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STATE OF ILLINOIS
DEPARTMENT OF LABOR
CARNIVAL AND AMUSEMENT RIDE INSPECTION DIVISION

BOARD MEETING

Board Meeting held on May 18, 2010 at the
Illinois Department of Labor, One West Old State Capitol
Plaza, Room 810, Springfield, Illinois, scheduled for the
hour of 11:00 A.M.

PRESENT:

MS. CATHERINE M. SHANNON,
Director

Mr. Daniel M. Driskill
Mr. Daniel S. Kirschner
Mr. Bill Sparks
Ms. Patty Sullivan
Mr. James Wright, Jr.
Board Members

1 APPEARANCES:

2 MR. MICHAEL HAGGERTY
Chief Legal Counsel
3 Illinois Department of Labor
Michael A. Bilandic Building
4 160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

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Appeared on behalf of the Department of Labor.

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ALSO PRESENT:

11

Mr. Doug Rathbun, Manager
12 Ms. Sara Scherer, Legislative Liaison
Mr. Bert Rodriguez, Assistant Director
13 Ms. Marcia Joiner, Administrative Assistant
Ms. Margaret Vaughn

14

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1 (Hearing started
2 at 11:00 A.M.)

3 DIRECTOR SHANNON: All right. Well, this is the May
4 18th meeting of the Carnival-Amusement Safety Board.

5 And the first order of business is to call to order
6 the board meeting and then the introduction of board
7 members and staff. So I will just call off the board
8 members' names that are present and if you would just say
9 here or aye or whatever, present.

10 We will start off with James Wright.

11 MR. WRIGHT: Present.

12 DIRECTOR SHANNON: Dan Kirschner.

13 MR. KIRSCHNER: Here.

14 DIRECTOR SHANNON: Catherine Shannon.

15 Here.

16 DIRECTOR SHANNON: Dan Driskill.

17 MR. DRISKILL: Here.

18 DIRECTOR SHANNON: Patty Sullivan.

19 MS. SULLIVAN: Here.

20 DIRECTOR SHANNON: Bill Sparks.

21 MR. SPARKS: Here.

22 DIRECTOR SHANNON: Okay. So there are six board
23 members present.

24 I would like to start off by introducing -- well,

1 I'm -- for Dan's benefit -- I think that you heard
2 everybody's name, but for your benefit, I will go over
3 them again.

4 MR. KIRSCHNER: (Nods affirmatively.)

5 DIRECTOR SHANNON: We have James Wright who is here.
6 Dan Kirschner is our newest board member. He was
7 appointed to a temporary appointment by the Governor's
8 office. I think it was effective -- he probably can tell
9 you before I can, but --

10 When was it effective, Marcia?

11 MR. KIRSCHNER: February 22nd.

12 DIRECTOR SHANNON: February 22nd, 2010.

13 MS. JOINER: Okay.

14 DIRECTOR SHANNON: And he is a public member
15 replacing Rick Boyd whose term had expired and who for --
16 because he had other commitments that he had to honor
17 decided not -- not to seek reappointment to the board.

18 Dan Driskill is an operator representative.

19 Patty Sullivan -- you are actually a public member I
20 believe technically, but a manufacturer representing
21 manufacturers.

22 MS. SULLIVAN: Yes.

23 DIRECTOR SHANNON: We have Bill Sparks who is a
24 public member but is also an operator. And James Wright

1 is a public member. So you know, Dan, just for your
2 benefit -- you probably have already seen this, but there
3 are eight -- by statute, there are eight carnival board
4 members. Right now we have some people with expired
5 terms. You have heard that. And we're working with the
6 Governor's office to get full appointments made. And what
7 right now we are missing is a PE, a professional engineer.

8 MR. KIRSCHNER: Uh-huh.

9 DIRECTOR SHANNON: But the statute calls for one
10 operator, one insurance representative and that is Anthony
11 Urbik who couldn't make it today, but is usually at the
12 board meetings. And then one public member. But
13 everybody else is public as well.

14 So with that I would like to start off by introducing
15 our staff. We have Michael Haggerty who is our chief
16 legal counsel. We have Doug Rathbun, who is the manager
17 of the Carnival-Safety Division. We have Marcia Joiner,
18 who wears many hats. Technically she is an administrative
19 assistant, but she also organizes everything and does a
20 lot of the inputting of the rides and scheduling of the
21 appointments and for awhile was the manager in the absence
22 of a manager of the Carnival-Amusement Safety Division.

23 We have Sara Scherer, who is our legislative liaison.
24 And Bert Rodriguez, who is our Assistant Director.

1 have said that, but we wanted to go in that order because
2 Michael Haggerty is going to be doing a presentation on
3 the Robert's Rules Of Order and it has some bearing on the
4 approval of our minutes. So I wanted to have him make
5 that presentation first.

6 MR. HAGGERTY: So in the packets that you received
7 hot off the presses -- Director Shannon had asked me to
8 put together a guide for the CARSA Board as to the issue
9 of conducting business. And certainly you will want to
10 enjoy this at home if you have a chance to read it. But
11 there are some things that I wanted to touch upon this
12 morning. And so the three things that I want to talk
13 about today are the act, itself, the Robert's Rules Of
14 Order and then the Open Meetings Act.

15 So, first of all, the CARSA board of which you are a
16 members is established by the Carnival And Amusement Rides
17 Safety Act. So it's established by statute. And that
18 statute speaks to, among other things, the composition of
19 the board and it speaks to the term of the board members
20 and also the frequency of the meetings. But unlike many
21 private boards or other public boards, this board has no
22 rules of its own as it relates to the conduct at meetings.

23 You know you are certainly aware that there are
24 administrative rules that apply to the Carnival Amusement

1 Ride Safety Act that relates to for example material
2 testing standards, but there are no rules per se that
3 govern the conduct at board meetings. In the absence of
4 any rules, this board over time has developed a custom and
5 practice of utilizing the Robert's Rules Of Order to
6 conduct its business. So the Robert's Rules Of Order as a
7 result of custom and practice govern your work with the
8 following caveat. This is not a private board. It
9 obviously is a public board. And, as a public body, the
10 work -- this board and its work are subject to the Open
11 Meetings Act.

