

**In The Matter Of:**

*Illinois Dept. of Labor Amusement Ride & Attraction  
Safety Board Meeting Before*

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*Chairperson Patty Sullivan  
September 14, 2017*

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*Marzullo Reporting Agency  
345 North LaSalle, 1605  
Chicago, IL 60654  
(312) 321-9365*

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ILLINOIS DEPARTMENT OF LABOR  
AMUSEMENT RIDE AND ATTRACTION SAFETY BOARD  
September 14th, 2017, at 2:00 o'clock p.m.

Report of Proceedings had at the Meeting of the  
Illinois DEPARTMENT OF LABOR AMUSEMENT RIDE AND ATTRACTION  
SAFETY BOARD, on September 14th, 2017, at the hour of 2:00  
o'clock, p.m., pursuant to notice, at 160 North LaSalle  
Street, Suite S1000, Chicago, Illinois.

1 APPEARANCE:

2 ILLINOIS DEPARTMENT OF LABOR AMUSEMENT RIDE and  
3 ATTRACTION SAFETY BOARD

- 4 MS. PATTY SULLIVAN, Chairperson
- 5 MR. JOE BEYER, Acting Director
- 6 MR. WESTON SPARKS, Member
- 7 MR. DANIEL SCHWABE, Member
- 8 MR. JOSEPH REDSHAW, Member
- 9 MR. BRADLEY BROWN, Member
- 10 MR. DANIEL S. KIRSCHNER, Member
- 11 MS. LINDA GIVAND RHODES, Member
- 12 MR. CHRIS WIENEKE, Present Telephonically
- 13 MR. BENNO WEISBERG, Member

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1           CHAIRPERSON SULLIVAN: I would like to call the  
2 meeting to order. Before we go to the approval of  
3 the agenda, if everybody on the dais up here,  
4 starting with our new director, introduce themselves  
5 and tell everybody who you are and who you are with.

6           MR. BEYER: Good afternoon, everyone. My name  
7 is Joe Beyer. I'm the Acting Director of the  
8 Illinois Department of Labor, and I've been here  
9 since April of this year.

10          MR. WEISBERG: Benno Weisberg, general counsel,  
11 Department of Labor.

12          MR. BROWN: Brad Brown. I'm an engineer and  
13 member of the Board. This is my second Board  
14 meeting.

15          CHAIRPERSON SULLIVAN: Patty Sullivan, and I'm  
16 the Chair, and I am with Illinois Bridge Company  
17 Manufacturer.

18          MR. REDSHAW: Joe Redshaw. I'm with Redshaw  
19 Insurance agency.

20          MS. RHODES: Linda Rhodes. I'm a Certified  
21 Safety Professional. I'm a public member.

22          MR. KIRSCHNER: Dan Kirschner, attorney and  
23 Board Member.

24          MR. SPARKS: Wes Sparks, North American Midway

1 Entertainment.

2 MR. SZERIETCH: Bill Szerietch, Acting Division  
3 Manager, Department of Labor.

4 MR. COE: Tom Coe. I'm the Chief Ride  
5 Inspector for the Department of Labor.

6 MR. BEYER: We also have one person dialed in.  
7 Chris wants to introduce himself.

8 CHAIRPERSON SULLIVAN: Okay.

9 MR. WIENEKE: Chris Wieneke. I'm Acting  
10 Assistant Director at the Department of Labor.

11 CHAIRPERSON SULLIVAN: Welcome. So let's move  
12 on toward approval of agenda.

13 Does anybody want to add anything to the  
14 agenda, or do you have something with anything we  
15 got on there right now?

16 Hearing none, then I would hear a motion  
17 to approve the agenda as presented.

18 MR. BROWN: I'll make that motion.

19 MR. REDSHAW: I'll second that.

20 CHAIRPERSON SULLIVAN: Those in favor?

21 (A chorus of ayes.)

22 CHAIRPERSON SULLIVAN: Those opposed?

23 (No response.)

24 CHAIRPERSON SULLIVAN: Abstentions?

1 (No response.)

2 CHAIRPERSON SULLIVAN: Okay. The agenda is  
3 approved, and hopefully everybody has had a chance  
4 to look through the minutes.

5 And thank you for sending them out early,  
6 Bill, so we could read them before we got here  
7 because it's a lot of very small print. Read in a  
8 big hurry.

9 Does anybody have any changes or  
10 corrections to the minutes that they would like to  
11 bring forth?

12 (No response.)

13 CHAIRPERSON SULLIVAN: Hearing none, I would  
14 entertain a motion to approve the minutes as  
15 presented.

16 MR. KIRSCHNER: So moved.

17 MR. BROWN: I'll second it.

18 CHAIRPERSON SULLIVAN: Those in favor?

19 (A chorus of ayes.)

20 CHAIRPERSON SULLIVAN: Those opposed?

21 (No response.)

22 CHAIRPERSON SULLIVAN: Abstentions?

23 (No response.)

24 CHAIRPERSON SULLIVAN: Okay. Thank you. Old

1 business. Now, I'm not sure if some of the things  
2 under new business aren't actually old business,  
3 like the WOW Balls.

4 MR. SZERIETCH: I kind of struggled with that,  
5 too.

6 CHAIRPERSON SULLIVAN: Because we discussed it  
7 some time ago, and this Board decided they wanted to  
8 see what the ASTM 24.24 did, what the subcommittee  
9 did with WOW Balls.

10 So I chaired the subcommittee, but we had  
11 four or five meetings where maybe one person showed  
12 up, and that was an inspector, and no operators and  
13 no manufacturers showed up.

14 And, so, I felt like we really wouldn't be  
15 -- we wouldn't be writing the kind of standards that  
16 ASTM is intended to do without all the different  
17 people involved who are stakeholders in that. So I  
18 just canceled the subcommittee. I'm not an expert  
19 on it.

20 MR. SZERIETCH: I wasn't aware that it was  
21 canceled.

22 CHAIRPERSON SULLIVAN: Yeah, we just  
23 disintegrated that subcommittee because, you know, I  
24 needed help identifying them. If the people who

1 were involved with it weren't interested enough,  
2 then we let it go.

3           So, I saw the printouts that you gave us  
4 CPSC warns of deadly danger with Water Walking  
5 Balls, and I'll tell you my opinion of this. This  
6 was a very knee-jerk reaction because where they had  
7 an issue was WOW Balls were going out on the ocean,  
8 and they weren't being tethered to anything.

