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ILLINOIS DEPARTMENT OF LABOR

AMUSEMENT RIDE AND ATTRACTION SAFETY BOARD

MEETING

**HELD ON
THURSDAY, JANUARY 19, 2023
4:09 P.M.**

**CROWN PLAZA HOTEL
WINTER GARDEN ROOM
3000 SOUTH DIRKSEN PARKWAY
SPRINGFIELD, ILLINOIS 63703**



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APPEARANCES

BOARD MEMBERS

- David Bennett, Chair
- Joseph Redshaw
- Michael Sutton
- William R. Jennings
- Jane Flanagan, Acting Director
- Jason Keller, Assistant Director
- Thomas Coe, Chief Ride Inspector

MEMBERS OF THE PUBLIC

- Bill Johnson
- Robert Walsh
- Bill Szeletich
- Kezia Schriver
- Andrew Schoendinst
- Brian Brown
- Donnie Massy

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MR. COE: Let's go ahead and get started with the meeting. Just some quick things that we want to go over with you. In the public comments -- we've got a videographer at this time. Please stand up and state your name so we can get it for the actual minutes of the meeting.

Some of the new things, you'll see some new faces on the Board. We'll have them introduce themselves. I want to introduce our new acting director, Jane Flanagan.

We have a few of our staff over here in the front row. Jason Keller, the Deputy Director, Anna Koppel, the legislative liaison, and Dick Ledang (phonetic).

MR. LEDANG: Nice to meet you.

MR. COE: And he's our new legal counsel. Something else that I want to announce is kind of pretty stellar, we do have a new inspector that has

1 just started with us, started in December.

2 He probably stepped out of the room, but
3 he is back there. Sole Jones (phonetic) will be
4 handling mostly the Chicago city area, but, please,
5 if you got an opportunity to stick around a little
6 bit after the meeting, come up and introduce
7 yourself if you are in that area.

8 We have our southern inspector Brian Brown
9 here at the meeting and Bill Szeletich from the
10 central office.

11 So, Dave, if you guys on the Board, if you
12 want to just introduce yourself real quick, and
13 we'll go ahead and move through the meeting agenda.

14 **MR. BENNETT:** Sure, Tom, I'll start.
15 Thanks, Tom. So I'll call the meeting to order, the
16 Amusement Ride and Attraction Safety Board meeting,
17 in person, which is nice.

18 So I'm the Chairman of the Board, David
19 Bennett. I'm a defense attorney and I defend and
20 represent the amusement industry in Illinois; so
21 I've done that for a number of years, and I'll let
22 everybody else, you want to go ahead, Joe?

23 **MR. REDSHAW:** Sure. I'm Joe Redshaw. I'm
24 actually from Rushville, Illinois and owner of
25 Redshaw Insurance Agency. I've been on the Board

1 for, I'm not really sure how long, five, six, seven,
2 eight years, something like that.

3 **MR. SUTTON:** My name is Mike Sutton. I'm
4 the CEO of Infrastructure Engineering, about 150-
5 person civil structural engineering firm with
6 offices in several states; however, I'm from
7 Chicago.

8 Let me see, I lose track of time, right,
9 so how long I've been on the Board? I'm kind of new
10 so, you know, COVID kind of messes everything up,
11 right?

12 So I think I started, you know, around
13 COVID time, and we've been doing all our meetings
14 virtually so this is the first one that I have
15 participated in person so.

16 **MR. JENNINGS:** Bill Jennings with the
17 Illinois Association of Agricultural Affairs from
18 downstate Illinois. Been on the Board, must be
19 getting close to five, six years, somewhere in that.
20 Joe and I came on about the same time, somewhere
21 along.

22 **MS. FLANAGAN:** I'm Jane Flanagan. I'm the
23 Acting Director of the Department of Labor. We
24 enforce about 25 state statutes, employment, wages,
25 as well as what we are here for today, carnival and

1 amusements.

2 Prior to my appointment last March, I was
3 deputy general counsel in the governor's office. I
4 also spent many years with the Illinois Attorney
5 General's office, largely representing workers.

6 And many years ago I was counsel at the
7 Maryland Department of Labor where we also regulated
8 amusement; so I actually think the last in-person
9 Carnival and Amusement Safety Board meeting I went
10 to was in Ocean City, Maryland in I don't know when,
11 but good to be back in this world as well.

12 **MR. BENNETT:** There's an agenda for the
13 meeting, I don't know if everyone has a copy of
14 that, but we can -- if there's any -- I don't think
15 that needs to be approved, but any discussion or
16 additions to the agenda?

17 Next on the agenda is the approval of
18 minutes from the last meeting from September 15,
19 2022, to approve the minutes; so is there a motion
20 to approve the minutes from the last meeting?

21 **MR. SUTTON:** I make a motion to approve
22 the minutes of the last meeting.

23 **MR. BENNETT:** Is there a second for that
24 motion?

25 **MS. FLANAGAN:** Second.

1 **MR. BENNETT:** Any discussion about the
2 minutes before we vote? I don't hear any so I'll
3 just call for a vote. All those in favor of
4 approving the minutes from the last meeting, say
5 aye.

6 **(The Board Members responded "Aye.")**

7 **MR. BENNETT:** Any opposed, say no.

8 **(There were no responses of "No.")**

9 **MR. BENNETT:** So the minutes are approved,
10 and next on the agenda is old business, and, Tom, I
11 think you can start with your PowerPoint.

12 **MR. COE:** Sure. I put a PowerPoint
13 together for you. Sure, I put a PowerPoint together
14 for you and basically it's going to run through a
15 review of what happened in the last two years since
16 there's been an in-person meeting.

17 There have been quite a few things that
18 have changed, and again, many of you who don't
19 appreciate the WebEx meetings that we can have in
20 the future.

21 **UNIDENTIFIED MALE:** Are you going to talk
22 during the presentation?

23 **UNIDENTIFIED MALE:** He's going to be
24 talking for the entirety.

25 **UNIDENTIFIED MALE:** Do you want to --

1 **MR. COE:** I didn't want to block anybody's
2 view.

3 **UNIDENTIFIED MALE:** You can take that
4 microphone over there or just sit or --

5 **MR. COE:** So these were updates, some of
6 the updates to the rules and the law. We did add a
7 fee structure, and this was at the last in-person
8 meeting, for large inflatables. Those are
9 inflatables over 1500 square feet so that's on a
10 footprint. They went up from \$55 to \$130.

11 This is something new that came into the
12 state that we started to see, and the amount of time
13 that we were spending, you know, they had some in
14 downtown Chicago that were just 20,000 square feet
15 when they were put together.

16 One of the requirements that we had when
17 we were reviewing the rules, there is some
18 definitions that we had. The definition of the
19 slides was kind of loose. We wanted us to clarify
20 that.

21 They assumed that with the definition that
22 we had, that we would end up doing playground
23 equipment, and we didn't want to do that; so we did
24 narrow it down just to the slides that are basically
25 used in a carnival-type setting.

1 One of the other additions is the annual
2 operator ride training. In the past, if you were in
3 continuous employment, you did not have to be
4 retrained each year, and we updated that rule that
5 everybody has to show, you know, current training on
6 the rides they are going to operate.

7 In 2022, this is kind of out of order a
8 little bit, 2022, the law was changed that was
9 enacted. They added a definition into the law to
10 include trampoline courts. This is the second year
11 for the trampoline courts, and we'll discuss them a
12 little bit more in depth as we go farther into the
13 presentation. 2021 at the last in-person meeting, we
14 did have a individual from the public whose child
15 was severely injured in an indoor adventure course.
16 He talked to the Board. Shortly after that, we
17 adopted new rules to bring them into compliance with
18 minimum standards that took effect in January 1 of
19 2021.

20 And in that time period, I believe a year
21 ago in 2022, we actually finalized the updates to
22 the ASTM standards. Those are the current standards
23 that we've had. They do get changed on a three-year
24 cycle.

25 We hadn't updated them since 2013. So due

1 to the significant changes that were made because of
2 the accident that occurred, almost all the standards
3 were significantly modified; so we went in and
4 adopted the most current version at the time that we
5 could.

6 We did give this presentation a couple
7 times so this may be boring for the Board, but these
8 are the ASTM standards that we've recently updated
9 and adopted. 2974 is auditing. That's the basic
10 rules that kind of pertain to us and some of the
11 rights and information you guys have to maintain.
12 2374 -- and the dash is actually the year that they
13 were adopted by ASTM, come on in -- that pertains to
14 inflatable amusement devices. There are some
15 changes that were made there; so if you buy any
16 inflatable that was manufactured after 2020, January
17 1 of 2020, there are some additional requirements
18 that are on those inflatables.

19 So I would caution anyone that is looking
20 at buying a new inflatable, you make sure that that
21 manufacturer can give you a sign-off that it is ASTM
22 compliant.

23 One of the biggest changes was in the
24 design of the netting and the requirement that if
25 the platform, any platform or area of the inflatable

1 was more than eight feet off the ground, you do have
2 to have an audible deflation alarm on that ride.
3 Just from what we've seen, the manufacturers do not
4 supply that, and you can buy that as a whip
5 attachment for the plug-in for the blower, just like
6 the ground faults that they have, just a short whip.

7 Standard practice in ownership, 2291 --
8 skipped one, 770-18. Again, there wasn't a huge
9 amount of changes to that, but that is directly
10 related more towards the manufacture and design.

11 Ownership and operation of amusement
12 devices. The requirement that's in there is -- this
13 is one that should affect everybody.

14 The biggest thing in that is maintaining
15 maintenance records so that you can document each
16 piece that you put into a ride. And it can get down
17 to if you go to Ace Hardware and buy a Grade A bolt
18 to put in your ride, you need to make sure that you
19 have that somewhere.

20 We have not run across the occasion where
21 anybody's actually gone in and checked that or
22 litigated that, but that is a requirement in that
23 standard. 2970, that's the big one, that applies
24 across the board to everyone. That's probably the
25 standard that we use for everything, and that's the

1 design and manufacture. We've got some highlights
2 that we will go through here anymore. 2291 -- 2970
3 is the trampoline courts. 2291, most of it ends up
4 being on the manufacturer's side, the significant
5 changes.

6 One of the things that in the past that we
7 brought up is there used to be a grandfather clause
8 for old rides as far as fencing went. If that was
9 the actual fencing that was provided at the time the
10 ride was manufactured, it was legal to use. That
11 exemption was removed so it no longer exists; so you
12 do have to have up-to-date and current fencing.

13 Most of it, the biggest thing, the concern
14 you guys are going to have is, again, the
15 grandfather clauses that existed on handrails,
16 guardrails, and the fencing. 2297, the trampoline
17 courts, anybody in here from the trampoline
18 industry?

19 **MS. SCHRIVER:** Not industry.

20 **MR. COE:** You are an owner?

21 **MS. SCHRIVER:** Yes.

22 **MR. COE:** Okay. This standard is pretty
23 in-depth. It contains a lot of information. This
24 is the basic highlights of that standard.

25 There are some exemptions that exist in

1 our rules; so trampoline courts that are used
2 specifically for instructional gymnastics or a
3 training-type scenario, they are exempt from our
4 regulations.

5 One of the things that is called out is
6 the maximum patron to attendants ratio, which is
7 32:1, and this is an interesting one. We haven't
8 got into it too much, but the maximum capacity is
9 one person per 60 square feet. And rules of use and
10 patron, there actually is some patron responsibility
11 on that.

12 The approved changes, the law became
13 effective January 1 of 2022, and these rule postings
14 have been posted. Everybody please take notice
15 because we had an update to our website so the
16 actual address has changed. It's labor.Illinois.gov
17 takes you to the main -- main website.

18 There are some links from the old website
19 that will work and take you, bump you into the new
20 one, but some of the links that are specific to the
21 amusement portion of that website, they do not
22 forward you to the new one.

23 So now, this is where we get into the
24 review of the year, each year, what the department's
25 done, and, please, if anybody's got any questions,

1 you know, go ahead and ask. We don't have to wait
2 until the end, but there is going to be a public
3 comment period at the end.

4 This is the results of 2022. We are on an
5 upward trend, which is good, and that's coming back
6 from COVID because as everybody knows, it was pretty
7 terrible.

8 We had 930 show dates, follow-up
9 inspections are any inspection that we consider
10 before issuing permits. Some of the operators want
11 us to come in and look things over so they can make
12 adjustments or changes.

13 And then initial inspections is where we
14 go out and run permits. We will issue permits, and
15 that was 2608 at 405 locations and that was with 249
16 companies.

17 Our program right now contains probably a
18 listing of about 725 companies at one time were
19 operating in Illinois. Some of those have gone out
20 of business, but at the high, we were at about 400
21 range.

22 Accident reports. Each year we tabulize
23 the reported accidents that were sent in to the
24 department. This year we made a few changes. When
25 we go back, the total reported accidents to the

1 department for the year 2022 was 28, and we will run
2 through the summary here real quick.