12 And so what I want to touch upon this morning is how
13 those three -- how this board then conducts its business
14 within the framework of those three things -- the CARSA
15 statute, the Robert's Rules and the Open Meetings Act.

16 So first of all, as to the composition of the board,
17 Section 2-3 of the statute establishes the board. And it
18 provides that it shall consist of eight members. One of
19 whom is the Director of Labor. The other seven members of
20 the board are appointed by the governor. With the advice
21 and consent of the Senate. And the -- the statute
22 provides that of the seven appointed members one shall be
23 an operator of amusement rides and one shall be a
24 registered professional engineer and one shall represent

1 the insurance industry and one shall represent -- at least
2 one shall represent the general public.

3 Now the statute also says that the board shall meet
4 at least twice annually. Twice yearly. And at the call
5 of the chairman or by written request of at least five
6 members. So that's how you come to gather.

7 Now a quorum. First of all what is a quorum? A
8 quorum is the number of the voting members that must be
9 present in order for the board to conduct its business.
10 When no quorum is present the board can do few things.
11 And among the things it can do is to set the time and
12 place of the next meeting. But absent a quorum the board
13 cannot lawfully conduct, transact its business.

14 Now most organizations define a quorum in their
15 by-laws. This board again does not have by-laws.
16 Curiously it's a statute itself that states what a quorum
17 is.

18 In Section 2-4, the Carnival Act states that --
19 explicitly provides that a majority of the eight members
20 of the board constitutes a quorum. So a majority of the
21 eight members of the board is five. So that's why Marcia
22 works so hard to ensure -- to know who is coming, who
23 can't come, et cetera because without five members present
24 at a meeting this board could only essentially set the

1 time and date of the next meeting.

2 Now when we have had instances where one of you may
3 ask you know so and so is going to be out of state or some
4 other location and can they participate electronically in
5 the board meeting. So via telephone or via
6 teleconferencing. Which particularly in this day and age
7 is more common -- there is more availability now.

8 The answer to that is no. As to that board, the
9 answer is no. And why is that? Because, as a public
10 body, we are subject to the Open Meetings Act. And
11 specifically the Open Meetings Act provides that for a
12 public body to permit a member to attend a meeting
13 electronically two things must exist. The public body
14 must have adopted appropriate rules permitting electronic
15 attendance. Which we don't have. And even if we
16 eventually promulgate rules that allow for that one thing
17 be mindful that in addition to a rule that allows for
18 electric attendance, a quorum of the public body must be
19 physically present at the actual location of the public --
20 of the meeting where the meeting is to be conducted.

21 So assume then that we were to eventually then
22 promulgate rules for the conduct of meetings. It would
23 be -- the electronic attendance would be to allow a board
24 member to attend a meeting, but they could -- they could

1 not -- that electronic attendance could not serve to
2 create the quorum. The quorum would have to have -- would
3 have to exist independent from the electronic member.

4 If you want to follow along, we are on Page 2 of the
5 handout.

6 So that's what it takes to conduct business is five
7 members.

8 Now for purposes, though, of the Open Meetings Act, a
9 meeting under the Open Meetings Act, a majority of a
10 quorum of a public body is -- may not meet to discuss
11 public business without complying with the Open Meetings
12 Act.

13 So we know that the quorum is five. What's a
14 majority of a quorum? Well, a quorum is five. So we have
15 to be -- we know that we have to have five members here to
16 conduct business. We also have to be mindful that
17 whenever three or more of you are gathered -- wherever
18 three or more of you are gathered, whether it's in a
19 social setting on the street or in -- in a setting like
20 this -- we have to be mindful of the requirements of the
21 Open Meetings Act.

22 So under the Open -- for purposes of the Open
23 Meetings Act, a "meeting" occurs -- a meeting occurs for
24 purposes of the Open Meetings Act whenever three things

1 exist. And this is on Page 2.

2 There is a gathering consisting of a majority of the
3 quorum. And the gathering is for the purpose of
4 discussing public business. So if those three elements
5 exist, then the Open Meetings Act requirements kick in.

6 So let me give you just a couple of examples. So if
7 for example two CARSA board members were to meet for
8 lunch. And in this -- and in the course of that lunch,
9 they discuss an issue related to -- let's say it's related
10 to carnival safety. Would that constitute a meeting
11 within the definition of the Open Meetings Act? No. And
12 why no?

13 MS. SULLIVAN: Because it doesn't constitute a
14 majority of the quorum.

15 MR. HAGGERTY: Correct.

16 So three -- a third member of the board arrives. So
17 now we have three members of the board present, but the
18 discussion centers on jobs and family and vacation. Is
19 that a meeting within the meaning of the Open Meetings
20 Act? No. Because no public business is being discussed
21 among those three board members.

22 Again, it takes all three elements. It takes a
23 gathering of the majority of a quorum and the discussion
24 of public business. So obviously if -- if public business

1 is discussed among three or more of you, it constitutes a
2 meeting for purposes of the Open Meetings Act.

3 Now what -- what does the Open Meetings Act mean by
4 the discussion of public business. If you will look on --
5 at Page 2 of the handout, there is a little note here.
6 According to the Attorney General's Public Action
7 Counselor, the phrase discussing public business refers to
8 an exchange of views and ideas among public body members
9 on any item germane to the affairs of their public body.
10 However, it is not directed at casual remarks, but at
11 discussions that are deliberative in nature. So that is a
12 general guide to you then on the topic.

13 DIRECTOR SHANNON: Would a gathering include e-mails?

14 MR. HAGGERTY: Yes.

15 So a gathering of the -- a gathering for purposes of
16 the Open Meetings Act would include for example if
17 Catherine -- if the director sent an e-mail out to --
18 let's say to all of you and -- and invited replies from
19 you. And -- and at least two of you replied to Catherine,
20 you know contemporaneously. Let's say Catherine said
21 something -- something like I'm wondering about the issue
22 of monster trucks.