9           They were just out there, and there was, I  
10 believe, some sort of incident with them, and they  
11 got out to where they couldn't get back. And, so,  
12 that's what really kicked off the Consumer Product  
13 Safety Commission.

14           And a lot of these things, quite frankly,  
15 were knee-jerk reactions, and the gentleman that I  
16 talked to from the CPSC admitted that pretty much,  
17 but they didn't know enough about it to really speak  
18 to the real issues or suggest what should be done  
19 with WOW Balls.

20           So, if you have read this, and one of the  
21 things that Linda was very concerned about for the  
22 State of Illinois was the page on bacteria and Zorb  
23 Balls; and we were concerned about it, too.

24           If you can't easily spray it in between

1 every single patron that would be in it, and have it  
2 ready for the next person without having some, I  
3 guess, leftover residue that might not go over well  
4 with them.

5           So -- and I tried to get a hold of people.  
6 Now the Zorb Balls, as I understand it, Zorbs are  
7 the ones that bounce downhill, and the WOW Balls are  
8 the ones that are in water.

9           So, I would be opposed to the Zorb Balls  
10 in the State of Illinois, in any way, shape or form  
11 because if you can just go -- if you're not in a  
12 limited area, who knows what can happen. I don't  
13 think they really have been allowed much in the  
14 U.S., unless it's some place private, anyway.

15           But even Water Balls, if they have --  
16 there are a number of Water Ball operations, and  
17 they've had no incidents and no problems, but I just  
18 didn't feel like writing it myself for ASTM because  
19 that's not the way the subcommittees are supposed to  
20 be, or the tax group.

21           That's not how they are supposed to be  
22 posed with just a person -- it should have all the  
23 different stakeholders, the operators, the  
24 manufacturers, the inspectors, and hopefully through

1 general public people involved, and they didn't show  
2 up.

3           So we didn't have the expertise to follow  
4 through, as far as I was concerned.

5           MS. RHODES: I wanted to add a comment when  
6 you're finished, Patty.

7           CHAIRPERSON SULLIVAN: Go ahead.

8           MS. RHODES: I do agree with Patty that we did  
9 not feel we were the experts who should be writing  
10 the standards or for the Zorb or the WOW Balls.

11           The committee, itself, I believe the focus  
12 under you, Dan, was the WOW Balls, the actual Walk  
13 on Water Balls. While I did have a concern with  
14 both of the types of balls, and the potential  
15 infection, based on the materials we received from  
16 some of the safety agencies, my biggest concern was  
17 with the WOW Balls, and the fact that the people in  
18 them were exceptionally trapped and helpless, unless  
19 someone came to rescue them.

20           I remember that particular concern I had  
21 being -- of there being a lot of debate about it.  
22 So, I appreciated that because it was a healthy  
23 debate. I still maintain, though, that I did not  
24 feel comfortable with that and, therefore, agreed

1 with Patty that someone else should you be providing  
2 us with some additional information about this  
3 before we could consider it for Illinois.

4           So, I never felt I got enough information  
5 to feel comfortable saying they were okay for  
6 Illinois, and made that clear, and I don't remember  
7 which meeting. But none of us felt comfortable  
8 going forward as a result of that.

9           In fact, someone showed up and did a  
10 demonstration for us for one of the balls. I still  
11 didn't feel comfortable.

12           CHAIRPERSON SULLIVAN: That was the year  
13 before.

14           MS. ROHODES: I felt even worse about it after  
15 that particular incident.

16           MR. KIRSCHNER: One of the issues we also  
17 talked about was raised in here was whether or not  
18 this is the proper department to be addressing it,  
19 given the statute, whether or not it actually falls  
20 under the Department of Health that regulates water  
21 parks and water slides.

22           When you look at their statutes, it goes  
23 into regulating attractions and devices that also  
24 involve water. So, this actually might be a matter

1 that is appropriate before the Department of Health  
2 versus Department of Labor.

3 MR. BEYER: I'm not sure if everyone saw on the  
4 back of this main sheet, Bill had included some  
5 portions of the relevant statute, and highlighted a  
6 few areas, the second of which was part of the  
7 definition of inflatable attraction.

8 One of the conditions is the continuous  
9 air flow by one or more blowers; and it's my  
10 understanding based on that, these may very well not  
11 fall under that.

12 So, before we get -- I think a prior  
13 question we were discussing whether or not how we  
14 write standards or what attempts we're going to make  
15 at that. I think there is the first issue of  
16 whether we even fall under this act under the  
17 Department's purview.

18 MR. KIRSCHNER: Do you know -- we discussed  
19 this. It's going back now four years, several  
20 iterations. There was going to be some  
21 communication. I don't know if it was Ryan or Joe's  
22 office, in terms of reaching out to the Department  
23 of Health.

24 Do you know if there is any notes filed

1 whether or not that was ever done?

2 MR. WEISBERG: I don't.

3 CHAIRPERSON SULLIVAN: I don't know if that was  
4 ever done, because this Board basically sluffed it  
5 off to let ASTM write the standards, and then we'll  
6 poll the man from there; and that's where I tried to  
7 move forward with it, but I didn't get any, you  
8 know, help from there. So I just dropped the  
9 committee.

10 MR. SZERIETCH: I did review Ryan's notes that  
11 he left behind, and there was no outreach to the  
12 Health Department or anything.

13 MR. KIRSCHNER: Maybe that what we do now, we  
14 table it. Perhaps the Department can reach out to  
15 the Department of Health and get their feedback  
16 whether it even belongs on our table or not.

17 MR. SZERIETCH: The whole purpose of me  
18 bringing this up is what Joe alluded to on the back  
19 page. I don't even feel it fits our regs, because  
20 it clearly says that an inflatable attraction is,  
21 you know, an inflatable that is kept -- it's shaped  
22 by one or more blowers. This is just a beach ball.

23 CHAIRPERSON SULLIVAN: Basically.

24 MR. SZERIETCH: So, we thought we would run it

1 by the Board again to get your opinion, as far as  
2 whether we should not even regulate these.

3 And, to be honest with you, I think we  
4 permitted four of them this year. No Wild Balls,  
5 one Zorb Ball or two Zorb Balls and two Knockerballs  
6 or three Zorb Balls and one Knockerball.