3 We do classify them to kind of assign
4 responsibility, whether it's patron, operator, or
5 mechanical. What we did here is we put this table
6 together. This year we broke the table out because
7 of the trampoline courts that we added in.

8 So we have the accidents listed by what we
9 would contain as carnivals-type rides, then we have
10 a second table that's going to contain the
11 trampoline park rides. Do we want to go through
12 them one by one or -- no?

13 Does anybody see or have any questions
14 about this group that's posted now? Let me see.

15 **UNIDENTIFIED MALE:** Clara Medo (ph.) of
16 the walking into the train?

17 **MR. COE:** That is the most amazing one. I
18 almost didn't want to report it, but a person got
19 hurt by the ride. I mean, that's like, that's
20 really cheap.

21 **UNIDENTIFIED MALE:** Probably sued them.

22 **MR. COE:** Yeah, but she was in the mall on
23 her phone and just --

24 **UNIDENTIFIED MALE:** Okay. Kind of what I
25 was getting at. It was a mall train.

1 MR. COE: Right.

2 UNIDENTIFIED MALE: It wasn't like a train
3 that --

4 MR. COE: Yeah, it was a trackless train
5 in a mall. The operator didn't believe it, but she
6 walked into the side of the train. Not in front of
7 it, she walked into the side of it.

8 (Unintelligible audience conversation.)

9 MR. COE: This, you know, I don't want to
10 pick on anybody, but this accident here was probably
11 one of our most severe accidents that we had this
12 year.

13 This was at a climbing facility. They did
14 a modification to their climbing facility that was -
15 - and they were instructed when they were under
16 construction that that addition that they were going
17 to make had to be approved by us before it was put
18 in operation.

19 That modification was made and we were not
20 informed of the modification until the accident
21 occurred, and from that date to this date, that has
22 been closed, and I doubt very much that it will ever
23 open again.

24 So, please, if you are going to make a
25 modification, this usually doesn't apply to most of

1 the people in here, let it -- run it through us so
2 we can double check and make sure the reality.

3 **UNIDENTIFIED MALE:** Comment on that if I
4 may?

5 **MR. COE:** Yes.

6 **UNIDENTIFIED MALE:** You know the water
7 slide accident that happened in Kansas City years
8 ago, a few years back, that was a similar situation.
9 That wasn't any -- any engineering manufacturer that
10 did that.

11 **MR. COE:** Right.

12 **UNIDENTIFIED MALE:** That was done
13 themselves without reporting back so the state of
14 Kansas ran into a similar situation there so it is
15 known.

16 **MR. COE:** I will give them the benefit of
17 a doubt that the company that designed this park,
18 even though they completely dropped the ball and
19 they had also designed the modification, is probably
20 the best company in the U.S. We've had multiple
21 interactions with them, they do an excellent job.

22 The company that runs the park does an
23 excellent job. That is actually their first
24 reportable injury in three years. It was just a
25 cascade of poor choices.

1 (Unintelligible audience conversation.)

2 MR. COE: The state fair this year was,
3 again, minor accidents, but, you know, because of
4 the volume, they ended up reporting three accidents
5 in that time period.

6 One other, I guess, one that we can talk
7 about is this tub attachment. That ride is a very,
8 very safe ride. What we found out, we could make no
9 determination, but just a general statement, it
10 looked like vandalism.

11 UNIDENTIFIED MALE: What ride?

12 MR. COE: A -- is it the Spinner? It's
13 like an umbrella ride except the tub -- it's got a
14 round tub on it, it spins. The tub sits on a set of
15 --

16 UNIDENTIFIED MALE: Tubs of Fun you are
17 talking about?

18 MR. COE: It's not a Tubs of Fun.

19 UNIDENTIFIED MALE: Spinner.

20 MR. COE: It's a Spinner, yeah, and
21 basically what happened is when we got there, it's
22 got a castle axle nut that holds the tub on, the tub
23 spins on a set of bearings on the shaft, and it's
24 got a key in it.

25 That key had been completely sheared off

1 and the nut backed off. That's what dropped the
2 tub, the nut finally came off. Nothing wrong with
3 the shaft, no damage to the bearings, no damage to
4 the nut.

5 You put the ride back together, it was
6 perfect. Put a Cotter key in it and, you know,
7 there may be some other explanation, but shearing a
8 Cotter key off like that just doesn't make sense.

9 And they had had issues with an employee
10 so -- I do not believe that anyone was seriously
11 injured. It was a mother and a daughter in the --
12 in the tub. They did both end up going to the
13 hospital, but the ride had just started so it wasn't
14 running, basically, at all.

15 It dropped to the ground, and I think just
16 the motion of the ride because it started to turn,
17 it spun the tub a little bit and turned the tub
18 over, and I think that's where most of it came from,
19 scrapes and bruises.

20 Okay. This is a group of injuries that
21 are reported to us from the trampoline industry.
22 The breakdown on this is what I would call the
23 regular carnival industry had 10 reportable
24 accidents. The trampoline reported accidents were
25 18 of the total.

1 **UNIDENTIFIED MALE:** Can you try to, with
2 the -- like here, as far as on your main report, if
3 somebody asks you how many accidents were there,
4 you'll say 28, but they will take out why these
5 rides aren't safe, but 18 are trampoline.

6 **UNIDENTIFIED MALE:** Good point.

7 **MR. COE:** Yeah, that's kind of where I was
8 headed in that direction.

9 **UNIDENTIFIED MALE:** Yeah, I like how you
10 have it now, but on your main report, you have
11 separated the idea. You are going to make us look a
12 little better or make us look the way we are for
13 your inspectors. Trampolines are extremely
14 dangerous.

15 **UNIDENTIFIED MALE:** I will -- I'll testify
16 to that. I mean, it's completely different
17 industry.

18 **MR. COE:** Right.

19 **UNIDENTIFIED MALE:** I mean, I have family
20 in the insurance sector as well, and the thing with
21 trampoline parks you might not need to worry about
22 is they might not have many means of finding
23 insurance soon before you delve into more
24 regulations.

25 **UNIDENTIFIED MALE:** Just real quick before

1 you speak, if I can get your name.

2 **MR. JOHNSON:** Okay. Bill Johnson, Fantasy
3 Amusement.

4 **UNIDENTIFIED MALE:** Bill Johnson.

5 **MR. SCHOENDIENST:** Andrew Schoendienst,
6 Luehrs' Ideal Rides.

7 **UNIDENTIFIED MALE:** Thank you.

8 **MR. COE:** That's exactly why we did it,
9 and the only paperwork that anybody will see or any
10 reports is actually this presentation; so we can
11 continue to have it broken that way. Internally, we
12 just keep them grouped in a file folder, just
13 accidents for the year.

14 **UNIDENTIFIED MALE:** Insurance is
15 (unintelligible).

16 **MR. COE:** Most of these injuries are just
17 repetitive. It's leg, arm, knee. Some of them, if
18 you dug in pretty close, some of them are
19 definitely, you know, operational. They don't have
20 the right ratio of operators there to actually keep
21 track of what's going on.

22 The one stellar accident that we had
23 that's going to come up next year, you know, the
24 guy's doing a handstand and cracked his head open.
25 It's like, you shouldn't have been doing that.

1 **MR. WALSH:** Robert Walsh, American Banner
2 Amusements. As far as the accident report goes, you
3 have ride type, major. Is there only two
4 classifications, like major and kiddie, or what are
5 the classifications (unintelligible)?

6 **MR. COE:** We've -- that's in the table.
7 You know, we kind of break it out like that. I
8 mean, when you are registering rides, there's, you
9 know, large, small coasters. The other
10 classifications, which generally trampoline courts
11 should come under, is an amusement attraction, and
12 it's just a definition.

13 **MR. WALSH:** Just thought maybe that's an
14 easier way to separate between the trampoline
15 industry and --

16 **MR. COE:** We could make that adjustment,
17 yes.

18 **MR. WALSH:** As far as ride type,
19 trampoline or some other verbiage.

20 **MS. SCHRIVER:** Right. The trampoline that
21 I own is not major. No one can get on that ride
22 unless they are under 120 pounds. I can't even get
23 on it, it's too small. And they are each individual
24 groups. You can only have one person in each
25 trampoline.

1 MR. COE: Your place is pretty safe.

2 MS. SCHRIVER: 10-year-olds, it's a push
3 to put a 10-year-old on there.

4 MR. COE: Yeah. Our, you know,
5 trampolines were kind of like last minute for us.
6 Our breakout of what we call rides are mostly
7 generated towards the carnival side of things, major
8 and kiddie, and kiddie is 75 pounds and under.

9 MS. SCHRIVER: Right.

10 MR. COE: That doesn't necessarily apply,
11 but, yes, we could -- we could define that
12 differently so that it becomes more clear --

13 MS. SCHRIVER: Right.

14 MR. COE: -- that it's not a major
15 carnival ride. That's just mostly based on a dollar
16 amount that they pay, the fee that they pay.

17 MS. SCHRIVER: Right.

18 UNIDENTIFIED MALE: I was going to say,
19 that's how you register rides.

20 MR. COE: Right.

21 UNIDENTIFIED MALE: That's how you
22 register the rides, major, kiddie. Amusement
23 attraction is a major ride; so that's why it's like
24 that up there, but I see what folks are saying.

25 MR. COE: Yeah. We can plainly make a

1 differentiation between -- between the two
2 industries.

3 **MS. SCHRIVER:** It's almost, it's like a
4 bounce house. It's small.

5 **MR. COE:** Right.

6 **MS. FLANAGAN:** I was just going to say, if
7 I may, I think that, Brian, this highlights just
8 this is a relatively new law.

9 We are trying to implement, we are
10 learning as we go, and some of these things are
11 about learning the trampoline industry and how
12 that's different, right, and kind of fitting it in
13 this framework that's always been more about those
14 traditional, you know, fixed amusements.

15 **MS. SCHRIVER:** What I have is definitely
16 not a trampoline court.

17 **MS. FLANAGAN:** Right.

18 **MR. COE:** These -- these two accidents
19 here, we probably spent more than two months getting
20 this all squared away.

21 I don't know if everybody's familiar, they
22 make an inflatable Wipeout which has an arm that
23 swings around. It's -- you are on an inflatable
24 platform.

25 It's got an inflatable base, and it's got

1 a rotating arm. They can move up and down. Some of
2 them do, some of them don't, but the object is to,
3 you know, stay on it and not get knocked off.

4 Well, this -- this company produced a ride
5 that has the same center, but you are jumping on a
6 trampoline pad. So as the arm swings, you know, you
7 are on that trampoline pad.

8 And the major problem with this ride is
9 oversight and then functionality because they allow
10 the ride to change speed as it goes through the
11 cycle, and they allow the ride to change direction
12 as it goes through a cycle.

13 Both of these, we put a stop order on the
14 company that had these two accidents back to back.
15 It's a company-wide design ride. They just came out
16 with a safety bulletin for that ride, and we agreed
17 to their modifications, which were the ride will run
18 only on slow speed and only in one direction.

19 And then we are going to monitor their
20 injury rate, and if we see a higher than normal
21 injury rate on that ride, we will make a further
22 determination on whether it's going to be allowed in
23 Illinois. Colorado has outlawed these rides in
24 their state, they will not allow them to operate.

25 **UNIDENTIFIED MALE:** I think they should

1 (unintelligible) --

2 **MR. COE:** Generally it's the same, same
3 group of injuries, knee, ankle, leg, foot, arm.
4 It's just, it's going to be common.

5 Now, as, again, as the director stated,
6 this is a new industry to us. What we saw when we
7 were looking, since it was new, we were keeping a
8 pretty close eye on what was being reported to us.

9 We saw a huge disparity between companies.
10 We have 33 companies in the state that are now
11 considered trampoline courts. We had, you know,
12 injury reports from some of our well runs that were,
13 you know, eight or nine, and then we had a
14 significant portion of them that just weren't --
15 they reported zero. That kind of kicked up a red
16 flag for us so in the last --

17 **MR. SUTTON:** I'm just kind of curious
18 about that ride, the trampoline, right, with the
19 rotating arm. So are you going to make it slow, one
20 direction? I'm just curious about the ride itself.

21 So as the arm rotates, do you have to jump
22 up to dodge the arm, and if the arm if the arm --
23 and if the arm hits you, can it knock you off the
24 trampoline or, you know, what does it do?

25 **MR. COE:** That is -- the one's that

1 specific to that accident, they have a low arm and a
2 high arm; so as it swings, you jump over one, you
3 duck under the other, and they are opposed.

4 The injury resulting -- and we did some
5 further research in that. Yes, what happens is the
6 individual tries to jump, doesn't quite get high
7 enough, the arm sweeps their legs out. They land
8 and they break an arm or they land and they break a
9 leg.

10 **MR. SUTTON:** On the trampoline?

11 **MR. COE:** On the trampoline because the
12 trampoline is wedge-shaped, and there is a fixed
13 hard spot between the pads, which has a padding on
14 it, but even if they land on the trampoline pad, if
15 they land wrong, you are going to fracture a leg or
16 an arm.