23 Do you think that -- it would be one thing if
24 Catherine sent out an e-mail saying I want to alert you

1 that at the next meeting I want to address the issue of
2 whether or not roll bars are necessary on monster truck
3 rides, be thinking about that. That's not a meeting, a
4 meeting within the meaning of the Open Meetings Act.

5 DIRECTOR SHANNON: Or sending out the agenda.

6 MR. HAGGERTY: Correct.

7 DIRECTOR SHANNON: Which I did.

8 MR. HAGGERTY: Correct.

9 But when boards do that what they are usually very
10 careful of is in big letters they say please do not reply
11 to this e-mail. And if somebody replies back and says is
12 that in Springfield or Chicago, you know that obviously is
13 not a meeting within the meaning of the Open Meetings Act.

14 But if two of you were to -- were to respond back
15 to -- to the director saying I thinking so and so on the
16 roll bars. So a meeting within the OMA has just occurred
17 because there cannot be contemporaneous discussion
18 regarding substantive matters by three or more of you
19 without complying with the Open Meetings Act.

20 MS. JOINER: Mike?

21 MR. HAGGERTY: Yeah.

22 MS. JOINER: Does that include if there is
23 legislation that you want to -- that you want the board
24 members to look at?

1 MR. HAGGERTY: Well, no. If you send legislation out
2 to the board members and say in preparation for the
3 upcoming meeting, we would like for you to review it and
4 be prepared to discuss it, no. But if you send
5 legislation out to the board members and say I would like
6 you to review it and get back to me giving me your
7 thoughts? No.

8 MS. JOINER: That's happened in the past.

9 MR. HAGGERTY: Well --

10 MS. JOINER: I just wanted you to know.

11 MR. HAGGERTY: That's why today is our day.

12 MS. SULLIVAN: This is moving forward.

13 MS. JOINER: Not with any of these guys.

14 MR. HAGGERTY: Well, this is a new day that's dawned.

15 So that's what we wanted to -- that's what you -- as
16 board members, you don't want to find yourselves in a
17 situation where there is -- where there is an allegation
18 by -- by anyone that, you know, three of them gathered and
19 they were actually discussing -- you know they were
20 discussing and deliberating matters germane to the work of
21 the board.

22 So just be mindful of that. We need five of you here
23 to conduct business. Whenever three or more of you
24 gather, be mindful of the Open Meetings Act. And, of

1 course, a comment like oh, gosh wasn't the last meeting
2 where we dealt with such and such -- wasn't that a
3 horrible experience. Casual remarks such as that -- that
4 obviously does not bring you within the Open Meetings Act.

5 MS. JOINER: I want to be clear on this.

6 MR. HAGGERTY: Sure.

7 MS. JOINER: So if there is any type of legislation
8 introduced and we do not have a board meeting scheduled,
9 we cannot send something out to the board members saying,
10 hey, take a look at this, this might be something that the
11 board might want to take a look at?

12 MR. HAGGERTY: That's okay.

13 MS. SULLIVAN: It's the discussion of that.

14 MS. JOINER: Wait a minute.

15 And ask for their comments.

16 MR. HAGGERTY: We shouldn't be inviting -- soliciting
17 their comments on a substantive matter.

18 DIRECTOR SHANNON: We should set a meeting.

19 MS. SULLIVAN: But you could ask for agenda items?

20 MR. HAGGERTY: Sure.

21 MS. SULLIVAN: You know if you would like to review
22 and you know send us the things that you want to discuss.

23

24

1 (At which time, Ms. Margaret
2 Vaughn entered the board
3 meeting.)

4 MR. HAGGERTY: Margaret, I'm being allowed to play at
5 the blackboard here. We were just talking about a little
6 tutorial on --

7 MS. VAUGHN: I have the agenda.

8 MR. HAGGERTY: Oh.

9 So we need -- as I said, we need five members of --
10 five of you to gather to constitute a quorum. And
11 whenever three or more of you gather, be mindful of the
12 Open Meetings Act.

13 MS. VAUGHN: Right.

14 MR. HAGGERTY: As I said earlier, our board does not
15 have any by-laws. And -- and the statute, itself does not
16 speak to voting. So then we look to see what applies to
17 us to see what, if anything, that they say about what the
18 voting requirements are under the Open Meetings Act and
19 then the Robert's Rules.

20 Now curiously -- and now we are about halfway through
21 this. We are at the top of Page 3. But curiously the
22 Open Meetings Act or the OMA does have special rules as it
23 relates to five member public bodies. And you are
24 thinking, well, we are an eight member body. But there is

1 a connection.

2 So as to a five member public body, the Open Meetings
3 Act actually states that three members constitute a
4 quorum. For purposes of five member public bodies the
5 affirmative vote of three members is necessary to adopt
6 any motion.

7 Well, what about boards of other sizes? You know
8 public boards that aren't five. What about them? What
9 does the Open Meetings Act say about minimum voting
10 requirements for the passage of a motion. It's silent.

11 And you know -- and not only did we -- not only did
12 we -- did we first research that, but we also confirmed
13 that with the Public Access Counselor of the Attorney
14 General's office. There is nothing in the Open Meetings
15 Act that speaks to minimum voting requirements by you in
16 order to pass or adopt a motion.

17 So what then do we look at? Robert's Rules. Under
18 Robert's Rules then, the -- in order for -- under Robert's
19 Rules, a majority vote is normally required to adopt a
20 motion. And there are some special circumstances where
21 two-thirds votes are required. But, in general, it's a
22 majority vote.

23 What is a majority vote under Robert's Rules? A
24 majority vote defined in Robert's Rules -- and this --

1 this is at the bottom of 2. So to jump back because it's
2 defined as more than half of the votes cast by persons
3 legally entitled to vote excluding blanks or abstentions,
4 at a regular or properly called meeting at which a quorum
5 is present.