7 CHAIRPERSON SULLIVAN: The Zorb Balls are  
8 running? I mean, are they in running?

9 MR. SZERIETCH: No. A lot of them will have an  
10 inflatable track, but some of them don't.

11 CHAIRPERSON SULLIVAN: Okay. And, so, they're  
12 just --

13 MR. SZERIETCH: They blow them up at a park and  
14 they go, and the Knockerballs are even more  
15 disturbing.

16 CHAIRPERSON SULLIVAN: What are Knockerballs?  
17 Excuse me, but I don't know.

18 MR. JOHNSON: We're wondering the same thing.

19 MR. SZERIETCH: It's like an egg-shaped Zorb  
20 Ball that fits over the top of your body with a  
21 harness inside, a shoulder harness. Your legs are  
22 free to dangle. You just basically run at everybody  
23 and run into each other.

24 MS. RHODES: I will be too old for this.

1 MS. VAUGHN: They could do a demonstration with  
2 the Board.

3 MR. BROWN: I've actually done one of the  
4 Knockerballs. There's was a birthday my wife hooked  
5 up with that brought a few of them. They did it in  
6 the school gymnasium at their little school.

7 It's just what he said, it's like a big  
8 beach ball. You are in the center. You kind of  
9 hold on to the thing, and you run around and bounce  
10 it at everybody and run around. It seems pretty  
11 safe.

12 Knee injuries I think are potentially  
13 prevalent. You do fall. It certainly doesn't fit  
14 the definition of what I see here in our regulations  
15 of what -- I think the regulations were intended to  
16 cover or what's your perspective on that?

17 MR. KIRSCHNER: My other concern is the  
18 operators of those have some clarity. The  
19 Department takes the position that they don't  
20 regulate WOW Balls.

21 I don't want the WOW Balls operators left  
22 with the impression they don't have to be regulated.  
23 Perhaps the Department of Health is in a position to  
24 be regulating that. I would like to have some

1 documentation referring the operators to the  
2 Department of Health and from the Department Health  
3 whether these things are operating together.

4 MR. BEYER: What we can do before the next  
5 meeting is set up some discussions with Department  
6 of Public Health; and then if we choose to table it  
7 at this time, we can present or perhaps if it even  
8 makes sense to invite representatives from IDPH to  
9 come to the next Board meeting to discuss that.

10 CHAIRPERSON SULLIVAN: And ASTM does have a  
11 number of standards wherein they do discuss water  
12 quality and all those kinds of things. So, I guess,  
13 in my head, it wasn't falling that far afield, but  
14 being zipped up inside and not being able to keep,  
15 you know, keep some kind of germ-free or relatively  
16 germ-free environment kind of did it for me. So,  
17 Linda convinced me.

18 MR. SZERIETCH: I think it's important to note  
19 that this industry really has not grown any. I  
20 mean, it just really kind of stayed where it's at  
21 right now.

22 CHAIRPERSON SULLIVAN: I think there was a big,  
23 you know, hit at the beginning of it because it is  
24 pretty labor intensive, if they're doing it right.

1 MR. SZERIETCH: Yes.

2 CHAIRPERSON SULLIVAN: To have the people in  
3 the pool with the Water Balls to be able to be sure  
4 they're not going anywhere, bumping into each other  
5 with bad results.

6 But that would be great if you could get  
7 the Department of Health to come and discuss with  
8 us, because, I mean, if nothing else, we could all  
9 be better informed about it and make maybe a little  
10 bit more informed decision about whether or not we  
11 want them in the State of Illinois.

12 MR. BEYER: Sure.

13 CHAIRPERSON SULLIVAN: Because they would have  
14 counterparts in other states that do allow them in,  
15 probably.

16 Any more discussions on Water Balls,  
17 Zorbs, Knockerballs? What are they called?

18 MR. SZERIETCH: Knockerballs.

19 CHAIRPERSON SULLIVAN: Knockerballs. Okay,  
20 hearing none, is there any other old business that  
21 anyone wants to bring up?

22 (No response.)

23 CHAIRPERSON SULLIVAN: Then I would suggest we  
24 go on to new business, and so the first thing would

1 be the rule change with qualifications of  
2 inspectors.

3 MR. SZERIETCH: I apologize for my coughing  
4 right up front. I've been hit by the sick bug.

5 CHAIRPERSON SULLIVAN: As long as you don't  
6 breath.

7 MR. SZERIETCH: I'll try my best not to cough.

8 CHAIRPERSON SULLIVAN: As long as you don't get  
9 into a WOW Ball with us.

10 MR. SZERIETCH: So, the rule change in August  
11 of 2014, after consultation with the Carnival Board,  
12 the Joint Committee on Amusement Administrative  
13 Rules, JCAR changed the requirements for carnival  
14 inspectors, but it doesn't appear in the  
15 classification that the Department of Labor uses to  
16 hire inspectors was updated to reflect the new  
17 standards.

18 Complicating the issue is the current  
19 title of Public Safety Inspector is shared by both  
20 OSHA and carnival divisions. Both division managers  
21 at that time had previously agreed that the current  
22 class specification should be split into two  
23 separate jobs.

24 CMS has pulled the language for carnival

1 inspectors from the public safety inspector class  
2 specification to create an amusement ride inspector  
3 classification.

4 In February of this years, CMS asked that  
5 the Carnival Board to modify the language in the  
6 Administrative Rules. That is where we are right  
7 now.

8 Excuse me. The modified language in the  
9 handout from your package, you can see that the  
10 desired change to the act, we would like to change  
11 the current requirement of a four-year Bachelor of  
12 Science or Bachelor of Arts Degree, and change that  
13 to an equivalent language of having knowledge, skill  
14 and mental development, equivalent to completion of  
15 four years of college, including course work in  
16 engineering, physical science or related fields, et  
17 cetera.

18 Why are we doing this? The reason that we  
19 want to do this is twofold. This change will allow  
20 for clear interpretation and permit a substitution  
21 of work experience for collegiate education.

22 This will also allow for the new class  
23 specification document of the amusement ride safety  
24 inspector position to be drafted with a type of

1 minimum education and experience requirements we are  
2 seeking.

3           These standards, along with the grading  
4 scale that we are currently working on with CMS to  
5 determine the allowable qualified field of study  
6 course work, should provide an adequate candidate  
7 pool.

