taking as a course of action for the group --

17 MS. SULLIVAN: I don't see how a task group can --  
18 cannot -- can meet that because you have to -- you have  
19 to -- to narrow it down to here's what we think is  
20 important, here's -- here's --

21 MR. WILLIS: There just needs to be two.

22 THE CHAIRMAN: Is this -- Is this --

23 MS. MEEK: I think there's a --

24 THE CHAIRMAN: Is it just --

1 MS. MEEK: -- a document in the front -- in the  
2 front part of your binders. On the second page, it says  
3 what constitutes a meeting under the Open Meetings Act.

4 A majority of the quorum of a public body may  
5 not meet to discuss public business without complying  
6 with the Open Meetings Act. Therefore, if business is  
7 discussed between two Board members, it does not  
8 constitute a meeting for purposes of the Open Meetings  
9 Act. If no public business is discussed among three or  
10 more Board members, it does not constitute a meeting.  
11 But if public business is discussed among three or more  
12 Board members, it does constitute a meeting.

13 So --

14 MR. WILLIS: How do you define --

15 MS. MEEK: -- then you are correct.

16 MR. WILLIS: -- public business? All of the -- All  
17 of the cases out there are going to the definition of  
18 were they discussing, quote/unquote -- Just because they  
19 were giving information is not necessarily a discussion  
20 of public business. That's the --

21 MS. SULLIVAN: But if we're giving information --

22 THE CHAIRMAN: And just if I could --

23 MS. SULLIVAN: -- for a regulation --

24 THE CHAIRMAN: Just if I could make a point. Just

1 for members of the general public, this isn't to  
2 avoid your seeing what's been discussed, but the three  
3 subcommittee members live in three different parts of  
4 the state. Getting them together for --

5 MS. GILLERS: Yeah.

6 THE CHAIRMAN: -- the meeting is the issue.

7 MS. GILLERS: Yeah, yeah.

8 MS. JULKA: Logistics.

9 THE CHAIRMAN: And we can't -- we can't do phone --

10 MR. WILLIS: Maybe we should do two then.

11 MS. SULLIVAN: Well --

12 MS. RHODES: How about what Dan said --

13 MS. SULLIVAN: -- that was --

14 MS. RHODES: -- maybe two?

15 MS. SULLIVAN: That was my point. If we have two  
16 of us, then -- then we're free to talk about things  
17 and -- and --

18 THE CHAIRMAN: Well, you can have -- you can have  
19 three on the subcommittee. Just --

20 MS. RHODES: Two meet at a time.

21 THE CHAIRMAN: -- if you want to discuss -- if you  
22 want to discuss business only, two of you can talk at a  
23 time.

24 DIRECTOR COSTIGAN: Well, that's -- Yeah. So you'd

1 have to do more than one telephone call.

2 MS. SULLIVAN: If we're e-mailing, though, between  
3 the three of us?

4 THE CHAIRMAN: No. You can't -- You can't --  
5 E-Mail is included in the Open Meetings Act. You can't  
6 e-mail between three people.

7 MS. SULLIVAN: Well, then if we're trying to get  
8 information to -- If I find some new information and I'm  
9 sending it to my committee --

10 THE CHAIRMAN: Send it to her --

11 MS. RHODES: Send it twice.

12 THE CHAIRMAN: -- and then you'll send it to Tony.

13 MS. SULLIVAN: I -- I don't -- I think two.

14 Otherwise, we're --

15 THE CHAIRMAN: Tony, you're off the committee.

16 MS. SULLIVAN: We're --

17 MR. CULTON: Do you want me to be part of it?

18 THE CHAIRMAN: Well, Ryan, you're on every  
19 subcommittee.

20 MS. SULLIVAN: He's an --

21 THE CHAIRMAN: You're not a Board member, so you  
22 can be a member of every committee.

23 MR. URBK: I have been fired from a voluntary  
24 position.



1 MS. SULLIVAN: Well, I just -- I just want to do  
2 this legally and -- and --

3 THE CHAIRMAN: Exactly.

4 MS. SULLIVAN: I mean --

5 DIRECTOR COSTIGAN: We want to follow the rules.

6 MS. SULLIVAN: We have -- We have been given rules,  
7 and -- and I just want to be sure that we stick to them.  
8 And I don't want to be --

9 THE CHAIRMAN: So the two of you are a  
10 subcommittee.

11 MS. SULLIVAN: Uh-huh.

12 THE CHAIRMAN: Ryan, do you have a list of your  
13 counterparts in other states?

14 MR. CULTON: Yeah. I can get that.

15 THE CHAIRMAN: Maybe, you know, on some of these  
16 issues, you can reach out to them and see what's being  
17 discussed in our sister states on these issues. And  
18 maybe some of them already have some policies in place.