6 So, in other words, it's only a majority of those
7 actually voting. So in order for you folks to pass a
8 motion, those who don't want to vote, don't vote, they
9 abstain, but whoever is left voting -- in order for
10 something to pass, it requires a majority of those who
11 actually vote.

12 MS. VAUGHN: So if there is eight members on the
13 board, it will take five to meet as far as a quorum and it
14 takes three to pass -- three of the five?

15 MR. HAGGERTY: Not necessarily. And we will get to
16 that in a minute.

17 So I wanted to give you several examples of -- of
18 different voting scenarios. So -- if you would go to Page
19 3. So now I'm talking about voting. So, for example, if
20 five CARSA board members are present and all five of you
21 vote, well, under Robert's Rules a majority is more than
22 half. So under Robert's Rules, first of all it's two and
23 a half that is half of five. So in order -- if there are
24 five of you voting, it takes more than two and a half of

1 you. So it takes a minimum of three to carry a motion.

2 And what Robert's Rules say -- and there is both.

3 The -- the one that induces sleep as well as the shorter
4 version.

5 DIRECTOR SHANNON: And the need for glasses.

6 MR. HAGGERTY: But one thing I did want to point out
7 is that there is a -- oftentimes people will say it's half
8 plus one. And Robert's Rules is saying no, it's not half
9 plus one because if it were half plus one it -- it would
10 be two and a half plus one equals three and a half.

11 So they were pointing out that you want to remember
12 that the actual definition under Robert's Rules is more
13 than half. If five are voting, it takes three. If five
14 CARSA board members are present and one of you decides not
15 to -- let's say one of you decides not to vote. So you
16 abstain. What's it gonna' take to pass that motion?
17 Again, it takes three.

18 So assume -- let's say one person voted no. It would
19 still take -- the five person board members are present.
20 And four vote and one abstains. A minimum of three votes
21 is needed for a motion to carry because three is more than
22 half of four. Which is two.

23 And these examples are here in --

24 MS. VAUGHN: What if there is six people present?

1 Would it take four?

2 MS. SULLIVAN: Yeah.

3 MR. HAGGERTY: Well, if six CARSA board members -- it
4 would depend on how the -- give me your scenario again.

5 MS. VAUGHN: There are eight people on the board.
6 Seven positions are filled.

7 MR. HAGGERTY: How many people are at the meeting?

8 MS. VAUGHN: Seven people show up at the meeting.

9 MR. HAGGERTY: What's the vote?

10 MS. VAUGHN: You -- you would need --

11 MR. HAGGERTY: Give me the vote and I will tell you
12 whether or not it passes.

13 MS. VAUGHN: You want me to give you an example of
14 something to vote on?

15 MR. HAGGERTY: (Nods affirmatively.)

16 MS. VAUGHN: Okay. So say that --

17 MR. HAGGERTY: Just the vote.

18 DIRECTOR SHANNON: The numbers.

19 MS. VAUGHN: Oh. I see.

20 No, they are all voting. Say everyone votes on a
21 particular issue.

22 MR. HAGGERTY: What is the vote?

23 MS. VAUGHN: Say it was --

24 MR. HAGGERTY: Everybody is voting. Seven. So it

1 takes more than half. So it would take four out of seven
2 because you've got seven members voting. Half of seven is
3 three and a half. And you have to have at least four
4 votes.

5 MS. VAUGHN: So it basically is determined by how
6 many people are at the meeting?

7 MR. HAGGERTY: It's determined by how many people are
8 actually voting.

9 MS. VAUGHN: If someone abstains.

10 MR. HAGGERTY: So here -- yeah. So here is a curious
11 one. In one of the examples -- because it almost seems
12 counter intuitive you know? I just said earlier -- and
13 that's why I referred to it under the Open Meetings Act.
14 I said for boards of -- for five member boards, it takes
15 the affirmative vote of at least three to pass a measure.

16 Assume now you have six CARSA board members. So six
17 show up. But five -- five members vote -- and I will give
18 you this example. Let's say five CARSA board members come
19 to a meeting. Two of the members for whatever reason
20 decide to abstain. The vote is two to one. Does the
21 measure pass?

22 MS. JOINER: Yes.

23 MS. SULLIVAN: Yes.

24 MR. HAGGERTY: Yes. Under Robert's Rules. Because

1 three votes were cast. Half of three is one and a half.
2 So it takes two votes to pass a measure. So now when you
3 think that way it's counter -- it's -- when you say it's
4 an eight member public board and yet they can pass a vote
5 on a measure of -- on a vote of two, one, two that is a
6 special rule. So because there is nothing in the Open
7 Meetings Act that applies to this board's vote, minimum
8 votes, we follow Robert's Rules. So a vote of two, one,
9 two by this board were it to occur -- I don't know how
10 likely that is -- the measure would pass.

11 DIRECTOR SHANNON: And I would just like to bring
12 this back to the issue that occurred at the last meeting.
13 Which is part of the reason that we had Mike do this
14 presentation. We should have had it a long time ago. But
15 we had six members at the last board meeting. And we had
16 one incident where three members voted yes, one abstained
17 and one voted no. That would have passed because we only
18 had five members.

19 MS. SULLIVAN: Voting.

20 DIRECTOR SHANNON: Voting.

21 MR. HAGGERTY: And you know what? Actually, thank
22 you because I would -- I'm almost to the end and I'm about
23 to wrap up here. But I do want to address that point.
24 but thank you.

1 DIRECTOR SHANNON: Okay.

2 MR. HAGGERTY: So I'm moving our way down here.

3 DIRECTOR SHANNON: The chair --

4 MR. HAGGERTY: Yeah. We've only got about a page and
5 a half left.

6 But the next thing is what about the chair's
7 participation in the voting. Whoever he or she is, may he
8 or she vote. So according to Robert's Rules, if the chair
9 is a member of the assembly or voting body, he or she has
10 the same voting rights as any other member.