8           Excuse me. Under this change, a person  
9 with four years of experience in the specified  
10 fields would qualify. A person that has completed  
11 four years of college with course work in specified  
12 fields, but did not receive a Bachelor's Degree,  
13 would also qualify.

14           A person that has achieved a Bachelor's  
15 Degree with course work in the specified fields  
16 would qualify; and, finally, a person with an  
17 acceptable combination of education and experience  
18 would qualify.

19           The degree is mentioned. It is considered  
20 a hard-and-fast requirement, and this does not allow  
21 for substitution of work experience for the  
22 collegiate education requirement.

23           An example of that would be right now we  
24 require a Bachelor's Degree, and that language does

1 not allow for substitution. If we put the  
2 equivalency language in, that requires knowledge,  
3 skill, mental development, et cetera, that would  
4 qualify.

5 So, basically, we're just wanting to --  
6 we've got, you know, possibly a few inspectors that  
7 are close to retirement. We just want to make sure  
8 that we have the wording correct that we can bring  
9 in all good possible candidates for this position,  
10 and this will allow us to do that.

11 CHAIRPERSON SULLIVAN: If I could make a  
12 comment. I think -- I mean, a four-year degree is  
13 nice, but you still, even if it's in engineering,  
14 physical sciences or related fields, it still takes  
15 a lot of training and time on the job toward what  
16 needs to be inspected and how, and all those kinds  
17 of things, and to be able to pick out anything that  
18 could be dangerous.

19 So, I think this is very good. I did have  
20 a question, though. At the top where  
21 Section 6000.25 qualification is, is this going to  
22 be ride inspectors, ride and attraction inspectors?

23 MR. SZERIETCH: Yes.

24 CHAIRPERSON SULLIVAN: And, now, does this also

1 apply to a ski lift inspectors?

2 MR. SZERIETCH: What do you mean?

3 CHAIRPERSON SULLIVAN: Well, they are under the  
4 umbrella of our regulations and our Board. So, the  
5 same thing would apply to them, because do our  
6 inspectors, our ride inspectors, still go out and do  
7 ski inspections?

8 MR. SZERIETCH: Yes.

9 CHAIRPERSON SULLIVAN: Okay. So, we'll leave  
10 it to you to figure out how to get all those titles  
11 in there.

12 MS. RHODES: Question for you also, Bill: Has  
13 it been our experience to date that there has been a  
14 problem with recruiting and finding great candidates  
15 with the wording that existed prior to what's being  
16 recommended today?

17 MR. SZERIETCH: Yes. In a way, it has. Like,  
18 for Tom's position, we had a hard time finding  
19 someone that was qualified to fill his position, but  
20 his is kind of a special circumstance.

21 But as far as, you know, the amusement  
22 ride inspectors, we really haven't had any turnover  
23 yet. So, we have had, you know, one here and there,  
24 and I wasn't in on the interview process. So, I

1 don't really know how big a candidate field we had,  
2 nor was I in this position.

3 So, but I can see down the road where we  
4 could have, you know, two to three inspectors that  
5 may retire. So, this will certainly help open that  
6 candidate field up a little bit.

7 MS. RHODES: Based on what you anticipate? You  
8 are anticipating there would be trouble. I want to  
9 understand it. That is why I'm asking the question.  
10 So, we haven't had occasions lately --

11 MR. SZERIETCH: No.

12 MS. RHODES: -- to recruit? When we do  
13 recruit, because we have a couple people retiring,  
14 what is our kind of recruitment process? From what  
15 pool do we draw? Where do we go to recruit or  
16 what's that process?

17 MR. SZERIETCH: Well, we open it up in the CMS;  
18 however, they post the job. We open it up for  
19 bidding through other state agencies, if they want  
20 to come over.

21 But there's, you know, a grading scale  
22 that CMS uses to determine whether a candidate is  
23 qualified. So, that's what we're wanting to do is  
24 get this in line more with, you know, CMS's grading

1 scale and also to open it up to where someone that  
2 did have that kind of education, didn't get the  
3 Bachelor's Degree, is just as well qualified and we  
4 include them, too.

5 MS. ROHODES: Thank you.

6 MR. SZERIETCH: Anymore questions on that?

7 CHAIRPERSON SULLIVAN: What does the acronym  
8 CMS actually stand for?

9 MR. SZERIETCH: Central Management Services.

10 CHAIRPERSON SULLIVAN: Okay. Just wondering.  
11 So, they are kind of responsible for bringing in  
12 candidates?

13 MR. SZERIETCH: Yes, they are the ones that  
14 issue a grade for this position, and, you know,  
15 based on what we put down here.

16 So, when it was changed back in 2014, it  
17 never really got communicated to CMS. That's what  
18 we wanted to correct.

19 CHAIRPERSON SULLIVAN: Yeah.

20 MR. SZERIETCH: Any other questions?

21 MR. BROWN: But, I would just like to make a  
22 comment. I can see where the wording would  
23 definitely help you to broaden your perspective on  
24 candidates and even as someone who is a licensed

1 professional engineer.

2 I also value, you know, the real-world  
3 experience that comes with a lot of things, too.  
4 So, I encourage, as you are reviewing candidates,  
5 you know, keep the bar high, but utilize that  
6 flexibility.

7 MR. SZERIETCH: Yes. The next thing I want to  
8 talk about is an update on Fire Ball rides,  
9 Freak-Out rides, and the State's response to the  
10 incident in Ohio that everybody I'm sure has heard  
11 about.

12 July 26th -- and, first off, I want to  
13 apologize to all the Board Members for not properly  
14 notifying you after the action that we took. So, I  
15 just wanted to let you know that I understand I  
16 should have contacted you sooner, and hopefully you  
17 will accept my apologize on that.

18 So, July 26th is the accident in Ohio; and  
19 on the 27th, we suspended operation of Fire Ball  
20 type rides, Freak-Out rides, and an Extreme ride.

21 Later on down the line, we suspended a  
22 Spinout ride, and the reason why we did that is at  
23 the time we didn't have much information to go on.

24 We didn't know exactly what happened, but

1 after discussing it, talking to the manufacturer, we  
2 decided that we were going to require an NDT of the  
3 Freak-Out rides and have them reopened. They passed  
4 the NDT and also the a Department of Labor  
5 inspection.

6 So, all of them have been done, and every  
7 one of them passed. They were all operated. Three  
8 Fire Ball rides are still not operating. We don't  
9 expect to -- we don't expect any of the three to  
10 operate this year. Two of them weren't even coming  
11 into the State, is my understanding.