17 **MR. SUTTON:** No real control to the
18 landing.

19 **MR. COE:** The worst accident, there are
20 two accidents on this specific type of ride, not the
21 same manufacturer, but almost identical rides, and
22 both of them resulted in quadriplegia.

23 **MR. SUTTON:** Yeah, that ride sounds like
24 it just waiting for an accident waiting to happen
25 so, yeah.

1 MR. COE: It is high on our radar.

2 MR. SUTTON: Okay.

3 MR. COE: I mean, it's a pretty hard
4 decision and statement to make to say, you know,
5 hey, we are not -- we are going to outlaw this ride,
6 you are done, get it out of the state. And I know
7 the only one I'm aware of that's done it is
8 Colorado.

9 MR. SUTTON: And you mentioned that they
10 outlawed it so, okay. Thank you.

11 MR. COE: So I'm going to jump back into
12 this. So the red flag showed up, and we're like,
13 hey, is this factual about the industry or are we
14 just not getting accidents reported?

15 So what we did is we FOIA'd every location
16 that a trampoline park existed, we FOIA'd the city
17 or the municipality for their EMS responses to that
18 park, that address.

19 We sent out 32, we got 20 useable
20 responses back. Some of the municipalities actually
21 refused to respond. They said it was HIPAA. I
22 don't -- I don't know. We didn't delve into it.

23 So we got a pretty good section that
24 reported. Of the 20 companies, those 20 companies
25 should have reported 59 accidents. Those 20

1 companies only reported 10.

2 Now, I'll give them the benefit of a
3 doubt. This time period was from January 1 when the
4 law took effect until July, end of July of that
5 year, 2022. So a lot of them were new. They
6 weren't permitted until February or March because it
7 just took us that long to get to them.

8 Some of them were even a little bit later
9 than that because we had to get back to the -- this
10 is something that we definitely have to work on is
11 to get them to report accurately. Of those 20
12 companies that reported and the 59 accidents, there
13 were two companies out of that 20 that were
14 responsible for about 40, 45 percent of those
15 accidents.

16 **UNIDENTIFIED MALE:** They reported that to
17 you?

18 **MR. COE:** They reported a few. And to be
19 fair to the industry, there were a few companies out
20 there that truly did not or we could not find any
21 reportable accidents. They did not have any EMS
22 responses, and they did not report any accidents.

23 So that gives us hope that it's an
24 operational situation where we can make some
25 modifications or they can make some modifications to

1 their operation and actually bring that accident
2 rate down, and I think if you read each accident
3 report, there is that opportunity to do that.

4 I don't know, one of the interesting
5 things were the injuries were pretty evenly
6 distributed by age group. That was 10 and under and
7 11 to 19 and then 20 and older. And you got me what
8 a 58-year-old is doing on a trampoline but, yes.

9 **MR. JOHNSON:** The one guy was 52 that got
10 hurt.

11 **MS. SCHRIVER:** Living life. I don't know,
12 my grandpa got a, as an adult (unintelligible).

13 **MR. COE:** It's -- I'm, you know, gung ho,
14 man, go get it. And again, you know, to be fair, we
15 had a few of the companies that did not have any
16 reportable accidents that we could find. So that is
17 something that we are going to continually work on,
18 that number, and we will keep you up-to-date.

19 Rules update. This is for nondestructive
20 testing. In the rules in the past, and again, I'm
21 going to quantify this, this is like a 95/5, 95
22 percent of the people and most everyone in this room
23 complies perfectly with our requirements for
24 submission of NDT's and then there's the rest which
25 are kind of hit and miss.

1 So we did have a requirement. It was
2 posted on our website, it was not in the rules. So
3 we took those requirements, which are basically ANSI
4 standard, that if you are a level three NDT person,
5 you should be well aware of how it's supposed to be
6 filled out and what information is supposed to be
7 contained on it, and we pump those up into -- to the
8 rules.

9 So now if somebody submits a poor NDT
10 report, it's just, you know, back to the guy and
11 he's going to have to correct it, which is what we
12 do now, but that becomes very burdensome. Phew,
13 can't speak.

14 Right now, we do have an NDT list. You
15 can also find bulletins at NAARSO. That rides
16 database at CARES, that one I don't know how much
17 longer that's going to be there.

18 That was kind of a carryover from another
19 organization, and another organization took it and
20 posted it. I have not looked at it for a while to
21 see if they are keeping it up-to-date, but the
22 NAARSO connection is very good, they do a very good
23 job.

24 We include this every year, try to get
25 your applications in 30 days in advance. That gives

1 us enough lead-in time to schedule. I know with
2 COVID it's been very difficult because there's been
3 a lot of last minute pop-ups here and there.

4 We have been able to take care of
5 everybody, but, you know, we are like everyone else.
6 We are kind of short-handed, and at some point in
7 time, hopefully it won't occur, but, you know, if we
8 have to say no to somebody, that's a possibility.

9 And anybody who has a Zipper, make sure we
10 get the form with the application so you guys look
11 at the K bars. Wow, now we get to the new stuff.
12 That was all old stuff.

13 This we've been working on for quite a
14 long time. We've had the opportunity this year
15 internally to have enough IT support to update the
16 application process. It'll be back into the 20th
17 century, maybe, but the application he --

18 **MS. KOPPEL:** Striving for the 21st.

19 **MR. COE:** We'll will go big.

20 **UNIDENTIFIED MALE:** We are still moving
21 forward.

22 **MS. KOPPEL:** Late 20th.

23 **MR. COE:** It's going to be web-based.
24 You'll have to set yourself up. Once you log in,
25 it's going to give you access to all your

1 information. The nice part about it is we are
2 planning on as you log in, it will bring up your
3 last year's application.

4 The opportunity will just be there to
5 modify it, add, subtract rides, and then submit it
6 in one simplified, hopefully simplified, much
7 simplified. And the nice part about that is the
8 database that we will be able to develop, it will
9 actually help you with your rides.

10 Our future plans, and this is going to be
11 in steps, is so that if there's any requirement on
12 the ride, you know, you can click the button and it
13 will take you back and show you what that actual NDT
14 is or what requirement is needed for that ride. So
15 there's no paperwork back and forth. That's what we
16 are trying to do on our side also is reduce the
17 amount of paperwork that we have to do internally in
18 the office.

19 Again, you will have to set up an account.
20 You guys will have the ability to give different
21 people access to that account. We do have to give
22 you, you know, once you are initially setting it up,
23 we have to approve you so that you are who you are,
24 and then that, you know, will give you free rein,
25 but generally most of the people in this room, it's

1 the same person doing the application every year.

2 I know some -- some of the companies that
3 we deal with, some of the indoor facilities, they
4 change managers every year. That's probably going
5 to be a little problematic for them. The first
6 year, hopefully everything goes real smooth.

7 **MR. WALSH:** When will that start?

8 **MR. COE:** Well, we're hoping that we'll be
9 doing some testing towards the end of this year and
10 that it will be -- everything will be online and up
11 and running for the '24 --

12 **MR. WALSH:** So it's not online for 2023?

13 **MR. COE:** -- season. No.

14 **MR. WALSH:** Okay. Got you.

15 **MR. COE:** If everything goes well and
16 ahead of schedule, we may have it by Thanksgiving
17 when the '24 application opens up. We will have to
18 wait and see. It is a huge project for us
19 internally.

20 Possible amendments, and this is actually
21 amendments to the law and not our rules. So there's
22 two ways that the industry can be affected. It's a
23 change in the law, which happened with trampoline
24 courts, or it's a change in the rules like what we
25 did with the ropes, the adventure courses. So we

1 can use either process. The rules are much easier.

2 **MS. FLANAGAN:** If I can clarify. The
3 rules are us interpreting the law. The law
4 sometimes the legislature hands to us. So the rules
5 we write, the laws they write.

6 **MR. COE:** So this is kind of something
7 that's going to be more on a routine basis. We are
8 going to look at the law, we are going to look at
9 the rules, and as things change, going to be a
10 little bit more proactive than waiting every 10
11 years to make any changes.

12 The biggest part of this amendment is just
13 the definitions of the director and employee
14 responsibilities, specifically definitions so
15 there's no vagueness in who has the authority to do
16 what.

17 One of the issues, and I'm going to point
18 this one out and this will affect everyone in the
19 room, is the way that the law was written, the
20 interpretation at this point is the only fine
21 mechanism we had was for two different scenarios.
22 One was operating without a permit and the other one
23 had to do with hiring or not doing background
24 checks.

25 So those are specifically spelled out. No

1 other fine was. So to make it very clear and fair,
2 now if we caught somebody operating without
3 insurance, we could pull their permits, but there's
4 no real fine assessment for that, and that's what
5 this takes care of.

6 If you violate any of our requirements,
7 you know, having insurance, background checks, you
8 know, you are running the ride and haven't submitted
9 the NDT, you know, that could assess a thousand
10 dollars for that occurrence. Discussion? Like I
11 said, most of the people in this room, it's the 95/5
12 rule.

13 One of the other changes that will affect
14 you in the rules, there used to be an exemption for
15 16, underage operators. We had an incident, we did
16 some verifications with the secretary of -- or the
17 state police.

18 They said to be prudent, it would probably
19 be a good idea just to include everyone to have a
20 criminal and sexual background check because what we
21 are looking on the criminal check is murder, and
22 more than likely, that's going to show up on a 16-
23 or a 17-year-old, where a lot of their juvenile
24 stuff won't.

25 And the last one really doesn't affect

1 people in this room. Is anybody from the haunted
2 house industry? Okay. We can talk about them then.

3 There is an exemption in our rules for
4 volunteers, and it was geared more towards, like,
5 your school PTA associations where, hey, we are
6 going to have a fun day for the kids, you know,
7 bring your younger siblings, we will have volunteers
8 from the school run a group of inflatables. No
9 problem, that's a great idea.

10 Haunted houses on the other hand, some of
11 them do, some of them don't, they consider all their
12 actors in the haunted house as volunteers, and
13 that's questionable.

14 So that's something that we're working on,
15 that's a very difficult problem so that we can still
16 keep the PTA people happy, you know, the truly
17 volunteer people running, but try to rein in the
18 industry.

19 I mean, you know, you are looking at, if
20 you get it on the cheap side, the last number I
21 heard was like 15 or \$16 to run a background check
22 on somebody, and to be fair, if they are in a
23 haunted house, they most likely or probably should
24 have one.

25 **UNIDENTIFIED MALE:** I've got the 20, 25

1 rides in. You know, this volunteer thing is, if you
2 got 20 or 25 rides in, you've only got enough
3 workers for 15, and the fire department says, hey,
4 we'll put the volunteers up for you, but you can't
5 train them all.

6 You know, you got to -- it's got to be
7 something that's got a off and on button and that's
8 it, but it's getting a little more serious down the
9 road, and one of these days we are going to have to
10 really look at that real close, what we can do as
11 far as this ride compared to that ride and who can
12 operate it and who can't, even as a volunteer.

13 **MR. COE:** Yeah. I would agree with you
14 that I wouldn't put a volunteer on a Sizzler.

15 **UNIDENTIFIED MALE:** I wouldn't either.

16 **MR. COE:** But, yeah.

17 **UNIDENTIFIED MALE:** But a fun house, you
18 know, push a button, stop the button.

19 **MR. COE:** Right.

20 **UNIDENTIFIED MALE:** Somebody falls, stop
21 it, you know.

22 **MR. COE:** Right.

23 **UNIDENTIFIED MALE:** You know, something
24 like that.

25 **MR. COE:** And again, you know, the wide

1 differentiation is mostly, you know, you are going
2 to see inflatable being run by volunteers versus --

3 **UNIDENTIFIED MALE:** Yeah, I understand.

4 **MR. COE:** -- a haunted house, but, yes, I
5 do agree with you that --

6 **UNIDENTIFIED MALE:** It's getting closer
7 all the time.

8 **MR. COE:** You know, if that does occur,
9 that's, again, something that we'll have to look at.

10 **UNIDENTIFIED MALE:** Thank you.

11 **MR. COE:** Okay. We're about done here and
12 this is kind of a proposal for the fall meeting.
13 I'll call it that. Typically we keep it in the same
14 time frame and that would be September 14, 2023. It
15 would run 2:00 to 4:00, and it would be a WebEx,
16 which we've done in the past. That seems to work a
17 little bit better for that location.

18 In the past, we've had it in downtown
19 Chicago, and most people don't like to go downtown
20 so there's not much attendance there. I think we
21 gather more attendance from the WebEx typically.
22 Makes it a little bit easier for travel, too, for
23 the Board.

24 Again, it's nice to see you all. It's
25 been about two years. Thanks for coming, and we'll

1 hang around a little bit afterwards if you want to
2 talk or chat, but does anybody have any comments,
3 questions, additions?

4 **MR. JOHNSON:** I'll speak. Used to say it
5 all the time, I got yelled at one time. I think
6 your inspectors do a fabulous job.

7 **MR. COE:** Thank you.

8 **MR. JOHNSON:** And you've got big shoes to
9 fill. Bill, you've got big shoes to fill. They do
10 a good job. Same with you, Tom.