11 Robert's Rules goes on to say except in a small board
12 or committee the chair protects his or her impartial
13 position by refraining from debate on any issue unless he
14 or she gives up the chair and by exercising his or her
15 voting right only when the vote is either by secret
16 ballot, in which case the chair votes along with and at
17 the same time as other members or his or her vote would
18 affect the outcome, in which case the chair can either
19 vote and thereby change the result or abstain.

20 So that's the procedure that applies generally. But
21 the exception under Robert's Rules is except in a small
22 board or committee. Now what is a small board or
23 committee. According to Robert's Rules, in a meeting of a
24 board where there are "not more than about a dozen

1 members," the rules governing such meetings are different
2 from the rules that apply in other assemblies, in the
3 following respects.

4 So this board -- given that you are eight members --
5 we look then to the special rules that apply in the case
6 of smaller boards. So in the case of smaller boards,
7 members are not required to obtain the floor before making
8 motions. So you don't have to ask the chair for the
9 floor.

10 Motions need not be seconded according to Robert's
11 Rules. The custom and practice of this board has always
12 been to second motions. I would continue to follow your
13 practice. But under Robert's Rules, motions need not be
14 seconded in small boards, but I would adhere to your
15 historical practices would be my recommendation.

16 There is no limit to the number of times a member can
17 speak to a question, and motions to close or limit debate
18 generally should not be entertained.

19 Informal discussion of a subject is permitted while
20 no motion is pending.

21 When a proposal is perfectly clear to all present, a
22 vote can be taken without a motion having been introduced.

23 The chair need not rise while putting questions to
24 vote.

1 The chair can speak in discussion without rising or
2 leaving the chair, and subject to rule or custom within
3 the particular board, the chair usually can make motions
4 and usually votes on all questions.

5 So again the CARSA board consists of eight members
6 and under Robert's Rules then these procedures that apply
7 to small boards apply here. And so, in the absence of a
8 CARSA statute or in the absence of something in the
9 provisions of the Open Meetings Act, the chair may do the
10 following three things. May make motions, may participate
11 in discussion and may vote on all questions.

12 So at the last board meeting I had incorrectly
13 advised the Director that she could only vote in the case
14 where it would affect the outcome. That was incorrect
15 because that -- that -- that limitation under Robert's
16 Rules applies when you have larger boards or as Robert's
17 Rules says, a board of more than about a dozen members.

18 So that's why -- and I will be getting into this in a
19 minute, but that's why at the last board meeting yes, the
20 Director could have voted.

21 MS. SULLIVAN: And I will apologize to the Director
22 because -- well, under Nick, he made it very clear that
23 the chairman could not vote and the chairman could not
24 make a motion. So that's -- that was what we started

1 under. When I started, those were the rules we were
2 governed by.

3 DIRECTOR SHANNON: And there is no need for an
4 apology. Actually, it's been a good learning opportunity.

5 MR. HAGGERTY: We should be thanking you.

6 DIRECTOR SHANNON: And it's why we're having this
7 tutorial right now because we all need to know what the
8 rules and procedures are that we are going to follow.

9 MR. HAGGERTY: It has been very productive.

10 MS. SULLIVAN: Well, I'm glad because I was just
11 operating under what we had done before. So maybe some of
12 the new -- are some of the Robert's Rules new for smaller
13 groups then? I mean I don't know how often they come out.

14 MR. HAGGERTY: I don't --

15 MS. SULLIVAN: And I don't intend to read the whole
16 book. I have bedtime reading.

17 MR. SPARKS: Take it home with ya.

18 MR. HAGGERTY: And I'm not suggesting that you look
19 at those instead of listening to me.

20 But just so -- but just quickly then on the agenda
21 you know most meetings follow the traditional order of
22 business of the reading and the approval of minutes,
23 reports on unfinished business and new business. Instead
24 of following the standard order of business, however, a

1 group may adopt an agenda which sets out the order in
2 which specific items are to be considered. Frequently,
3 the chair presents a draft agenda, but to be binding it
4 must be adopted by a majority vote at or soon after the
5 start of the meeting.

6 And when you met this morning, Catherine asked for
7 your vote to approve the agenda and you did.

8 And then the last two points, but I will not go into
9 them now. You will see this also covers the issue of the
10 notice of meetings and the minutes of meetings, what's
11 required.

12 DIRECTOR SHANNON: One thing that I think is worth
13 mentioning with respect to the agenda, Mike, is that if
14 you -- is that you can discuss an item that's not on the
15 agenda, but you cannot vote on it; right?

16 MR. HAGGERTY: Right. Thank you.

17 What I should -- I do want to make that point.

18 DIRECTOR SHANNON: It's bolded on Page 4 at the
19 bottom.

20 MR. HAGGERTY: Yeah. Thank you.

21 We want to be mindful of the case of Rice versus
22 Board of Trustees of Adams County. What the Appellate
23 Court found is that items that are aren't on the agenda
24 can be discussed. You can come to the board meeting.

1 Whoever is the chair can say here is the agenda. Is there
2 any additions and somebody can say I would like to
3 introduce whatever. And if there is majority to -- that
4 agrees to add that to the agenda, it can be added. Can it
5 be finally acted upon by you at that board meeting? No.
6 Because the public has not had adequate notice.

7 DIRECTOR SHANNON: And our agendas are posted on our
8 web site as are our minutes. Our minutes will be posted
9 as well.

10 MS. SULLIVAN: And that applies to public meetings,
11 the Public Meetings Act?

12 MR. HAGGERTY: Right.

13 MS. VAUGHN: Mike, on the second bullet point on Page
14 4 at the top, it says that the chair can speak in
15 discussion without rising or leaving the chair, and
16 subject to rule or custom within the particular board, the
17 chair usually can make motions and usually votes on all
18 questions. So what's the usually? How do you determine
19 usually?