12 The Extreme Ride is up and running. The  
13 Spinout is still stopped because it's a voting  
14 issue, a stop order for that, based on the seat  
15 design, the gondola design.

16 Very similar for the same as the Fire Ball  
17 type rides that were affected. So, there was a  
18 lengthy NTD that came out from the manufacturer for  
19 the Fire Ball rides. There is one that has been  
20 done this year, but I don't think that they will be  
21 bringing this out. The season is just too close to  
22 an end.

23 So, that is where we are at with the Fire  
24 Ball, Freak-Out, Extreme rides. They are all

1 running, except for the Fire Balls. They are still  
2 out.

3           And that really -- does anybody have any  
4 questions on that?

5           MS. ROHODES: It's more about our internal  
6 inspection protocol based on the fact that our  
7 action following what happened in Ohio resulted in  
8 rides that still are not operating.

9           Is there anything we believe we need to  
10 double back now and change kind of on a go-forward  
11 basis, or is that still being evaluated?

12           MR. SZERIETCH: It's -- you know, the final  
13 report hasn't come out of Ohio. We pretty much  
14 understand, you know, what happened there. You  
15 know, right now, I think that that was a one-time  
16 thing; and, you know, this NDT test is not something  
17 we're going to require in the future.

18           The manufacturer may, but as far as the  
19 department, I don't think it's anything we're going  
20 to require in the future. We wanted to get an idea  
21 of where, you know -- whether there was some metal  
22 degradation, take a look at the welding in that  
23 area; and just, you know, double check and make sure  
24 that everything was good.

1 MR. KIRSCHNER: Bill, sorry.

2 CHAIRPERSON SULLIVAN: Go ahead.

3 MR. BEYER: I want to add I think it would be  
4 particularly helpful to have input on the Board on  
5 this going forward and not only to set up what our  
6 process and procedures will be, in terms of  
7 notification, and whether we call an emergency  
8 meeting or whatever it may be, but also what action  
9 we feel would be appropriate in circumstances like  
10 this.

11 So, as Bill mentioned, we were obviously  
12 operating on very limited information. I've never  
13 been on the grainy U Tube video that came out of the  
14 accident. There was no official work coming out.

15 We spoke with other states as well who had  
16 taken similar actions. Some reversed that then at  
17 some point after that, but to get input on what we  
18 would feel comfortable with, because the  
19 manufacturer had issued some serial number  
20 guidancing 1 through 40, whatever it was.

21 They are covered, the rest are not. So,  
22 we're looking at that, again, very early in the  
23 process. Is this enough to go on to open these  
24 rides, which certainly look quite similar?

1           But we understand the way they are  
2 assembled, there are differences. And,  
3 particularly, given that the ride in Ohio what ended  
4 up -- maybe the final report is not out yet, but  
5 there was corrosion of a certain degree that was not  
6 apparent, and then several inspections that it did  
7 pass.

8           So, faced with all of that, that is what  
9 we were considering. So, going forward, if the  
10 manufacturer does issue guidance like this again, is  
11 that enough? Do we feel comfortable going on that  
12 alone?

13           MR. SZERIETCH: Another thing I'll add is, you  
14 know, we had several rides that were set to open  
15 that next day. So, without any information right  
16 away, we felt this was the best course of the action  
17 in the immediate, you know.

18           CHAIRPERSON SULLIVAN: I think it would be good  
19 for the Board to be brought in, because some of us  
20 may even have contacts who can talk to the  
21 manufacturer and get it straight from them what  
22 exactly happened, because they are the ones who  
23 really know their product the best.

24           And as a manufacturer, I wanted to know

1 because if I had any like-type joints that could  
2 hold water or condensation, I wanted to know because  
3 it could happen on any ride, if you have that  
4 situation.

5 And, so, I think it's good. So, I got my  
6 staff together right away, after I found out what it  
7 was. Bill had a pretty good idea after talking to  
8 the manufacturer and Bill Johnson, but it is -- I  
9 think it is good because then maybe we could bring  
10 in somebody who has talked to the manufacturer.

11 I don't have all those folks' phone  
12 numbers, but the owners will have them, and then  
13 maybe we could make a pretty solid.

14 But as a manufacturer, if I said serial  
15 No. 1 to 40, you could be darn sure that I don't  
16 think it's going to occur in any others because I  
17 want to be sure that I don't have something out  
18 there that could cause an accident.

19 And, so, I think it's pretty fair to go  
20 with what they say, because, you know, nobody -- I  
21 don't know of any manufacturers that wouldn't be  
22 conservative when it comes to what serial numbers  
23 are affected, and they are the only ones that know  
24 their prints and their actual design.

1           MR. BEYER: Sure. And I think adding to the  
2 difficulty at that point was that they had come out  
3 with this guidance, but it was still before a point  
4 where anything official had been said about  
5 corrosion or the presence of, you know, water that  
6 had built up over time.

7           So, from our perspective, we felt there  
8 was still a piece missing that they are saying,  
9 "These aren't covered. These are assembled  
10 differently," but it was begging the question,  
11 "Well, why is it the fact they are assembled? Why  
12 does that matter, or what is it specifically about  
13 that that gives us piece of mind for rider safety  
14 that will prevent this from happening elsewhere?"  
15 But, certainly --

16          CHAIRPERSON SULLIVAN: Well, I think this is  
17 one reason we have an engineer on our Board to help,  
18 you know, help guide us if we have questions.

19           Did you ever -- do you guys even know  
20 where on the ride this actually happened? Maybe  
21 Bill could give us a quick explanation.

22          MR. SZERIETCH: You guys are supposed to have  
23 this in your packet, but --

24          CHAIRPERSON SULLIVAN: I don't see it.

1 MR. SZERIETCH: It shows the picture of the  
2 area that K&G is requiring the NDT on. It's  
3 basically where the square tubing meets the gondola  
4 assembly. So, I could pass that over to you.

5 CHAIRPERSON SULLIVAN: That would be good, so  
6 everybody can see kind of what we're talking about.

7 MS. ROHODES: If you could send us a copy, that  
8 would be great.

9 MR. SZERIETCH: Like I said, all these things  
10 will be in the packet I will get sent to you.

11 CHAIRPERSON SULLIVAN: Just E-mail them.

12 MR. SZERIETCH: Okay.

13 CHAIRPERSON SULLIVAN: Is there anything else  
14 that you have?

15 MR. BEYER: Perhaps if there are any thoughts  
16 about -- if anyone has any specific thoughts on what  
17 type of beyond a phone to call individually to Board  
18 Members, anything more than that that would be  
19 appropriate?