11 **MR. COE:** Thank you.

12 **MR. BENNETT:** Tom, thank you so much.
13 Thank you for that presentation. So the last part
14 on the agenda is to open this up for public
15 questions and comments; so again, Tom's here and any
16 other -- anyone have any comments or questions?

17 **MR. SCHOENDIENST:** I'm Andrew
18 Schoendienst, Luehrs' Ideal Rides. I can add on
19 what Mr. Johnson said. This year especially, we do
20 mostly central and southern Illinois when we travel
21 through, but your inspectors in the area did a great
22 job in coming up and following up with inspections.

23 I think more than ever, almost every
24 location we are at when we came through, I wondered
25 why we were reinspected and we are -- now I'm more

1 than happy with that. We encourage that.

2 It was very nice to work with them and
3 whatnot and it's always a pleasure seeing them. So
4 just to let you guys know to take back to anybody
5 else also that you have a great group here, a head
6 and above a lot of other states. So thank you.

7 **MR. BENNETT:** Great, thank you. Yes.
8 Yes, sir.

9 **MR. SZELETICH:** As one of the inspectors,
10 I get the question quite often, how does an operator
11 go about people end up on the line. Doesn't have
12 enough people, people from town say, yeah, I want to
13 work. How does he go about getting his background
14 checks for those people?

15 Some of the -- some of the police
16 departments will do it for a fee, some of them will
17 do it just because it's part of what's there, but
18 there's a lot of operators that are having problems
19 getting a background check for those people.

20 **MR. BENNETT:** I would first at least have
21 an application, have a written application for them
22 to fill out and then some questions on there about
23 the background, any criminal history, orders of
24 protection, any problems.

25 That's something, some paperwork. The

1 more paperwork the better. And then I don't know
2 where you have police departments, how fast can they
3 do a background check or the companies or the
4 companies that you pay for them.

5 **MR. COE:** The companies, if someone local
6 will not do it for them, there's a company in
7 southern Illinois, midstate, and then there's
8 company in Chicago and then there's national.

9 **MS. KOPPEL:** Tom, if I could just add, I'm
10 the legislative director here. We did have
11 conversation with the state police talking about,
12 you know, we are looking to update the rules and
13 regs, and they advised that best practice would be
14 to change to a fingerprint-based background check so
15 that may change some of your processes.

16 I don't know. That's not official yet.
17 It's not, you know, we haven't proposed it, but it's
18 something that we've been talking about.

19 **MR. BENNETT:** Is that a -- sometimes, you
20 get a kit. Do you have those, the kits? How does
21 that --

22 **MR. SALERNO:** I understand and acknowledge
23 the fingerprint. What do you do when you got
24 foreign laborers? You get -- you get Homeland
25 Security gets them, but how do you get the

1 fingerprint on all of them?

2 **MS. KOPPEL:** Yeah, we don't have the
3 ability to check other countries.

4 **MR. SALERNO:** Ninety percent of the people
5 in here get foreign laborers.

6 **MR. SCHOENDIENST:** To add to what Mr.
7 Salerno spoke of with the -- if I recall, I've been
8 coming to this convention my whole life and this
9 meeting and whatnot; so I'm versed in a lot of the
10 past and what happened.

11 When this was first implemented, the
12 background checks, I think that we ran into an issue
13 at first, if I recall, like we run a national
14 background check because we work in seven different
15 states.

16 Our company, I know there's other
17 companies, most companies in here work in different
18 states, and when it first started, the Illinois
19 background check that we were required to do was a
20 separate Illinois background check.

21 So I think -- and it just ended up being
22 another fee and another loophole, and I just think
23 moving forward with this, I'm all about expediting
24 the process and simplifying it.

25 We just need to make sure it's something

1 that can be easily done for folks that work
2 interstate, and a lot of people might already have
3 something in place.

4 **MR. COE:** Here's, you know, generally
5 speaking, we will probably go -- most, I believe
6 most of the companies do do national just as
7 standard base. I mean, most of the background
8 checks.

9 **MR. SCHOENDIENST:** Family businesses, of
10 course we want to have a safe business.

11 **MR. COE:** Yes, just basically national-
12 type background checks and that's what we feel is --

13 **MS. SCHRIVER:** That's acceptable?

14 **MR. COE:** The national, yes.

15 **MR. JENNINGS:** That's great for your full-
16 time employees.

17 **MS. FLANAGAN:** It sounds like we have
18 almost, like, two different kind of needs to
19 consider. One is folks that have a core workforce
20 they are doing the national background check for,
21 right, does that work here?

22 But then so your point, Brian, right, like
23 people that are coming in and trying to hire that
24 local worker, but how do we get a quick background
25 check for them to bring on the local worker?

1 **MR. SCHOENDIENST:** You can run one with
2 some services, a national background check. So
3 that's another fee of hiring somebody.

4 **MR. COE:** Yes, it's availability. It's
5 not a hundred percent across the board. If somebody
6 walks in on a Saturday night and you hire them, you
7 are probably not going to get it until Monday.

8 **MR. WALSH:** Therein lies the issue.

9 **MR. JENNINGS:** And it comes back, now
10 you've got a problem.

11 **MR. SALERNO:** Maybe they're not good
12 workers.

13 **MR. COE:** It's a -- that is ultimately a
14 catch-22 situation. The only solution, which I
15 don't think's a doable solution, is some states do
16 force you to register your workers at the beginning
17 of the year and that's it. You either have an
18 approved state ID that says you've been checked and
19 you are eligible to work or you don't work.

20 That's on the far end of things to do
21 because especially now with COVID, that has just
22 raised it to a whole 'nother level. There aren't
23 workers that you can find and the people showing up
24 on the lines looking for a job, yeah, they seem
25 okay.

1 Right now, the way that we handle that is
2 if we are there, we will look at your roster. If
3 they don't have a current background check, there's
4 an extension letter that we give you, and staff
5 should give most people enough time to get that
6 background check in place. But again, another
7 catch-22. The guy looks good, you bring him in, he
8 comes back --

9 **MR. JOHNSON:** Most police departments will
10 do that. You going to tell them I got this guy who
11 wants to work, get a copy of his ID, give that to
12 the police department, don't hire the guy until the
13 guy comes back and tells you it's good.

14 **MR. COE:** You know, we've had mixed
15 results from different locations. Some police
16 departments are just like don't want to be involved.

17 **MR. JOHNSON:** I don't recommend
18 fingerprint, it takes forever and it's a pain in the
19 butt, and I guarantee you you will have less
20 operators.

21 **MR. JENNINGS:** You'll have less
22 opportunities to hire.

23 **MR. JOHNSON:** It takes a long time.

24 **MR. MASSIE:** I agree. And most of the
25 national background checks come back within 24 hours

1 anyway. We'll put somebody in and, say, like at
2 noon. By eight o'clock we already got the background
3 back. So if you use a national, Andrew was saying --

4 **MR. SALERNO:** In disagreeance with what
5 you said, you said if you just do it in the spring
6 of the year, that's all you get.

7 What happens if you hire somebody
8 midstream or towards the end? Your testimony would
9 be just when we do it in the spring and you are
10 done. Some of the people, it eliminates you.

11 **MR. COE:** Yeah, it hurts you.

12 **MR. SALERNO:** Yes. It hurts everybody in
13 this room. Not just me, everybody.

14 **MR. COE:** As an operator, because if we
15 had a operator permit for the state of Illinois,
16 that is not going to be a quick process. Somebody's
17 not going to walk on the lot on Saturday and be
18 operating that ride Saturday night.

19 **MR. JOHNSON:** Back years ago when we first
20 started Bill Johnson Fantasy Amusement, when you
21 first started wanting a background check, at one
22 time we are going to do the FOID card. So that was
23 five dollars, and the best part with the FOID card,
24 it got checked all the time.

25 **MS. KOPPEL:** It's like a shortcut, like a

1 --

2 **MR. JOHNSON:** Well, it's for fire --

3 **MS. KOPPEL:** Yeah, yeah.

4 **MR. JOHNSON:** -- firearm owner. Yeah, so
5 they -- that was going to be the way to register the
6 carnival guys and everybody would have got that. It
7 was five dollars, and we thought it was all a great
8 idea.

9 And the state police, because they run
10 everybody with a FOID card, I think they run them
11 every month is what -- that's what I was told.

12 So I didn't do it, but that was -- that
13 was a pretty neat idea. Now, unfortunately, I think
14 now it's tied to a CCL now.

15 **MS. KOPPEL:** I think, just to clarify, you
16 are saying that that was like your business's
17 personal practice?

18 **MR. JOHNSON:** No, no, no. That was when
19 we were talking here --

20 **MR. JENNINGS:** Back when we first started.

21 **MR. JOHNSON:** -- back when they were
22 talking about trying to do that, that was one of the
23 things that brought up. I'm showing my age.

24 **MS. FLANAGAN:** And to clarify, the idea
25 would be if you were eligible for a FOID card, you

1 were assumed to be clear, the background check?

2 **MR. JOHNSON:** They just talked about if
3 they did that, it made it easier for everyone.

4 **MS. FLANAGAN:** I guess what would concern
5 me about that, though, is a --

6 **MR. JOHNSON:** For now, forget it now
7 because it takes forever to get one.

8 **MR. COE:** If you are a convicted felon,
9 you couldn't get --

10 **MS. FLANAGAN:** That's what I was going to
11 say. Our standards are different than the standard
12 for criteria for issuing a FOID; so you might end up
13 cutting out some people that could be eligible to
14 work, which we wouldn't want to do.

15 **MR. JENNINGS:** I don't think it would work
16 now. It was an idea that --

17 **MR. JOHNSON:** I just brought that up.

18 **MR. MASSIE:** Donnie Massie, Alpine
19 Amusement Company. I'm -- I feel like the
20 fingerprinting would be burdensome on all the
21 companies here. I mean, we do those background
22 checks. We even do them for booster club people.
23 We got soccer moms, soccer dads. My wife won't put
24 somebody on a kiddie ride.

25 I said, hey, they're, you know, they cheer

1 with our daughter at the thing, I'm sure. No, no,
2 no, they are not working until I get that background
3 check back.

4 So I think when you guys get the fines in
5 place, that that's a good way to keep people, you
6 know, legal and doing the right thing, but doing the
7 backgrounds, I will tell you the same communities
8 that had background checks involved in their
9 ordinance for carnivals are the same ones that call
10 every year looking for a carnival because the
11 problem is you can't find help.

12 So when you go into that event and they
13 say, hey, you've got to have background checks on
14 everybody that works at the carnival, you say, well,
15 we might not --

16 **MR. JOHNSON:** Not background, I mean
17 fingerprint.

18 **MR. MASSIE:** I mean fingerprint, not
19 background checks. Background checks are, you know,
20 fully fine. I think those, you know, we got to make
21 sure everybody's doing those, but the
22 fingerprinting, those same municipalities call every
23 year. I would say around Chicago line area,
24 everybody gets the same calls for these certain
25 towns.

1 **MR. JOHNSON:** Algonquin.

2 **MR. MASSIE:** And it's just so burdensome
3 that you don't know what people you are going to
4 have there, and they want you to come in physically
5 and do the fingerprinting, and that's -- you are
6 paying these guys. When you got foreign labor, you
7 can't expect them to go there and sit there all day
8 to get fingerprinted.

9 You got to bring 30, 40 employees in, and
10 we did a couple towns like that. You are talking
11 two days, three days in between running an operation
12 somewhere else just to get them in for
13 fingerprinting.

14 **UNIDENTIFIED MALE:** And most of the time
15 they want them a month in advance.

16 **MR. MASSIE:** Yeah, they want them early.

17 **UNIDENTIFIED MALE:** When you are trying to
18 work.

19 **MR. MASSIE:** As we tell them, hey, we
20 don't know when we are going to get the foreign
21 labor. Foreign labor's been coming in later and
22 later and later these days so sometimes you don't
23 get them until the Fourth of July.

24 And some of these towns, they go we want
25 you in here in May so we can have enough time to do

1 your fingerprinting. We say they might be getting
2 off the plane, you know.

3 **MR. COE:** And unfortunately, you know, a
4 fingerprint or even a criminal background check on
5 an H-2B worker --

6 **MR. MASSIE:** They're not going to find
7 anything.

8 **MR. COE:** They are not going to find
9 anything unless they have committed a crime in the
10 U.S.

11 **MR. JENNINGS:** Right.

12 **MR. MASSIE:** It's already ran by the
13 Department of Homeland Security.

14 **MR. SCHOENDIENST:** That was -- well, that
15 was already done for -- Andrew Schoendienst, Leuhrs'
16 Ideal Rides. When that was started, it has changed
17 since, I believe, the beginning.

18 Now we do run our foreign labor through
19 background checks before the certification of when
20 they came over the border was exempt.

21 But it's been changed because, that's just
22 to the point of that the Department of Homeland
23 Security's already ran a background check on that
24 person to make sure that they are -- they wouldn't
25 be getting a visa to come in the country.