20 MR. HAGGERTY: Well, I would say what I -- what I had
21 said is unless a conflict of interest were to exist. In
22 which case, as with any board member, the -- the chair or
23 the board member should recuse him or herself.

24 MS. VAUGHN: What about the practice or custom? When

1 does that come into play? Is this just basically for a
2 conflict of interest?

3 MR. HAGGERTY: It does come into play. And I think
4 that -- I have been here -- certainly -- I've been here
5 almost three years. And actually Patty caught me off
6 guard at the last meeting because, in my experience, the
7 practice and -- the custom and practices in the three
8 years that I have been here is that the chair can make
9 motions and participate in discussions along with the
10 other board members and vote.

11 And that's why I said the experience has been a
12 helpful one because it prompted me to -- to go back and to
13 look at the Robert's Rules. That's been my experience of
14 the custom and practice of this board. So that's why I
15 say in this document consistent with the custom or
16 practice the current chair or any of you who would hold
17 the position of chair could do those things.

18 MS. VAUGHN: Since the chair always voted in the
19 past --

20 MR. HAGGERTY: I can only speak to my experience.
21 And you've asked me. So I'm speaking to my experience.
22 In the three years that I have been here, the custom and
23 practice of the chair has been to do all three things --
24 to make motions, to participate fully in discussions and

1 then to vote on all matters.

2 Now if there is an -- if there is an -- a custom or a
3 practice that precedes that that is different from that
4 that I am not familiar with --

5 DIRECTOR SHANNON: I can say for the six years that I
6 have been here that the chair has always voted including
7 when Nick was here for my first term.

8 MS. SULLIVAN: Really?

9 MS. JOINER: (Nods affirmatively.)

10 MS. SULLIVAN: Because he made it very clear that --

11 DIRECTOR SHANNON: And I've been here since the 2005
12 board meeting in January. So -- and Marcia has been here
13 longer. I don't know what her experience has been.

14 MS. JOINER: I don't recall that, Patty. If you
15 remember which one it is, I can pull the minutes.

16 MS. SULLIVAN: There again I've slept since then.

17 MR. HAGGERTY: Actually, under Robert's Rules,
18 it's -- actually, it isn't only in cases of a tie. If you
19 are a large board, the actual situation is where the
20 outcome where the chair could alter the outcome. So it
21 actually encompasses things other than ties, but it
22 doesn't apply here because we have a small board. So
23 that's my take on this.

24 Now I wanted to conclude by revisiting an issue.

1 So you will notice that on the agenda for today's agenda
2 that one of the items is follow-up discussion on --

3 DIRECTOR SHANNON: It's under unfinished business.

4 MR. HAGGERTY: Under unfinished business. And I just
5 wanted to review or make a point. At the last board
6 meeting there were actually three votes on the issue of
7 fee increases. And the first vote -- the first motion
8 related to increasing fees for adult rides to \$110, for
9 kiddie and inflatable rides to \$50 and for ski lifts and
10 large coasters to \$300. And then the vote was as follows.
11 Mr. Sparks, no; Mr. Wright, yes; Ms. Sullivan, yes; Mr.
12 Urbik, no; Mr. Boyd, yes and the Director, yes and Mr.
13 Driskill was not in attendance.

14 So the vote was four to two. The measure actually
15 passed. On a vote of four to two. At that point then
16 what occurred was, you know, Patty raised the -- you know
17 queried us, well, are you sure that the director can vote.
18 And so the vote was retaken on the same motion and the
19 outcome was a vote of three, two and one. With
20 Catherine -- with the Director not voting. So under
21 Robert's Rules you had five voting, three members voting
22 yes. The measure actually carried.

23 Adding to the confusion, there was an amended motion
24 or another proposal. This was called Option 3. And it

1 was to raise adult rides to \$150, kiddie and inflatable
2 rides to \$75. And the vote was Mr. Sparks, no; Mr.
3 Wright, yes; Ms. Sullivan, no; Mr. Urbik, yes; Mr. Boyd,
4 yes; the Director did not vote and Mr. Driskill was not
5 present. So that was a vote of three, two, one. That
6 also passed.

7 In all three instances the record that -- in all
8 three instances --

9 MS. SULLIVAN: Three to two?

10 MR. HAGGERTY: Three, two, one.

11 MS. SULLIVAN: Oh, I'm sorry.

12 MR. HAGGERTY: It was three --

13 MS. SULLIVAN: I get it. I was spelling it wrong.

14 MR. HAGGERTY: So in all three instances the measures
15 passed at the last board meeting. So what do we do?

16 What -- what do we do? Well, do we correct the minutes?

17 Well, really the minutes -- as reflected in the transcript
18 by the Court Reporter, the minutes are not incorrect.

19 The -- it was the voting -- the vote was recorded and then
20 the effect of the vote was articulated incorrectly. But
21 the recording of it by the Court Reporter is correct. In
22 each instance the -- the vote was announced as the measure
23 fails.

24 DIRECTOR SHANNON: Right. And actually I said before

1 we took the vote or as we were taking the vote that it
2 took four votes to pass because I thought it was a
3 majority of the members, but it isn't. It's a majority of
4 the --

5 MS. SULLIVAN: Of the quorum.

6 DIRECTOR SHANNON: Right.

7 MR. HAGGERTY: Right.

8 So what's to do next? Well, one avenue -- which the
9 department and the Director is not advocating. One avenue
10 would be to say, well, you know Vote Number 1 passed. And
11 so vote Number 1 prevails and we are going to go back and,
12 and rearticulate the effect of it to say you know the
13 measure -- the measure was adopted.

14 The department's belief -- the department's belief is
15 that we -- is that we could -- we could do that. We could
16 go back and say, well, we have to correct this. Actually,
17 the third motion actually passed and that would have then
18 nullified the other votes. We don't recommend that at
19 all.

20 There were many members of the public present. It
21 was a topic about which a lot of people felt very
22 passionately. And people -- citizens left that public
23 meeting believing that all three measures had failed.