20 MR. SZERIETCH: I know several years ago when  
21 we had the Yo-Yo incident in California, we  
22 suspended the Yo-Yo rides. I think half were sent  
23 E-mails to all the inspectors and Board Members  
24 alike and notified them, you know, right away.

1           So, I have no problem E-mailing or calling  
2 them individually. I could do either and I could do  
3 both.

4           MS. ROHODES: I would be comfortable with an  
5 emergency conference call that all of us could be  
6 on. That way whatever, you know, you could share to  
7 all of us at one time, if the Meeting Act allows  
8 that.

9           MR. SZERIETCH: It doesn't.

10          MS. ROHODES: Can't do it? Never mind.

11          MR. KIRSCHNER: In the past, the Department has  
12 always taken the position that, you know, the  
13 emergency stuff is emergency stuff.

14                 Normally, we don't need a meeting with it.  
15 While the statute requires we meet twice a year, it  
16 doesn't seem we're going to meet twice a year.

17                 The individual director should feel free  
18 to call the meeting as they feel necessary because  
19 the Board is a sounding Board. That's why it exists  
20 in our statute to advise the Department as the  
21 Department sees fit.

22                 CHAIRPERSON SULLIVAN: I don't think it would  
23 be out of line to call a meeting, and whoever could  
24 get there, good. Whoever needed to be on the phone,

1 good. You never know who has the magic.

2 MR. KIRSCHNER: With the Open Meetings Act, we  
3 just have to have one person to be on the phone. We  
4 only need a quorum to vote on something. If we're  
5 not voting, the quorum part doesn't matter.

6 CHAIRPERSON SULLIVAN: Well, and I think we  
7 would just be in an advising capacity on this  
8 anyway, or a sounding board for you to say, "Does  
9 this sound reasonable and practical and conservative  
10 that we would be comfortable with?"

11 MR. BROWN: I would agree with that. We've got  
12 to look at our Board Members with a wealth of  
13 experience and knowledge and different perspectives  
14 that could help guide the process.

15 MR. WEISBERG: On the Open Meetings Act, so if  
16 there is a 48-hour notice requirement even for  
17 special meetings.

18 You know, I think the work around here  
19 would be video conference, if everybody could get to  
20 Springfield or Chicago. You know, the 48-hour  
21 period sort of sets the Board for notice to the  
22 general public.

23 Any time a majority of a quorum when the  
24 Board meets, it's subject to open meetings

1 requirements. So, you can't jump on a conference  
2 call and, you know, can't have the meeting same day  
3 or occur the next day, you know, practically, if  
4 it's a true emergency, you need to meet.

5           You know, just the Open Meetings Act  
6 requirements are there, but they obviously don't  
7 physically prevent folks from getting together.  
8 Anything less than a majority of a quorum is not  
9 subject to Open Meetings Act requirements. There's  
10 probably some work around there as well.

11           CHAIRPERSON SULLIVAN: Okay. I think we would  
12 like to be, you know, at least know about it. If  
13 there's any way we can help, we would be more than  
14 happy to.

15           MR. KIRSCHNER: Correct me if I'm wrong. With  
16 the Open Meetings Act, there is no reason the  
17 Department can't call each Board Member individually  
18 and talk collectively.

19           MR. WEISBERG: That's right.

20           MR. SZERIETCH: We can certainly do that. So,  
21 that bulletin that you seen is the new K&G bulletin  
22 that addresses the issue with the Fire Ball rights,  
23 serial No. 1 through 39.

24           It's an extensive NDT. That will be on

1 the NTD list. I will have an updated copy for the  
2 January meeting, a very, very detailed NDT, as you  
3 can imagine. Go ahead, Tom.

4 MR. COE: This is Tom Coe. There is one  
5 important thing you need to know on it that that NDT  
6 only approves operation through December 31st of  
7 this year. I guess they were setting up themselves  
8 to wait for the first of the year to see if anything  
9 new that came up.

10 CHAIRPERSON SULLIVAN: Manufacturers don't  
11 always like to have a knee-jerk fix either.

12 MR. SZERIETCH: As far as I know, nothing has  
13 come out officially from Ohio's accident. I imagine  
14 that's going to take a little time.

15 The other bulletin that is kind of related  
16 to that is the Tivoli Spinout has the same type of  
17 seats. They have their own procedure, NDT  
18 procedure, and that is also going to be on the NDT  
19 list.

20 Chance has one called the Revolution, same  
21 type of seat again. So, there's three different  
22 manufacturers that have the same type of seating and  
23 possibly the same type of issues. So, NDT is on  
24 those.

1 I've got a couple more. Bad Tech put one  
2 on the Cliffhanger. All it is it's not an NDT. I'm  
3 sorry, it's just a safety bulletin.

4 And, to be honest with you, I'm not sure  
5 why, but it's just a cover that goes over a latch.  
6 I'm assuming someone got their finger pinched. Do  
7 you know, Wes?

8 MR. SPARKS: I did not hear.

9 MR. SZERIETCH: They don't really say why. It  
10 could be just a design improvement. So, they  
11 developed a cover to go over the latching hook that  
12 goes into the latch mechanism.

13 CHAIRPERSON SULLIVAN: Sometimes it's just to  
14 keep the customers from letting themselves out of  
15 the seat before the ride is over.

16 MR. SZERIETCH: Right. Yeah, it could be  
17 something like that as well. ARM issued one on the  
18 Super Shot, certain models, I believe. Actually, it  
19 may be all of them.

20 What's happening is the trolley, if it's  
21 not engaged properly by the hooks, is damaging some  
22 of the square tubing on each of the four corners of  
23 the tower. So, there is an inspection procedure to  
24 check for that, and that is all I've got for the

1 bulletins.

2 We will post these on the website, and I  
3 will send that bulletin to the Board Members. I can  
4 send them all to you if you would like.

5 CHAIRPERSON SULLIVAN: That would be great.

6 MR. SZERIETCH: The only thing I have to cover  
7 is just, you know, I cover these at every meeting,  
8 department policies.