1 **MR. COE:** Yes. How do we -- how do we
2 make the best of the situation, I mean, operating
3 now the way that we are doing it is probably --

4 **MR. JOHNSON:** What you are doing now works
5 for all of us, I believe, in the room.

6 **MR. COE:** Right.

7 **UNIDENTIFIED MALE:** Is there a problem
8 with the way it's getting done now or are you guys
9 seeing anything or do you have --

10 **UNIDENTIFIED MALE:** You got to be
11 approved.

12 **UNIDENTIFIED MALE:** -- the background or
13 like you said, maybe the 5 percent aren't doing the
14 backgrounds right.

15 **MR. JOHNSON:** I'd rather see the fines
16 raised instead of me taking crews in to go get
17 fingerprinted, you know?

18 **MR. COE:** Right. I -- I agree with -- I
19 think I'm fine with that. It's just, you know, we
20 have a very narrow opportunity, and we rely on you
21 guys to follow the rules.

22 We can't be there every second watching
23 every person, and that was highlighted to us and
24 that's kind of what's brought this conversation back
25 up.

1 **MR. JENNINGS:** And I -- from a fair board
2 standpoint, I think it's crucial that the fair
3 boards work with you to work with the sheriff. I
4 mean, in our case, that's a -- that's easy, you
5 know.

6 If they have got a name, I'd just call
7 Andy and say go take care of this and he'll go do
8 it, but if you get into a community where there's
9 relationship not between the department, the legal
10 law enforcement department and the fair board and
11 you get into some of those where the city council or
12 whatever it is is saying we want this, this, this,
13 and this and that's a problem.

14 And if we stack more, for example a
15 fingerprint in my case, putting the fingerprint
16 thing in there is just going to almost eliminate the
17 opportunity to get that local worker that's maybe
18 going to work five or six days because a lot of them
19 just won't do that. They say I'm not going to mess
20 with it.

21 **MR. SALERNO:** Our industry is not the only
22 industry that's hurting for people. Everybody
23 nationwide has a shortage on people. A lot of
24 restaurants are closing up, a lot of industrial
25 division, lot of big box stores is having the same

1 problem. So if you make it harder on us, all you
2 are doing is shrinking the workforce that's already
3 shrunk.

4 **MR. MASSIE:** And, Tom, maybe you can get
5 by with a picture ID validating the background, you
6 know, so that some other towns have done that, some
7 festivals. Like if you are not going to get a
8 fingerprint done, maybe they, if you give them a
9 list of names, how do they know if those are even
10 the people that are out there?

11 So, all right, that's fine, look at their
12 visa if they are a foreign worker or their state ID
13 and their driver's license to verify, you know, the
14 local municipality, police, or something like that.
15 So that's always been the -- I'd rather do that than
16 the fingerprint.

17 **MS. FLANAGAN:** Well, it's all very useful
18 feedback certainly and timely as we are thinking
19 about, okay, the legislature's starting to meet and
20 what do these amendments look like. So that's very
21 useful.

22 **MR. SCHOENDIENST:** All in all I think in
23 real world talk, the worst case scenario that I
24 could see happening is let's say that there's a
25 delay on foreign labor or what not. You do not want

1 the King County fair to have to wait on operations
2 of its five-day event of the year because they are
3 waiting on background checks for somebody or
4 something, just for an example.

5 So I just think we need to be very careful
6 of -- of the way we -- when we change things like
7 that.

8 **MR. BENNETT:** Anything else, Tom, or we
9 can adjourn and maybe get some other conversation.
10 So I'll entertain a motion to adjourn.

11 **MS. FLANAGAN:** So moved.

12 **MR. BENNETT:** Second?

13 **MR. REDSHAW:** So moved.

14 **MR. BENNETT:** I heard that so all in favor
15 of adjourning the meeting, say aye.

16 **(The Board members responded "Aye.")**

17 **MR. BENNETT:** Opposed, no.

18 **(There were no responses of "No.")**

19 **MR. BENNETT:** So the meeting is concluded.

20 So thank you very much. Thank you, everyone, for
21 attending.

22 **(WHEREUPON, the meeting was concluded at**
23 **5:25 p.m.)**

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CERTIFICATE OF VIDEOGRAPHER

I the undersigned, Larry Katz, am a videographer on behalf of NAEGELI DEPOSITION AND TRIAL. I do hereby certify that I have accurately made the video recording of the deposition of Meeting, in the above captioned matter on the 10th day of January, 2023, taken at the location of 3000 S. Dirksen Pkwy, Winter Garden Springfield, IL 62703

No alterations, additions or deletions were made thereto.

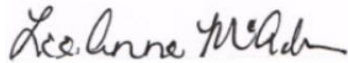
I further certify that I am not related to any of the parties in the action and have no financial interest in outcome of this matter.

Larry Katz
Videographer

CERTIFICATE

I, LeeAnne McAdam, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 8th day of February, 2023.



LeeAnne McAdam

<u> </u> \$	37:25 38:2	32:1 13:7	43:3
\$130 8:10	20,000 8:14	33 26:10	able 32:4
\$16 37:21	2013 9:25	<u> </u>	33:8
\$55 8:10	2020 10:16	<u> </u> 4	acceptable
<u> </u> 1	10:17	4:00 39:15	44:13
1 9:18	2021 9:13	4:09 3:6	access
10:17 13:13	9:19	40 29:14 51:9	32:25 33:21
29:3	2022 6:19 9:7	400 14:20	accident 10:2
10 19:23 29:1	9:8 9:21	405 14:15	14:22 16:10
30:6 35:10	13:13	45 29:14	16:20
10-year-old	14:4 15:1	<u> </u>	17:7
23:3	29:5	<u> </u> 5	21:22
10-year-	2023 3:5	5 53:13	22:2 27:1
olds 23:2	34:12 39:14	5:25 56:23	27:19 27:24
11 30:7	20th 32:16	52 30:9	30:1 30:2
120 22:22	32:22	58-year-old	accidents
14 39:14	21st 32:18	30:8	14:23 14:25
15 6:18 37:21	2291 11:7	59 28:25	15:8
38:3	12:2 12:3	29:12	16:11
150 5:4	2297 12:16	<u> </u>	18:3 18:4
1500 8:9	2374 10:12	<u> </u> 6	19:24 19:24
16 36:15	24 34:11	60 13:9	20:3
36:22	34:17 46:25	<u> </u>	21:13 24:18
17-year-old	249 14:15	<u> </u> 7	25:14 27:20
36:23	25 5:24 37:25	725 14:18	28:14 28:25
18 19:25 20:5	38:2	75 23:8	29:12 29:15
19 3:5 30:7	2608 14:15	770-18 11:8	29:21 29:22
<u> </u>	28 15:1 20:4	<u> </u>	30:16
<u> </u> 2	2970 11:23	<u> </u> 9	account 33:19
2:00 39:15	12:2	930 14:8	33:21
20 28:19	2974 10:9	95 30:21	accurately
28:24 28:24	<u> </u>	95/5 30:21	29:11
28:25 29:11	<u> </u> 3	36:11	Ace 11:17
29:13 30:7	30 31:25 51:9	<u> </u>	acknowledge
	32 28:19	<u> </u> A	42:22
		ability 33:20	across
			11:20 11:24
			45:5
			acting 3:16

5:23	10:9 10:13	allowed 25:22	15:13 16:10
actors 37:12	adult 30:12	Alpine 49:18	21:9 32:9
actual 3:13	advance 31:25	already	37:1 40:2
12:9	51:15	44:2 47:2	41:4
13:16 33:13	adventure	52:12 52:15	anybody's 8:1
actually 4:24	9:15 34:25	52:23 55:2	11:21 13:25
6:8 9:21	advised 42:13	amazing 15:17	anymore 12:2
10:12 11:21	Affairs 5:17	amendment	anyone
13:10 17:23	affect	35:12	10:19 19:10
21:10 21:20	11:13 35:18	amendments	40:16
28:20	36:13 36:25	34:20 34:21	anything 52:7
30:1 33:9	affected	55:20	52:9 53:9
34:20	34:22	American 22:1	56:8
add 8:6	afterwards	amount 8:12	anyway 47:1
33:5	40:1	11:9	application
40:18	age 30:6	23:16 33:17	32:10 32:16
42:9 43:6	48:23	amusement 3:2	32:17
added 9:9	Agency 4:25	4:16 4:20	33:3 34:1
15:7	agenda 4:13	6:8 6:9	34:17 41:21
addition	6:12 6:16	10:14 11:11	41:21
16:16	6:17 7:10	13:21	applications
additional	40:14	21:3	31:25
10:17	ago 6:6	22:11 23:22	applies 11:23
additions	9:21 17:8	47:20 49:19	apply 16:25
6:16 9:1	47:19	amusements	23:10
40:3	agreed 25:16	6:1 22:2	appointment
address 13:16	Agricultural	24:14	6:2
28:18	5:17	Andrew 21:5	appreciate
adjourn	ahead 3:8	40:17	7:19
56:9 56:10	4:13 4:22	47:3 52:15	approval 6:17
adjourning	14:1 34:16	Andy 54:7	approve
56:15	alarm 11:2	ankle 26:3	6:19 6:20
adjustment	Algonquin	Anna 3:20	6:21 33:23
22:16	51:1	announce 3:24	approved 6:15
adjustments	allow 25:9	annual 9:1	7:9 13:12
14:12	25:11 25:24	ANSI 31:3	16:17 45:18
adopted		anybody 12:17	53:11
9:17 10:4			

approving 7:4	attorney 4:19	47:21	benefit 17:16
area 4:4	6:4	49:1	29:2
4:7 10:25	attraction	49:21	Bennett
40:21 50:23	3:2 4:16	50:2 50:8	4:14 4:19
aren't 20:5	22:11 23:23	50:13 50:16	6:12 6:23
45:22 53:13	audible 11:2	50:19 50:19	7:1 7:7 7:9
arm 21:17	audience 16:8	52:4	40:12
24:22	18:1	52:19 52:23	41:7
25:1 25:6	auditing 10:9	53:12	41:20 42:19
26:3	authority	55:5 56:3	56:8
26:19 26:21	35:15	backgrounds	56:12 56:14
26:22 26:22	availability	50:7 53:14	56:17 56:19
26:22 26:23	45:4	ball 17:18	best 17:20
27:1 27:2	aware 28:7	Banner 22:1	42:13 47:23
27:7 27:8	31:5	bars 32:11	53:2
27:16	away 24:20	base 24:25	better
assess 36:9	axle 18:22	44:7	20:12 39:17
assessment	aye 7:5 7:6	based 23:15	42:1
36:4	56:15 56:16	basic 10:9	biggest 10:23
assign 15:3		12:24	11:14 12:13
Association		basically	35:12
5:17		7:14 8:24	Bill 4:9 5:16
associations	backed 19:1	18:21 19:14	21:2 21:4
37:5	background	31:3 44:11	40:9 47:20
assumed	35:23	basis 35:7	bit 4:6 9:8
8:21 49:1	36:7	bearings	9:12
ASTM 9:22	36:20 37:21	18:23 19:3	19:17
10:8	41:13 41:19	became 13:12	29:8
10:13 10:21	41:23	becomes 23:12	35:10 39:17
attachment	42:3	31:12	39:22 40:1
11:5 18:7	42:14 43:12	beginning	block 8:1
attendance	43:14 43:19	45:16 52:17	blower 11:5
39:20 39:21	43:20	believe	board 3:2
attendants	44:7	9:20 16:5	3:15 4:11
13:6	44:12 44:20	19:10	4:16 4:18
attending	44:24	44:5	4:25 5:9
56:21	45:2 46:3	52:17 53:5	5:18 6:9
	46:6		7:6 9:16
	46:25 47:2		10:7