24 If we were to go down the road of seeking to -- to --

1 and the word is escaping me --

2 DIRECTOR SHANNON: Implement.

3 MR. HAGGERTY: Thank you.

4 -- implement one of these three, well, then we query
5 which one prevails? Is the first vote the last in time?

6 MS. SULLIVAN: There wouldn't have been a second had
7 the first not failed.

8 MR. HAGGERTY: Right. So -- and so you, as a board,
9 could if you chose to go down that path of trying to
10 decide, well, you know what are we going to do with the
11 three votes because actually all three measures prevailed.

12 As -- as staff to the board, the department's belief
13 is that the most appropriate next step will be not --
14 would not be to schedule a public hearing based on any of
15 these three measures because the public left thinking that
16 all three had failed. And to proceed to try to implement
17 one of those on the theory that this or that passed just
18 doesn't sit right.

19 So, as staff, our recommendation to the board would
20 be that you revisit the issue anew today fully informed of
21 what it takes to -- for a motion to carry. And so it has
22 been put back on the agenda for today.

23 MS. SULLIVAN: Right.

24 MR. SPARKS: Mike, I don't know about this on the

1 last meeting that we had where all of this took place, but
2 before I became a board member, I had always been told
3 that the -- that the public could not speak at that
4 meeting. And I don't know where I heard that or if that's
5 true or not, but I always was told that, that Friday night
6 meeting or the Thursday night meeting that the public was
7 welcome to attend, but they could not voice any opinion.
8 And that -- and that's not what I've seen lately.

9 MS. JOINER: Okay. Here is what I was told by Carl
10 when I first started doing this. The -- and you are
11 talking about the Friday morning meeting because Thursday
12 night is an open forum where anybody can voice their
13 concerns.

14 MR. SPARKS: Right.

15 MS. JOINER: On the Friday morning meeting, the
16 public was welcome to attend, but they were not allowed to
17 speak unless they were recognized by the chair. But in
18 the last few years, it's just sort of --

19 DIRECTOR SHANNON: Gotten a little informal.

20 MS. JOINER: People have been told this, but --

21 DIRECTOR SHANNON: Mike, is there anything in
22 Robert's Rules that speaks to that?

23 MR. HAGGERTY: I'm sure that there is, but my
24 recollection generally is -- of that is that yes, your

1 meetings -- your meetings are your meetings. I mean they
2 are open meetings. And unless you go into closed session,
3 the public has a -- the public has a right to sit here and
4 observe you conduct public business.

5 Does the public have a right to -- to inject
6 themselves into your discussions to -- to make motions?

7 No. Can you as a board, if you choose to, invite comments
8 from the public as you do on Thursday nights? Yes.

9 As to the -- and that's -- and that certainly seems
10 appropriate to have a Thursday night pontification where
11 the public is allowed to participate, but when it comes to
12 Friday mornings and doing the business of the board, the
13 work of the board, I would urge you to --

14 MS. SULLIVAN: Hold back.

15 MR. HAGGERTY: I would urge you to reassert that to
16 all that your meetings are your meetings and you are
17 welcome to observe and -- but we are the board and we are
18 conducting the business of the public.

19 MS. SULLIVAN: So unless the chair recognizes someone
20 in the public, the chair can say I'm sorry, but you are
21 not recognized to speak and --

22 MR. HAGGERTY: Well, as is the meeting today.

23 MS. SULLIVAN: Uh-huh.

24 MR. HAGGERTY: This is your meeting.

1 MR. KIRSCHNER: For the Thursday night meeting, are
2 the public speakers set up ahead of time? Do they call
3 ahead of time and are put on the agenda or are they open
4 discussion? I am asking because I also serve on the
5 Supreme Court Rules Committee. And we have an agenda and
6 members of the general public call ahead of time and say I
7 would like to speak for two minutes on this point. And
8 whoever wants to speak, they have two minutes on this
9 issue. They line up. Everyone speaks. And when they are
10 done, we have a discussion. Do most boards work that way
11 or is it hit and miss?

12 MS. SULLIVAN: I think that every board does it
13 differently. I've been on 13 boards in the last ten years
14 and they all do it differently.

15 MR. KIRSCHNER: Yeah.

16 MS. SULLIVAN: But I think that we've been generous
17 letting them speak and sometimes encouraging them
18 because -- you know especially if one of you are gone and
19 I don't know what the general practices are with a
20 carnival. Then, you know, I -- I -- I have asked, you
21 know, what something is. Or I have asked an inspector,
22 you know, what something is.

23 DIRECTOR SHANNON: (Nods affirmatively.)

24 MS. SULLIVAN: But the agenda is out on the evening

1 before then and it's pretty much -- well, it's just an
2 open forum as we move our way down the agenda. People
3 don't have to call in advance to speak or --

4 DIRECTOR SHANNON: In fact, they don't even identify
5 themselves. Sometimes they do, but it's kind of just
6 people in the audience just sort of standing up and saying
7 their point or not even standing up and saying their
8 point.

9 I do think a certain amount of decorum is in order.
10 Especially at the regular board meetings. Now the one
11 where we encourage the public to participate is a
12 different matter, but I do think that we should have some
13 decorum where the board members are the main speakers
14 unless called upon by one of the board members or the
15 chair. Because I don't have any problem with -- you know
16 when you have a board member saying to a carnival
17 operator, you know, how does this work. So you know I
18 mean -- I think that, that is helpful to our discussion.
19 But I think that, you know, where people just randomly say
20 what's on their minds is not always helpful.

21 MS. SULLIVAN: Well, and maybe we could even a little
22 bit formalize the evening beforehand by saying when you
23 have something to say, please, stand up and give us your
24 name before you start speaking.

1 DIRECTOR SHANNON: State your name.

2 MS. SULLIVAN: State your name and who you are with
3 maybe. We know most of the players.

4 MS. JOINER: That's happened before, Patty, and it
5 doesn't work.

6 DIRECTOR SHANNON: People are reluctant; aren't they?

7 MS. JOINER: Yeah.

8 MS. SULLIVAN: It's just like children you know? You
9 just have to remind them again every six months of what
10 the rules are or more often. Three times a day sometimes
11 with some children.