9 I ask that the operators get the  
10 applications in 30 days prior to needing it  
11 inspected. It helps us get everybody's schedule and  
12 making sure we can get to everybody and get them  
13 open on time.

14 One other thing, if there is any added  
15 show dates, to please go on the website  
16 ridesafetyillinois.gov. There is a show date tab  
17 that you can add additional show dates. Make sure  
18 that that stays updated.

19 Because I know a lot of operators get  
20 shows added throughout the season for various  
21 reasons; and if you can keep that updated for us, it  
22 would be very much appreciated.

23 The only thing we have left on my end is  
24 the next meeting location and time, and then we can

1 get to public comments and questions. I put a  
2 couple dates down here. It's not set in stone.

3 It's just something that we could take a  
4 look at and see if it looks okay to everybody now.  
5 Thursday, January 18th, in Springfield. Thursday,  
6 September 13th, 2018, in Chicago.

7 CHAIRPERSON SULLIVAN: Are we pretty sure that  
8 coincides with the Fair Board Meeting?

9 MR. SZERIETCH: Yes.

10 CHAIRPERSON SULLIVAN: We've had an issue with  
11 the Fair Board people never acting or trying to  
12 update when they are putting it in their literature,  
13 and they are still many times saying the meeting is  
14 on Friday or Saturday.

15 And, so, folks who look at the material  
16 they get from the Fair Board folks, who are actually  
17 planning the meeting and organizing things, perhaps  
18 we could contact them and let them know.

19 MR. SZERIETCH: Okay.

20 CHAIRPERSON SULLIVAN: That would give us a lot  
21 less confusion for the folks who are trying to come.

22 MR. SZERIETCH: I remember the last couple  
23 years that's been an issue. Yeah, I just wrote a  
24 note down here to do that. So, I'll coordinate with

1 him.

2 CHAIRPERSON SULLIVAN: Thank you.

3 MR. SZERIETCH: I will double check, but I  
4 double checked and triple checked January 18th,  
5 2018, is when supposedly the IAAF convention is.

6 CHAIRPERSON SULLIVAN: And the Almanac probably  
7 will say that will be coldest weekend in the winter.

8 MR. JOHNSON: It usually is. There is a new  
9 person in charge. It might be easier to communicate  
10 with them than the girl that was doing it before.

11 CHAIRPERSON SULLIVAN: Okay, cool.

12 MR. SZERIETCH: Do you know who that is?

13 MS. VAUGHN: Charlotte Farto (phonetic). I'll  
14 give her the information. I'll tell her.

15 CHAIRPERSON SULLIVAN: Do you know what time  
16 that meeting might be?

17 MR. SZERIETCH: We usually have the meeting at  
18 4:00.

19 MS. ROHODES: Patty, I have a question for you.  
20 Were there any noteworthy incidents, including near  
21 misses, in Illinois on rides this year to date that  
22 you can share with us? If not, that's great.

23 MR. SZERIETCH: No. You know, I don't want to  
24 say too much because I don't want to jinx myself,

1 but we're having a very, very good year as far as  
2 accident rates.

3 CHAIRPERSON SULLIVAN: Knock on that wood.

4 MR. SZERIETCH: And I'll be anticipate to  
5 report on that in January. So, I'm really excited  
6 about how it's been. It's been really good year.

7 CHAIRPERSON SULLIVAN: So, everybody is just  
8 holding their breath. That's great. Anything else?

9 MR. SZERIETCH: I'll turn it over to public  
10 comments.

11 CHAIRPERSON SULLIVAN: Okay, go ahead.

12 MR. JOHNSON: I only got one commented. Bill  
13 Johnson, Fantasy Amusement. The Freak-Out ride now,  
14 if the manufacturer does not require us to NTD, do  
15 we have to do that again; or just because we did it,  
16 now everything is fine, and we don't have to do it  
17 yearly?

18 MR. SZERIETCH: Right, that was a one-time  
19 thing. Is that right Joe?

20 MR. BEYER: Right.

21 MR. JOHNSON: That is what my understanding is.

22 MR. SZERIETCH: That is what I figured, just  
23 one time.

24 CHAIRPERSON SULLIVAN: I have a question on

1 that. For those who don't have a ride within those  
2 serial numbers, I would think no; but if water --  
3 have they changed their design, or are they changing  
4 their design?

5 MR. SZERIETCH: The ones that are outside of  
6 that serial number range?

7 CHAIRPERSON SULLIVAN: No, the ones that are  
8 within those serial numbers.

9 MR. SZERIETCH: As of now, I don't think so. I  
10 haven't heard anything. Bill?

11 MR. JOHNSON: I heard that you can buy new  
12 seats for a Fire Ball ride at \$200,000. That's what  
13 I heard. Now, luckily, I don't own a Fire Ball.  
14 That is what I was told.

15 MR. SZERIETCH: They have several different  
16 designs, too.

17 MR. JOHNSON: No. 40 and 41 had the Freak-Out  
18 design, and they are allowed to work. Luckily,  
19 those people are friends of mine, and they did not  
20 call them Fire Balls. So, they were lucky they  
21 changed the name.

22 CHAIRPERSON SULLIVAN: But I would think the  
23 ones that were within those serial numbers, if it  
24 can happen at some point in time, just because it

1 hasn't happened yet, you know, they could still get  
2 moisture and condensation in that area.

3 MR. SZERIETCH: That's what that NDT is for.

4 CHAIRPERSON SULLIVAN: Well, but that's only a  
5 snapshot of right now.

6 MR. SZERIETCH: True.

7 CHAIRPERSON SULLIVAN: That's not an ongoing.

8 MR. SZERIETCH: I would have to look at that  
9 again, but I think this is a yearly requirement now.

10 CHAIRPERSON SULLIVAN: Okay.

11 MR. SZERIETCH: For those.

12 CHAIRPERSON SULLIVAN: Well, I would feel a  
13 little bit better about that because the ones that  
14 aren't in that, if they have a different way of  
15 being manufactured, that's fine; but if they have  
16 that same -- if it can happen once --

17 MR. SZERIETCH: Right.

18 CHAIRPERSON SULLIVAN: If that design is same,  
19 then it can happen again. Okay, go ahead.

20 MS. SALERNO: Juanita Solerno from All Around  
21 Amusement regarding the next safety meeting, if you  
22 could put on there the time or date and the place.