<p>11:24 39:23 45:5 54:1 54:10 56:16</p> <p>boards 54:3</p> <p>bolt 11:17</p> <p>booster 49:22</p> <p>border 52:20</p> <p>boring 10:7</p> <p>bounce 24:4</p> <p>box 54:25</p> <p>break 22:7 27:8 27:8</p> <p>breakdown 19:22</p> <p>breakout 23:6</p> <p>Brian 4:8 24:7 44:22</p> <p>bring 9:17 30:1 33:2 37:7 44:25 46:7 51:9</p> <p>broke 15:6</p> <p>broken 21:11</p> <p>brought 12:7 48:23 49:17 53:24</p> <p>Brown 4:8</p> <p>bruises 19:19</p> <p>bulletin 25:16</p> <p>bulletins 31:15</p> <p>bump 13:19</p>	<p>burdensome 31:12 49:20 51:2</p> <p>business 7:10 14:20 44:10</p> <p>businesses 44:9</p> <p>business's 48:16</p> <p>butt 46:19</p> <p>button 33:12 38:7 38:18 38:18</p> <p>buy 10:15 11:4 11:17</p> <p>buying 10:20</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>capacity 13:8</p> <p>card 47:22 47:23 48:10 48:25</p> <p>care 32:4 36:5 54:7</p> <p>careful 56:5</p> <p>CARES 31:16</p> <p>carnival 5:25 6:9 19:23 23:7 23:15 48:6 50:10 50:14</p> <p>carnivals 50:9</p> <p>carnivals- type 15:9</p>	<p>carnival-type 8:25</p> <p>carryover 31:18</p> <p>cascade 17:25</p> <p>case 54:4 54:15 55:23</p> <p>castle 18:22</p> <p>catch-22 45:14 46:7</p> <p>caught 36:2</p> <p>caution 10:19</p> <p>CCL 48:14</p> <p>center 25:5</p> <p>central 4:10 40:20</p> <p>century 32:17</p> <p>CEO 5:4</p> <p>certain 50:24</p> <p>certainly 55:18</p> <p>certification 52:19</p> <p>Chairman 4:18</p> <p>change 25:10 25:11 34:4 34:23 34:24 35:9 42:14 42:15 56:6</p> <p>changed 7:18 9:8 9:23 13:16 52:16 52:21</p>	<p>changes 10:1 10:15 10:23 11:9 12:5 13:12 14:12 14:24 35:11 36:13</p> <p>chat 40:2</p> <p>cheap 15:20 37:20</p> <p>check 17:2 36:20 36:21 37:21 41:19 42:3 42:14 43:3 43:14 43:19 43:20 44:20 44:25 45:2 46:3 46:6 47:21 49:1 50:3 52:4 52:23</p> <p>checked 11:21 45:18 47:24</p> <p>checks 35:24 36:7 41:14 43:12 44:8 44:12 46:25 49:22 50:8 50:13 50:19 50:19 52:19 56:3</p> <p>cheer 49:25</p> <p>Chicago 4:4 5:7 8:14</p>
---	--	--	---

39:19	16:1 16:4	Colorado	wide 25:15
42:8 50:23	16:9 17:5	25:23 28:8	compared
child 9:14	17:11 17:16	comes 45:9	38:11
choices 17:25	18:2	46:8 46:13	completely
city 4:4 6:10	18:12 18:18	coming 14:5	17:18 18:25
17:7	18:20	39:25 40:22	20:16
28:16 54:11	20:7	43:8	compliance
civil 5:5	20:18	44:23 51:21	9:17
Clara 15:15	21:8	comment	compliant
clarify	21:16	14:3 17:3	10:22
8:19 35:2	22:6	comments 3:10	complies
48:15 48:24	22:16	40:2	30:23
classificatio	23:1 23:4	40:15 40:16	concern 12:13
ns 22:4	23:10 23:14	committed	49:4
22:5 22:10	23:20 23:25	52:9	concluded
classify 15:3	24:5	common 26:4	56:19 56:22
clause 12:7	24:18	communities	connection
clauses 12:15	26:2	50:7	31:22
clear 23:12	26:25 27:11	community	consider 14:9
36:1 49:1	27:19	54:8	37:11 44:19
click 33:12	28:1 28:3	companies	considered
climbing	28:11 29:18	14:16 14:18	26:11
16:13 16:14	30:13 32:19	26:9	construction
close 5:19	32:23	26:10 28:24	16:16
21:18	34:8	28:24	contain
26:8 38:10	34:13 34:15	29:1	15:9 15:10
closed 16:22	35:6	29:12 29:13	contained
closer 39:6	38:13 38:16	29:19 30:15	31:7
closing 54:24	38:19 38:22	34:2 42:3	contains
club 49:22	38:25	42:4 42:5	12:23 14:17
coasters 22:9	39:4 39:8	43:17 43:17	continually
COE 3:8	39:11	44:6 49:21	30:17
3:23 7:12	40:7	company 17:17	continue
8:1 8:5	40:11	17:20 17:22	21:11
12:20 12:22	42:5 44:4	25:4	continuous
15:17 15:22	44:11 44:14	25:14	9:3
	45:4	42:6 42:8	
	45:13 46:14	43:16 49:19	
	47:11 47:14	company-	
	49:8 52:3		
	52:8 53:1		
	53:6 53:18		

control 27:17	5:13 14:6	day 37:6 51:7	13:24
convention 43:8	32:2 45:21	days 31:25	depth 9:12
conversation 16:8 18:1 42:11 53:24 56:9	cracked 21:24	38:9	deputy 3:19 6:3
convicted 49:8	crews 53:16	51:11 51:11	design 10:24 11:10 12:1 25:15
copy 6:13 46:11	crime 52:9	51:22 54:18	designed 17:17 17:19
core 44:19	criminal 36:20 36:21	deal 34:3	determination 18:9 25:22
correct 31:11	41:23 52:4	December 4:1	develop 33:8
Cotter 19:6 19:8	criteria 49:12	decision 28:4	devices 10:14 11:12
council 54:11	crucial 54:2	defend 4:19	Dick 3:20
counsel 3:23 6:3 6:6	curious 26:17 26:20	defense 4:19	different 20:16 24:12 33:20 35:21 43:14 43:17 44:18 46:15 49:11
countries 43:3	current 9:5 9:22 10:4 12:12 46:3	define 23:11	differentiati on 24:1 39:1
country 52:25	cutting 49:13	definitely 21:19 24:15 29:10	differently 23:12
County 56:1	cycle 9:24 25:11 25:12	definition 8:18 8:21 9:9 22:12	difficult 32:2 37:15
couple 10:6 51:10	<hr/> D <hr/>	definitions 8:18 35:13 35:14	direction 20:8 25:11 25:18 26:20
course 9:15 44:10	dads 49:23	deflation 11:2	directly 11:9
courses 34:25	damage 19:3 19:3	delay 55:25	director 3:17 3:19 5:23 26:5 35:13 42:10
court 24:16	dangerous 20:14	delve 20:23 28:22	
courts 9:10 9:11 12:3 12:17 13:1 15:7 22:10 26:11 34:24	dash 10:12	department 3:1 5:23 6:7 14:24 15:1 38:3 46:12 52:13 52:22 54:9 54:10	
COVID 5:10	database 31:16 33:8	departments 41:16 42:2 46:9 46:16	
	date 16:21 16:21	department's	
	dates 14:8		
	daughter 19:11 50:1		
	Dave 4:11		
	David 4:18		

disagreeance 47:4	55:13	35:13	11:24 30:22
discuss 9:11	dropped 17:18 19:1 19:15	employees 44:16 51:9	32:5 35:18 36:19 49:3 56:20
discussion 6:15 7:1 36:10	duck 27:3	employment 5:24 9:3	everything 5:10 11:25 34:6 34:10 34:15
disparity 26:9	due 9:25	EMS 28:17 29:21	example 54:14 56:4
distributed 30:6	dug 21:18	enacted 9:9	exactly 21:8
division 54:25	during 7:22	encourage 41:1	excellent 17:21 17:23
doable 45:15	<hr/> E <hr/>	enforce 5:24	except 18:13
document 11:15	early 51:16	enforcement 54:10	exempt 13:3 52:20
dodge 26:22	easier 22:14	engineering 5:4 5:5 17:9	exemption 12:11 36:14 37:3
dollar 23:15	35:1	entertain 56:10	exemptions 12:25
dollars 36:10 47:23 48:7	39:22 49:3	entirety 7:24	exist 12:25
done 4:21 13:25 17:12 28:6 28:7 39:11 39:16 44:1 47:10 52:15 53:8 55:6 55:8	easily 44:1	equipment 8:23	existed 12:15 28:16
Donnie 49:18	easy 54:4	especially 40:19 45:21	exists 12:11
double 17:2	effect 9:18 29:4	evenly 30:5	expect 51:7
doubt 16:22 17:17 29:3	effective 13:13	event 50:12 56:2	expediting 43:23
downstate 5:18	eight 5:2 11:1 26:13 47:2	everybody 4:22 9:5 11:13 13:14 14:6 32:5 47:12 47:13 48:6 48:10 50:14 50:24 54:22	explanation 19:7
downtown 8:14 39:18 39:19	either 35:1 38:15 45:17	everybody's 24:21 50:21	extension 46:4
driver's	eligible 45:19 48:25 49:13	everyone 6:13	extremely 20:13
	eliminate 54:16		eye 26:8
	eliminates 47:10		
	else 3:24 4:22 32:5 41:5 51:12 56:8		
	employee 19:9		

<hr/> F <hr/>	feet 8:9 8:14 11:1 13:9	51:5 51:13 52:1	44:1 44:19
fabulous 40:6	felon 49:8	fire 38:3 48:2	follow-up 14:8
faces 3:15	fencing 12:8 12:9 12:12 12:16	firearm 48:4	foot 26:3
facilities 34:3	festivals 55:7	firm 5:5	footprint 8:10
facility 16:13 16:14	file 21:12	first 5:14 17:23 34:5 41:20 43:11 43:13 43:18 47:19 47:21 48:20	force 45:16
factual 28:13	fill 40:9 40:9 41:22	fitting 24:12	foreign 42:24 43:5 51:6 51:20 51:21 52:18 55:12 55:25
fair 18:2 29:19 30:14 36:1 37:22 54:1 54:2 54:10 56:1	finalized 9:21	five 5:1 5:19 47:23 48:7 54:18	forever 46:18 49:7
fall 39:12	finally 19:2	five-day 56:2	forget 49:6
falls 38:20	finding 20:22	fixed 24:14 27:12	form 32:10
familiar 24:21	fine 35:20 36:1 36:4 50:20 53:19 55:11	flag 26:16 28:12	forth 33:15
family 20:19 44:9	fines 50:4 53:15	Flanagan 3:17 5:22 5:22 6:25 24:6 24:17 35:2 44:17 48:24 49:4 49:10 55:17 56:11	forward 13:22 32:21 43:23
Fantasy 21:2 47:20	fingerprint 42:23 43:1 46:18 50:17 50:18 52:4 54:15 54:15 55:8 55:16	FOIA'd 28:15 28:16	Fourth 51:23
farther 9:12	fingerprint-based 42:14	FOID 47:22 47:23 48:10 48:25 49:12	fracture 27:15
fast 42:2	fingerprinted 51:8 53:17	folder 21:12	frame 39:14
faults 11:6	fingerprintin g 49:20 50:22	folks 23:24	framework 24:13
favor 7:3 56:14			free 33:24
February 29:6			front 3:19 16:6
fee 8:7 23:16 41:16 43:22 45:3			full 44:15
feedback 55:18			fully 50:20
feel 44:12 49:19			fun 18:16 18:18 37:6 38:17
			functionality 25:9

future 7:20 33:10	44:15 48:7	12:15	help 33:9 50:11
<hr/>	ground 11:1 11:6 19:15	hands 35:4	Here's 44:4
G	group 15:14 19:20	handstand 21:24	he's 3:23 7:23 31:11
gather 39:21	26:3 30:6	hang 40:1	hey 28:5 28:13
geared 37:4	37:8 41:5	happen 27:24	37:5 38:3 49:25 50:13 51:19
general 6:3 18:9	grouped 21:12	happened 7:15 17:7	high 14:20 27:2 27:6 28:1
generally 22:10 26:2 33:25 44:4	groups 22:24	18:21 34:23 43:10	higher 25:20
General's 6:5	guarantee 46:19	happens 27:5 47:7	highlighted 53:23
generated 23:7	guardrails 12:16	happy 37:16 41:1	highlights 12:1 12:24 24:7
gets 42:25 50:24	guess 18:6 49:4	hard 27:13 28:3	HIPAA 28:21
getting 5:19 15:25 24:19 28:14 38:8 39:6 41:13 41:19 52:1 52:25 53:8	gung 30:13	harder 55:1	hire 44:23 45:6 46:12 46:22 47:7
gives 29:23 31:25	guy 30:9 31:10 46:7 46:10 46:12 46:13	Hardware 11:17	hiring 35:23 45:3
gone 11:21 14:19	guys 4:11 10:11 12:14 32:10 33:20 41:4 48:6 50:4 51:6 53:8 53:21	haunted 37:1 37:10 37:12 37:23 39:4	history 41:23
governor's 6:3	guy's 21:24	haven't 13:7 36:8 42:17	hit 30:25
Grade 11:17	gymnastics 13:2	having 36:7 41:18 54:25	hits 26:23
grandfather 12:7 12:15	<hr/>	head 21:24 41:5	ho 30:13
grandpa 30:12	H	headed 20:8	holds 18:22
great 37:9 40:21 41:5 41:7	H-2B 52:5	hear 7:2	Homeland 42:24 52:13 52:22
	hand 37:10	heard 37:21 56:14	hope 29:23
	handle 46:1	HELD 3:4	hopefully
	handling 4:4	he'll 54:7	
	handrails		