19 MS. SULLIVAN: I bet you New Jersey does.

20 MR. JOHNSON: Don't call them.

21 MS. SULLIVAN: What?

22 MR. JOHNSON: Don't call New Jersey.

23 MS. SULLIVAN: I'll call my buddy Mike.

24 THE CHAIRMAN: Any more discussion on WOW Balls?

1 We'll put it in the subcommittee's hands and --

2 MS. SULLIVAN: Yeah.

3 THE CHAIRMAN: -- they can work with Ryan.

4 MS. SULLIVAN: Yeah.

5 MR. CULTON: But we're proceeding as status quo --

6 THE CHAIRMAN: We're proceeding as status quo and  
7 then looking to improve upon --

8 MS. SULLIVAN: Yes, yes.

9 MR. MAZZENGA: Now, I have a general question  
10 related to WOW Balls and zip lines, just in general.  
11 If the ride is not inspected, is it insurable? And --  
12 In other words, how does insurance tie into all ...

13 MR. URBIK: It does not. Whether you're -- I'm  
14 operating legally or illegally, it doesn't make any  
15 difference.

16 MR. MAZZENGA: It doesn't?

17 MR. URBIK: It does not.

18 MR. MAZZENGA: Any insurance underwriter could  
19 underwrite either --

20 MR. URBIK: Now, if I'm underwriting it different,  
21 then -- having coverage in place and paying a claim, if,  
22 in fact, I find out that you're operating illegally or  
23 outside the constraints of the law, I still have to pay  
24 the claim. Then I'll cancel you. And if I've got the

1 ability to subrogate against somebody, then I'll do that  
2 as well.

3 MR. MAZZENGA: Thanks.

4 THE CHAIRMAN: Before we adjourn, any other Board  
5 business or any other discussion, comments,  
6 announcements?

7 (No verbal response.)

8 THE CHAIRMAN: Hearing none, we are adjourned.

9 Thank you.

10 (Discussion off the record.)

11 MR. MEYER: Well, I just wanted to make sure that I  
12 can go ahead and send that application now in to get a  
13 zip line inspected. Is that what you -- Is that what  
14 you basically said now?

15 DIRECTOR COSTIGAN: Yes.

16 MR. WILLIS: Tomorrow.

17 MR. MEYER: That's all I needed to know. I left it  
18 off my -- Because I left it off -- Because I was asking  
19 the inspector about that and I left it off the  
20 inspection list because I didn't want to hold up my  
21 entire application for all the other permits.

22 MR. CULTON: Now, the question will be what is the  
23 fee? Because it's not listed as part of the --

24 MR. MEYER: The major ride fee, which is 130 --

1 MR. CULTON: I am sure it would be classified as --

2 MR. MEYER: Like a rock wall or a Eurobungy?

3 DIRECTOR COSTIGAN: A major ride.

4 THE CHAIRMAN: Thank you very much. Thank you  
5 members of the public for joining us.

6 (WHEREUPON, the meeting concluded at  
7 2:11 p.m.)

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1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF COOK )

3

4 Cheryl A. Goetsch, being first duly sworn, on  
5 oath says that she is a Certified Shorthand Reporter and  
6 Registered Professional Reporter, doing business in the  
7 City of Chicago, County of Cook and the State of  
8 Illinois;

9 That she reported in shorthand the proceedings  
10 had at the foregoing Board Meeting;

11 And that the foregoing is a true and correct  
12 transcript of her shorthand notes so taken as aforesaid  
13 and contains the proceedings had at the said Board  
14 Meeting.

15

16

17

*Cheryl A. Goetsch*

\_\_\_\_\_  
CHERYL A. GOETSCH, CSR, RPR

18

19

CSR No. 084-003502

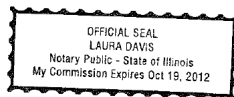
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SUBSCRIBED AND SWORN TO  
before me this 29th day of  
May, A.D., 2012.

22

*Laura Davis*



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NOTARY PUBLIC

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