23 I think a lot of people are still going to  
24 the convention and expecting it to be in the room

1 there as opposed to off site. I know that's a lot  
2 of confusion as well.

3 MR. SZERIETCH: Yes, that's true, it was.

4 CHAIRPERSON SULLIVAN: Do you send out any  
5 information to the folks before that point in time  
6 about get your schedules in or anything like that?

7 MS. ROHODES: Save the date.

8 MR. SZERIETCH: Save the date we usually send  
9 out to the Board Members. We post a meeting notice  
10 at the, you know, the offices here in Springfield,  
11 and it's on our website, or supposed to be on our  
12 website.

13 But that was a good point, Juanita. I  
14 have that complaint many times, too. If it, in fact  
15 -- I'm assuming it probably will be at the  
16 Department of Transportation building again.

17 I will try to communicate that and make  
18 sure it's on our website right away so everybody  
19 knows what time.

20 MS. SOLERNO: Today's meeting we were informed  
21 through the Showman's League of America, which I  
22 know they sent out an E-mail Blast on that.

23 So probably I believe most everybody is a  
24 member of the Showman's League. If you could get it

1 to them early enough, and then they can do an  
2 E-mail.

3 CHAIRPERSON SULLIVAN: They've been great about  
4 that. She'll call me and say, "Tell me the scoop."

5 MS. SOLERNO: So that worked for us today.

6 CHAIRPERSON SULLIVAN: Good.

7 MS. SOLELRN: Even though it was in my notes,  
8 it was kind of a reminder, yes.

9 CHAIRPERSON SULLIVAN: I know you guys have  
10 been kind of -- one has time behind your back trying  
11 to keep up with everything. I think that would be  
12 great.

13 Any other comments from the public?

14 MS. SOLERNO: We did appreciate the  
15 Department's quick response to the fix on the  
16 Freak-Out. I know our ride was down that week. We  
17 were at a big festival.

18 The media was trying to make a big issue  
19 out of it. People that hadn't even heard of the  
20 incident in Ohio, they were, like, bombarding them  
21 with, "Did you know this? Did you know that?"

22 Unfortunately, it was already set up at  
23 the time when the incident occurred, so we weren't  
24 able to take it out, as I believe Bill was splashed

1 over the news as well.

2           You know, we had nothing to do with it,  
3 but you hear people's comments, like, "Oh, yeah  
4 that's the ride." Like, that's the personal ride  
5 that had that arm break off, and we just  
6 miraculously put it together.

7           CHAIRPERSON SULLIVAN: I bet you have more  
8 people wanting to ride it than before.

9           MS. SOLERNO: Probably, yes. But we did  
10 appreciate you coming out and rectifying and telling  
11 us what we could do in a timely manner.

12           I know Rob was concerned that it would be  
13 sitting down for a couple months. So, I'm sure all  
14 the show owners appreciate that.

15           MR. SZERIETCH: Thank you. I really appreciate  
16 it. There's three people that have Freak-Outs that  
17 were affected. We really appreciate you are working  
18 with us, understanding, you know, our side of it.

19           We certainly understand your side of it,  
20 and we worked together, I thought, to come up with a  
21 quick resolution that was good for everybody.

22           And, most importantly, you know, with the  
23 interest of public safety.

24           MS. SOLERNO: Public safety, yes.

1 MR. SZERIETCH: Right away. We appreciate  
2 that.

3 MR. SOLERNO: I have one question. I'm Robert  
4 Solerno with All Around Amusement. It was really  
5 nice how you guys sent out letters or E-mails or  
6 phone calls that everybody had Freak-Outs in the  
7 State of Illinois that we couldn't operate them  
8 anymore.

9 It went to each and every one of our  
10 committees that we give an itemized list of where  
11 we're going to. Since you sent out that really nice  
12 blast, and let everybody know we had this bad ride,  
13 in reality, it really wasn't.

14 Can we have another letter sent to all of  
15 our committees stating, "Hey, the ride was  
16 inspected. The ride is good to operate"? Because I  
17 now have committees telling me they don't even want  
18 the ride anymore is what was happening.

19 And that's going to hurt my revenue. It  
20 hurts my pocket, and we're here for the safety of  
21 everybody; but at the same token, we're here to make  
22 a profit. That is why we sell rides for us to buy  
23 them and make a profit with them.

24 If you guys were so kind enough to send

1 out the E-mail blast on all of our committees not to  
2 operate them, I would really love for you guys to  
3 send out another E-mail blast itemizing that Fantasy  
4 Amusement, Alpine Amusement, Name and All Around  
5 Amusement has passed with flying colors.

6 So, this way we can operate again, and our  
7 committees will not condemn our rides that had  
8 nothing to do with the accident. Thank you.

9 CHAIRPERSON SULLIVAN: You mean the newspapers  
10 that made it didn't make that a lead article that  
11 they are okay to run that?

12 MR. SOLERNO: No. Thank you.

13 MR. BEYER: One thing on that, Bill, I don't  
14 know if you have any updated information on this,  
15 but when we sent out those original letters, one of  
16 the first things we discussed was, you know, when we  
17 do reach a point where it has been solved, that we  
18 would be sending out follow-up correspondence to let  
19 them know for at least the temporary suspension of  
20 the permits.

21 I'm not sure if we discussed it.

22 MR. SOLERNO: Well, my committees said they  
23 have gotten nothing.

24 MR. SZERIETCH: We haven't sent nothing out.

1 We just recently got the last of the Freak-Outs  
2 done. So, nothing has been sent out. We can  
3 certainly do that, though.

4 MR. SOLERNO: I would appreciate it for the  
5 sake of everybody who owns a Freak-Out.

6 MS. SOLERNO: Or any other type ride. This may  
7 happen to in the future.

8 MR. SOLERNO: Thank you.

9 CHAIRPERSON SULLIVAN: Anything else? Tom,  
10 Bill?

11 MR. SZERIETCH: I've got some work to do.

12 MR. KIRSCHNER: Motion to adjourn.

13 CHAIRPERSON SULLIVAN: Do I hear a second?

14 MR. BROWN: I'll second.

15 CHAIRPERSON SULLIVAN: Those opposed?

16 (No response.)

17 CHAIRPERSON SULLIVAN: Okay, we're out.

18 (WHICH WERE ALL THE PROCEEDINGS HAD.)  
19  
20  
21  
22  
23  
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