32:7 33:6 34:6 hoping 34:8 hospital 19:13 hours 46:25 house 24:4 37:2 37:12 37:23 38:17 39:4 houses 37:10 huge 11:8 26:9 34:18 hundred 45:5 hurt 15:19 30:10 hurting 54:22 hurts 47:11 47:12 <hr/> <p style="text-align: center;">I</p> <hr/> I'd 53:15 54:6 55:15 ID 45:18 46:11 55:5 55:12 idea 20:11 36:19 37:9 48:8 48:13 48:24 49:16 Ideal 21:6 40:18 52:16 identical 27:21 I'll 4:14 4:15 4:21	7:2 20:15 29:2 39:13 40:4 56:10 Illinois 3:1 4:20 4:24 5:17 5:18 6:4 14:19 25:23 40:20 42:7 43:18 43:20 47:15 I'm 4:18 4:19 4:23 4:23 5:1 5:3 5:6 5:9 5:22 5:22 26:17 26:20 28:7 28:11 30:13 30:20 35:17 40:17 40:25 42:9 43:9 43:23 48:23 49:19 50:1 53:19 54:19 implement 24:9 implemented 43:11 incident 36:15 include 9:10 31:24 36:19 in-depth 12:23 individual	9:14 22:23 27:6 indoor 9:15 34:3 industrial 54:24 industries 24:2 industry 4:20 12:18 12:19 19:21 19:23 20:17 22:15 24:11 26:6 28:13 29:19 34:22 37:2 37:18 54:21 54:22 inflatable 10:14 10:16 10:20 10:25 24:22 24:23 24:25 39:2 inflatables 8:8 8:9 10:18 37:8 information 10:11 12:23 31:6 33:1 informed 16:20 Infrastructur e 5:4 initial 14:13 initially 33:22 injured	9:15 19:11 injuries 19:20 21:16 26:3 30:5 injury 17:24 25:20 25:21 26:12 27:4 in-person 6:8 7:16 8:7 9:13 inspection 14:9 inspections 14:9 14:13 40:22 inspector 3:25 4:8 inspectors 20:13 40:6 40:21 41:9 instead 53:16 instructed 16:15 instructional 13:2 insurance 4:25 20:20 20:23 21:14 36:3 36:7 interactions 17:21 interesting 13:7 30:4 internally 21:11 32:15
--	---	---	--

<p>33:17 34:19 interpretatio n 35:20 interpreting 35:3 interstate 44:2 introduce 3:15 3:16 4:6 4:12 involved 46:16 50:8 issue 14:14 43:12 45:8 issues 19:9 35:17 issuing 14:10 49:12 It'll 32:16 I've 4:21 4:25 5:9 37:25 43:7</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Jane 3:17 5:22 January 3:5 9:18 10:16 13:13 29:3 Jason 3:19 Jennings 5:16 5:16 44:15 45:9 46:21 48:20 49:15 52:11 54:1</p>	<p>job 17:21 17:23 31:23 40:6 40:10 40:22 45:24 Joe 4:22 4:23 5:20 Johnson 21:2 21:2 21:4 30:9 40:4 40:8 40:19 46:9 46:17 46:23 47:19 47:20 48:2 48:4 48:18 48:21 49:2 49:6 49:17 50:16 51:1 53:4 53:15 Jones 4:3 July 29:4 29:4 51:23 jump 26:21 27:2 27:6 28:11 jumping 25:5 juvenile 36:23</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kansas 17:7 17:14 Keller 3:19 key 18:24 18:25 19:6 19:8 kicked 26:15</p>	<p>kiddie 22:4 23:8 23:8 23:22 49:24 kids 37:6 King 56:1 kit 42:20 kits 42:20 knee 21:17 26:3 knock 26:23 knocked 25:3 known 17:15 Koppel 3:20 32:18 32:22 42:9 43:2 47:25 48:3 48:15</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>labor 3:1 5:23 6:7 51:6 51:21 52:18 55:25 labor. Illinois. gov 13:16 laborers 42:24 43:5 labor's 51:21 land 27:7 27:8 27:14 27:15 landing 27:18 large 8:8 22:9</p>	<p>largely 6:5 last 6:2 6:8 6:18 6:20 6:22 7:4 7:15 8:7 9:13 23:5 26:16 32:3 33:3 36:25 37:20 40:13 Late 32:22 later 29:8 51:21 51:22 51:22 law 8:6 9:8 9:9 13:12 24:8 29:4 34:21 34:23 35:3 35:3 35:8 35:19 54:10 laws 35:5 lead-in 32:1 learning 24:10 24:11 least 41:20 Ledang 3:21 3:22 leg 21:17 26:3 27:9 27:15 legal 3:23 12:10 50:6 54:9 legislative 3:20 42:10 legislature</p>
---	---	---	--

<p>35:4 legislature's 55:19 legs 27:7 less 46:19 46:21 let's 3:8 55:24 letter 46:4 Leuhrs 52:15 level 31:4 45:22 liaison 3:20 license 55:13 lies 45:8 life 30:11 43:8 likely 36:22 37:23 line 41:11 50:23 lines 45:24 links 13:18 13:20 list 31:14 55:9 listed 15:8 listing 14:18 litigated 11:22 little 4:5 9:8 9:12 19:17 20:12 29:8 34:5 35:10 38:8</p>	<p>39:17 39:22 40:1 Living 30:11 local 42:5 44:24 44:25 54:17 55:14 location 28:15 39:17 40:24 locations 14:15 46:15 log 32:24 33:2 long 5:1 5:9 29:7 32:14 46:23 longer 12:11 31:17 loophole 43:22 loose 8:19 lose 5:8 lot 12:23 29:5 32:3 36:23 41:6 41:18 43:9 44:2 47:17 54:18 54:23 54:24 54:25 low 27:1 Luehrs 21:6 40:18 <hr/> M <hr/> main 13:17 13:17</p>	<p>20:2 20:10 maintain 10:11 maintaining 11:14 maintenance 11:15 major 22:3 22:4 22:21 23:7 23:14 23:22 23:23 25:8 MALE 7:21 7:23 7:25 8:3 15:15 15:21 15:24 16:2 17:3 17:6 17:12 18:11 18:16 18:19 20:1 20:6 20:9 20:15 20:19 20:25 21:4 21:7 21:14 23:18 23:21 25:25 29:16 32:20 37:25 38:15 38:17 38:20 38:23 39:3 39:6 39:10 51:14 51:17 53:7 53:10 53:12 mall 15:22 15:25 16:5 man 30:14</p>	<p>managers 34:4 manufacture 11:10 12:1 manufactured 10:16 12:10 manufacturer 10:21 17:9 27:21 manufacturers 11:3 manufacturer' s 12:4 March 6:2 29:6 Maryland 6:7 6:10 Massie 46:24 49:18 49:18 50:18 51:2 51:16 51:19 52:6 52:12 55:4 maximum 13:6 13:8 may 10:7 17:4 19:7 24:7 34:16 42:15 51:25 maybe 22:13 32:17 45:11 53:13 54:17 55:4 55:8 56:9 mean 15:19 20:16 20:19 22:8 28:3 37:19</p>
--	--	---	--

44:7	47:8	move 4:13	nice 3:22
49:21 50:16	Mike 5:3	25:1	4:17 33:1
50:18	minimum 9:18	moved 56:11	33:7
53:2 54:4	minor 18:3	56:13	39:24 41:2
means 20:22	minute 23:5	moving	night 45:6
mechanical	32:3	32:20 43:23	47:18
15:5	minutes	multiple	nine 26:13
mechanism	3:13 6:18	17:20	Ninety 43:4
35:21	6:19 6:20	municipalitie	nondestructiv
Medo 15:15	6:22 7:2	s 28:20	e 30:19
meet 3:22	7:4 7:9	50:22	noon 47:2
55:19	miss 30:25	municipality	normal 25:20
meeting 3:3	mixed 46:14	28:17 55:14	nother 45:22
3:9 3:13	modification	murder 36:21	Nothing 19:2
4:6 4:9	16:14 16:19		notice 13:14
4:13 4:15	16:20 16:25	N	nut 18:22
4:16 6:9	17:19	NAARSO	19:1 19:2
6:13 6:18	modifications	31:15 31:22	19:4
6:20 6:22	25:17 29:25	narrow 8:24	
7:4 7:16	29:25	53:20	O
8:8 9:13	modified 10:3	national 42:8	object 25:2
39:12	modify 33:5	43:13	occasion
43:9	moms 49:23	44:6	11:20
56:15 56:19	Monday 45:7	44:11 44:14	occur 32:7
56:22	monitor 25:19	44:20	39:8
meetings 5:13	month 48:11	45:2	occurred 10:2
7:19	51:15	46:25 47:3	16:21
members 7:6	months 24:19	nationwide	occurrence
56:16	mostly 4:4	54:23	36:10
mentioned	23:6	NDT 31:4 31:9	Ocean 6:10
28:9	23:15	31:14 33:13	o'clock 47:2
mess 54:19	39:1 40:20	36:9	office 4:10
messes 5:10	mother 19:11	NDT's 30:24	6:3 6:5
microphone	motion 6:19	neat 48:13	33:18
8:4	6:21 6:24	necessarily	offices 5:6
midstate 42:7	19:16 56:10	23:10	official
midstream		netting 10:24	

42:16	14:10 21:20	21:9	perfect 19:6
okay 12:22	36:15 41:18	33:15 33:17	perfectly
15:24 19:20	46:20	41:25 42:1	30:23
21:2 28:2	opportunities	park 15:11	period 9:20
28:10 34:14	46:22	17:17 17:22	14:3 18:5
37:2	opportunity	28:16 28:18	29:3
39:11 45:25	4:5 30:3	parks 20:21	permit
55:19	32:14	participated	35:22 47:15
old 7:10 12:8	33:4	5:15	permits 14:10
13:18 32:12	53:20 54:17	past 9:2 12:6	14:14 14:14
older 30:7	opposed 7:7	30:20 39:16	36:3
ones 50:9	27:3 56:17	39:18 43:10	permitted
one's 26:25	order 4:15	patron 13:6	29:6
online	9:7 25:13	13:10 13:10	person 4:17
34:10 34:12	orders 41:23	15:4	5:5 5:15
open 16:23	ordinance	pay 23:16	13:9
21:24 40:14	50:9	23:16 42:4	15:18 22:24
opens 34:17	organization	paying 51:6	31:4 34:1
operate 9:6	31:19 31:19	people 17:1	52:24 53:23
25:24 38:12	outlaw 28:5	30:22 33:21	personal
operating	outlawed	33:25 36:11	48:17
14:19 35:22	25:23 28:10	37:1	pertain 10:10
36:2	oversight	37:16 37:17	pertains
47:18 53:2	25:9	39:19 41:11	10:13
operation	owner 4:24	41:12 41:12	ph 15:15
11:11 16:18	12:20 48:4	41:14 41:19	Phew 31:12
30:1 51:11	ownership	43:4 44:2	phone 15:23
operational	11:7 11:11	44:23 45:23	phonetic 3:21
21:19 29:24	<hr/>	46:5	4:3
operations	<hr/>	47:10 49:13	physically
56:1	P	49:22	51:4
operator	p.m 3:6 56:23	50:5 51:3	pick 16:10
9:2 15:4	pad 25:6 25:7	54:22 54:23	picture 55:5
16:5	27:14	55:10	piece 11:16
41:10 47:14	padding 27:13	per 13:9	plainly 23:25
47:15	pads 27:13	percent 29:14	plane 52:2
operators	pain 46:18	30:22	
	paperwork	43:4 45:5	
		53:13	

planning 33:2	pounds 22:22 23:8	problems 41:18 41:24	questionable 37:13
plans 33:10	PowerPoint 7:11 7:12 7:13	process 32:16 35:1 43:24 47:16	questions 13:25 15:13 40:3 40:15 40:16 41:22
platform 10:25 10:25 24:24	practice 11:7 42:13 48:17	processes 42:15	quick 3:9 4:12 15:2 20:25 44:24 47:16
playground 8:22	presentation 7:22 9:13 10:6 21:10 40:13	produced 25:4	quite 7:17 27:6 32:13 41:10
please 3:11 4:4 13:14 13:25 16:24	pretty 3:25 12:22 14:6 21:18 23:1 26:8 28:3 28:23 30:5 48:13	program 14:17	<hr/> R <hr/>
pleasure 41:3	Prior 6:2	project 34:18	radar 28:1
plug-in 11:5	proactive 35:10	proposal 39:12	raised 45:22 53:16
point 20:6 32:6 35:17 35:20 44:22 52:22	probably 4:2 11:24 14:17 15:21 16:10 17:19 24:19 34:4 36:18 37:23 44:5 45:7 53:3	proposed 42:17	ran 17:14 43:12 52:12 52:23
police 36:17 41:15 42:2 42:11 46:9 46:12 46:15 48:9 55:14	problem 25:8 37:9 37:15 45:10 50:11 53:7 54:13 55:1	protection 41:24	range 14:21
poor 17:25 31:9	problematic 34:5	provided 12:9	rate 25:20 25:21 30:2
pop-ups 32:3		prudent 36:18	rather 53:15 55:15
portion 13:21 26:14		PTA 37:5 37:16	ratio 13:6 21:20
possibility 32:8		public 3:10 9:14 14:2 40:14	real 4:12 15:2 20:25 27:17 34:6 36:4 38:10 55:23
Possible 34:20		pull 36:3	reality 17:2
posted 13:14 15:14 31:2 31:20		pump 31:7	really 5:1 15:20 36:25 38:10
postings 13:13		push 23:2 38:18	
		putting 54:15	
		<hr/> Q <hr/>	
		quadruplegia 27:22	
		quantify 30:21	
		question 41:10	

recall 43:7 43:13	21:17	research 27:5	22:18 22:21
recently 10:8	report 15:18	respond 28:21	23:15 23:23
recommend 46:17	20:2 20:10	responded 7:6 56:16	25:4 25:8 25:10 25:11 25:15 25:16
records 11:15	22:2 29:11 29:22	responses 7:8 28:17 28:20	25:17 25:21 26:18 26:20
red 26:15 28:12	30:3 31:10	29:22 56:18	27:20 27:23 28:5
Redshaw 4:23 4:23	reportable 17:24 19:23	responsibilit ies 35:14	33:12 33:14 36:8
4:25 56:13	29:21 30:16	responsibilit y 13:10	38:11 38:11 47:18 49:24
reduce 33:16	reported 14:23 14:25	15:4	rides 9:6
refused 28:21	19:21 19:24	responsible 29:14	12:8 15:9 15:11
register 23:19 23:22	26:8 26:15 28:14	rest 30:24	20:5 21:6 22:8 23:6
45:16 48:5	28:24 28:25	restaurants 54:24	23:19 23:22 25:23 27:21
registering 22:8	29:1 29:12 29:16	resulted 27:22	31:15 33:5 33:9
regs 42:13	29:18	resulting 27:4	38:1 38:2 40:18 52:16
regular 19:23	reporting 17:13 18:4	results 14:4 46:15	rights 10:11
regulated 6:7	reports 14:22 21:10 26:12	retrained 9:4	road 38:9
regulations 13:4 20:24	represent 4:20	review 7:15 13:24	Robert 22:1
rein 33:24 37:17	representing 6:5	reviewing 8:17	room 4:2 30:22 33:25
reinspected 40:25	required 43:19	riding 3:2 4:16	35:19 36:11 37:1 47:13 53:5
related 11:10	requirement 10:24 11:12	9:2 11:2	ropes 34:25
relationship 54:9	11:22 31:1	11:16 11:18	roster 46:2
relatively 24:8	33:11 33:14	12:10 15:19 18:7 18:8	rotates 26:21
rely 53:20	requirements 8:16	18:11 18:13 19:5	rotating 25:1 26:19
removed 12:11	10:17 30:23	19:13 19:16 22:3	round 18:14
repetitive	31:3 36:6		routine 35:7

row 3:19	25:16	secretary	19:3
rule 9:4	Salerno 42:22	36:16	sheared 18:25
13:13 36:12	43:4 43:7	section 28:23	shearing 19:7
rules 8:6	45:11	sector 20:20	sheriff 54:3
8:17 9:17	47:4	Security	shoes 40:8
10:10	47:12 54:21	42:25 52:13	40:9
13:1 13:9	Saturday 45:6	Security's	short 11:6
30:19 30:20	47:17 47:18	52:23	shortage
31:2 31:8	saw 26:6 26:9	seeing 41:3	54:23
34:21 34:24	scenario 13:3	53:9	shortcut
35:1 35:3	55:23	seem 45:24	47:25
35:4 35:9	scenarios	seems 39:16	short-
36:14	35:21	seen 11:3	handed 32:6
37:3	schedule 32:1	sense 19:8	Shortly 9:16
42:12 53:21	34:16	sent 14:23	showed 28:12
run 7:14	Schoendienst	28:19	showing 45:23
11:20 14:14	21:5 21:5	separate	48:23
15:1 17:1	40:17 40:18	22:14 43:20	shrinking
25:17	43:6 44:9	separated	55:2
37:8	45:1	20:11	shrunk 55:3
37:21	52:14 52:15	September	siblings 37:7
39:2	55:22	6:18 39:14	significant
39:15 43:13	school 37:5	serious 38:8	10:1 12:4
45:1 48:9	37:8	seriously	26:14
48:10 52:18	SCHRIVER	19:10	significantly
running 19:14	12:19 12:21	services 45:2	10:3
34:11	22:20	setting	sign-off
36:8	23:2 23:9	8:25 33:22	10:21
37:17 51:11	23:13 23:17	seven 5:1	similar
runs 17:22	24:3	43:14	17:8 17:14
26:12	24:15 30:11	several 5:6	simplified
Rushville	44:13	severe 16:11	33:6 33:6
4:24	scrapes 19:19	severely 9:15	33:7
<hr/>	season 34:13	sexual 36:20	simplifying
S	second 6:23	shaft 18:23	43:24
<hr/>	6:25 9:10		
safe 18:8	15:10 53:22		
20:5 23:1	56:12		
44:10			
safety 3:2			
4:16 6:9			

sir 41:8	11:19 51:12	46:4	45:15
sit 8:4 51:7	sounds	stand 3:11	statutes 5:24
sits 18:14	27:23 44:17	standard 11:7	stay 25:3
situation	southern	11:23 11:25	stellar
17:8	4:8 40:20	12:22 12:24	3:25 21:22
17:14 29:24	42:7	31:4 44:7	stepped 4:2
45:14 53:2	speak 21:1	49:11	steps 33:11
six 5:1	31:13 40:4	standards	stick 4:5
5:19 54:18	speaking 44:5	9:18 9:22	stop 25:13
Sizzler 38:14	specific	9:22 10:2	38:18 38:20
skipped 11:8	13:20	10:8 49:11	stores 54:25
slide 17:7	27:1 27:20	standpoint	Striving
slides 8:19	specifically	54:2	32:18
8:24	13:2	start 4:14	structural
slow 25:18	35:14 35:25	7:11 34:7	5:5
26:19	speed 25:10	started 3:8	structure 8:7
small 22:9	25:18	4:1 4:1	stuff 32:11
22:23 24:4	spelled 35:25	5:12 8:12	32:12 36:24
smooth 34:6	spending 8:13	19:13 19:16	submission
soccer	spent 6:4	43:18 47:20	30:24
49:23 49:23	24:19	47:21 48:20	submit 33:5
Sole 4:3	Spinner 18:12	52:16	submits 31:9
solution	18:19 18:20	starting	submitted
45:14 45:15	spins 18:14	55:19	36:8
somebody 20:3	18:23	state 3:12	subtract 33:5
31:9 32:8	spoke 43:7	5:24 8:12	sued 15:21
36:2	spot 27:13	17:13	summary 15:2
37:22 38:20	spring 47:5	18:2	supply 11:4
45:3 45:5	47:9	25:24 26:10	support 32:15
47:1 47:7	spun 19:17	28:6	supposed 31:5
49:24 56:3	square 8:9	36:17 42:11	31:6
Somebody's	8:14 13:9	45:18 47:15	sure 4:14
47:16	squared 24:20	48:9 55:12	4:23 5:1
someone 42:5	stack 54:14	stated 26:5	7:12 7:13
somewhere	staff 3:18	statement	10:20 11:18
5:19 5:20		18:9 28:4	
		states 5:6	
		41:6	
		43:15 43:18	

17:2 32:9	34:9	today 5:25	20:21 22:10
43:25	thank 21:7	Tom 4:14 4:15	22:14 22:19
50:1	28:10 39:10	7:10	22:20 22:25
50:21 52:24	40:7	40:10 40:12	24:11 24:16
Sutton 5:3	40:11 40:12	42:9 55:4	25:6 25:7
5:3 6:21	40:13	56:8	26:11 26:18
26:17 27:10	41:6 41:7	Tom's 40:15	26:24 27:10
27:17 27:23	56:20 56:20	total 14:25	27:11 27:12
28:2 28:9	Thanks 4:15	19:25	27:14 28:16
sweeps 27:7	39:25	towards 11:10	30:8 34:23
swings	Thanksgiving	23:7 34:9	trampolines
24:23	34:16	37:4 47:8	20:13 23:5
25:6 27:2	themselves	town 41:12	travel
Szeletich 4:9	3:16 17:13	towns 50:25	39:22 40:20
41:9	Therein 45:8	51:10 51:24	trend 14:5
<hr/>	there's	55:6	tries 27:6
T	6:12 6:14	track 5:8	truly 29:20
table 15:5	7:16 22:8	21:21	37:16
15:6	30:24	trackless	try 20:1
15:10 22:6	32:2	16:4	31:24 37:17
tabulize	33:11 33:15	traditional	trying 24:9
14:22	34:21 35:15	24:14	33:16 44:23
taking 53:16	36:3	train 15:16	48:22 51:17
talk 7:21	39:20 41:18	15:25	tub 18:7
18:6 37:2	42:6 42:7	16:2 16:4	18:13 18:14
40:2 55:23	42:8	16:6 38:5	18:14 18:22
talked 9:16	43:16	training	18:22
49:2	46:3 54:8	9:2 9:5	19:2
talking	55:24	training-type	19:12 19:17
7:24	they're 45:11	13:3	19:17
18:17 42:11	49:25 52:6	trampoline	Tubs 18:16
42:18 48:19	think's 45:15	9:10 9:11	18:18
48:22 51:10	thousand 36:9	12:3	turn 19:16
terrible 14:7	three-year	12:16 12:17	turned 19:17
testify 20:15	9:23	13:1 15:7	type 22:3
testimony	THURSDAY 3:5	15:11 19:21	22:18 27:20
47:8	tied 48:14	19:24 20:5	44:12
testing 30:20	timely 55:18		typically

39:13 39:21	unintelligibl	version 10:4	34:7
<hr/>	e 16:8 18:1	versus 39:2	34:12 34:14
U	21:15	videographer	45:8
U.S 17:20	22:5 26:1	3:11	wasn't 11:8
52:10	30:12	view 8:2	16:2 17:9
ultimately	unless	violate 36:6	19:13
45:13	22:22 52:9	virtually	watching
umbrella	update	5:14	53:22
18:13	13:15 30:19	visa 52:25	water 17:6
underage	32:15 42:12	55:12	ways 34:22
36:15	updated 9:4	volume 18:4	web-based
understand	9:25 10:8	volunteer	32:23
39:3 42:22	updates 8:5	37:17	WebEx 7:19
unfortunately	8:6 9:21	38:1	39:15 39:21
48:13 52:3	up-to-date	38:12 38:14	website 13:15
UNIDENTIFIED	12:12 30:18	volunteers	13:17 13:18
7:21 7:23	31:21	37:4 37:7	13:21 31:2
7:25 8:3	upward 14:5	37:12	wedge-
15:15 15:21	useable 28:19	38:4 39:2	shaped
15:24	useful	vote 7:2 7:3	27:12
16:2 17:3	55:17 55:21	<hr/>	we'll 3:15
17:6	usually 16:25	W	4:13 9:11
17:12 18:11	<hr/>	wages 5:24	32:19
18:16 18:19	V	wait 14:1	34:8 38:4
20:1 20:6	vagueness	34:18 56:1	39:9
20:9	35:15	waiting 27:24	39:25 47:1
20:15 20:19	validating	27:24 35:10	we're 28:12
20:25	55:5	56:3	34:8
21:4 21:7	vandalism	walk 47:17	37:14 39:11
21:14 23:18	18:10	walked 16:6	we've 3:11
23:21 25:25	verbiage	16:7	5:13 9:23
29:16 32:20	22:19	walking 15:16	10:8 11:3
37:25 38:15	verifications	walks 45:6	12:1
38:17 38:20	36:16	Walsh 22:1	17:20
38:23	verify 55:13	22:1	22:6
39:3 39:6	versed 43:9	22:13 22:18	32:13 32:14
39:10 51:14			39:16 39:18
51:17			42:18 46:14
53:7			
53:10 53:12			

whatever 54:12	45:23	zero 26:15	
whatnot 41:3 43:9	workforce 44:19 55:2	Zipper 32:9	
WHEREUPON 56:22	working 32:13 37:14 50:2		
whether 15:4 25:22	works 50:14 53:4		
whip 11:4 11:6	world 6:11 55:23		
whole 43:8 45:22	worry 20:21		
whose 9:14	worst 27:19 55:23		
wide 38:25	Wow 32:11		
wife 49:23	write 35:5 35:5		
Wipeout 24:22	written 35:19 41:21		
wondered 40:24	wrong 19:2 27:15		
work 13:19 29:10 30:17 39:16 41:2 41:13 43:14 43:17 44:1 44:21 45:19 45:19 46:11 49:14 49:15 51:18 54:3 54:3 54:18	<hr/> <p style="text-align: center;">Y</p> <hr/>		
worker 44:24 44:25 52:5 54:17 55:12	year's 33:3		
workers 6:5 38:3 45:12 45:16	yelled 40:5		
	yet 42:16		
	you'll 3:14 20:4 32:24 46:21		
	younger 37:7		
	yourself 4:7 4:12 32:24		
	you've 38:2 40:8 40:9 45:10 45:18 50:13		
	<hr/> <p style="text-align: center;">Z</p> <hr/>		