12 DIRECTOR SHANNON: Some people will probably refuse
13 to give their name my guess is.

14 MS. SULLIVAN: I don't know that they refuse. I
15 think that they are just so into what they are going to
16 say that they don't think of it.

17 MS. JOINER: Exactly.

18 DIRECTOR SHANNON: So we would have to interrupt
19 them.

20 MS. SULLIVAN: Uh-huh.

21 DIRECTOR SHANNON: Bill, did that answer your
22 question?

23 MR. SPARKS: Yes.

24 DIRECTOR SHANNON: I want to thank Mike. He

1 summarized a very big book in a matter of six pages. So I
2 appreciate that, Mike. Well, five pages.

3 MS. SULLIVAN: And that's really tough. You have to
4 admire any attorney who can make fewer words out of more.

5 MR. HAGGERTY: I'm hoping that this will be a good
6 guide. And we have -- as it relates to you know -- we
7 have vetted with the AG's Office.

8 MS. SULLIVAN: And you have put in frequently asked
9 questions, too. Which I thought was very helpful.

10 DIRECTOR SHANNON: Thank you.

11 MR. HAGGERTY: Sure.

12 DIRECTOR SHANNON: So the next agenda item is the
13 approval of the minutes. And, as Mike indicated, the
14 minutes are correct. They reflect what actually happened
15 at the meeting.

16 MS. SULLIVAN: Yeah.

17 DIRECTOR SHANNON: We may have been misinformed or
18 uninformed. I think I was uninformed in terms of how many
19 votes were required, but the minutes do reflect what
20 happened. And so --

21 MS. SULLIVAN: I would move to accept the minutes as
22 presented.

23 DIRECTOR SHANNON: I have a motion. Do I have a
24 second?

1 MR. SPARKS: Second.

2 DIRECTOR SHANNON: I have a second.

3 All those in favor say aye.

4 (Group response.)

5 DIRECTOR SHANNON: All those not in favor say nay?

6 (No response.)

7 DIRECTOR SHANNON: Okay. The minutes of the January
8 the 14th and January the 15th meetings are approved.

9 So for unfinished business, which is our next agenda
10 item, we have a legislative update from Sara Scherer.

11 MS. SCHERER: If you want to turn to Tab 3A of your
12 binders, we will start there for the legislative update.
13 Most of you other than Dan will recall that we discussed
14 at the last meeting adding -- well, doing a legislative
15 proposal that would restrict cell phone usage by operators
16 while they are operating carnival rides.

17 And then the other item was to explicitly cover
18 monster trucks as an amusement ride. Based on the
19 discussion, we decided not to move further with that
20 proposal because there were concerns made by you all
21 including the members of the public and an e-mail was sent
22 out.

23 So we did not move forward with the legislative
24 proposal. And we had no legislative items this

1 discussion. And, at this time, we have nothing else for
2 the upcoming session. We may at a later date and we will
3 let you know.

4 And then the other portion of my update was to Tab 3B
5 and C, Administrative Rules. At our last board meeting,
6 rather than doing a legislation proposal that required the
7 restriction of cell phones during operation, it was
8 suggested to put something in the administrative rules
9 that requires all owners/operators to have a policy in
10 place for when cell phones can be used.

11 And this first portion of the -- of Tab 3B shows the
12 language that we have added.

13 Do they have copies of that?

14 DIRECTOR SHANNON: It's 6000.120.

15 MS. JOINER: No, they don't have that.

16 MS. SCHERER: Well, 6000.120 is what we currently
17 have. If you look to the second page of 120 and go down
18 to J, this is the new language for the Wireless
19 Communications Policy. And I could read through it, but I
20 think that I will just summarize it instead. Unless you
21 want me to read it.

22 But essentially it just requires all owners to
23 establish a policy. And the policy applies to all
24 operators. And that includes volunteers or individuals

1 that rent amusement rides. Only if it's open to the
2 public. Just like our act requires.

3 And then it restricts the use of wireless
4 communications devices while operating an amusement ride
5 or amusement attraction in order to promote public safety.
6 And those policies may permit operators to use a wireless
7 communications device in order to conduct business or in
8 case of an emergency.

9 And then finally those policies have to be maintained
10 by the owner and made available to the department upon
11 request. So I think that we covered everything that was
12 suggested at the January meeting in that policy.

13 And then Marcia, I think, just handed out an
14 additional section, Section 6000.10. It would amend the
15 definition in our Administrative Code. The first one is
16 to define what a monster truck is. And I think that Doug
17 will speak to that in a minute.

18 But the second definition is a wireless
19 communications device. And the definition is for purposes
20 of this Act, means a device that is capable of
21 transmitting or receiving communications without a wire
22 connecting the device to a network. It should read part
23 and not act. So cross off the word act and put in part.

24 It means a device that is capable of transmitting or

1 receiving communications without a wire connecting the
2 devices to a network.

3 DIRECTOR SHANNON: And that was the definition in the
4 legislation of the public act?

5 MS. SCHERER: Yes. There were two different public
6 acts that restricted phone use while operating a motor
7 vehicle in construction and school zones and no texting
8 while driving. And that definition came from that act.

9 MS. SULLIVAN: Just so we're all consistent.

10 MS. SCHERER: Yeah. Are there any questions on that?

11 MS. SULLIVAN: No.

12 MS. SCHERER: And then the other -- the second part
13 is B, Tab 3B in the administrative rules. This is the
14 ability to remove a decal. This should be added to
15 Section 6000.4B of our administrative rules. And it just
16 says that the permit is and shall remain the property of
17 the State of Illinois and shall be surrendered to the
18 Department immediately upon request by the Director.

19 And that's just to make sure that we get any old
20 permits so they aren't sold to another state with a permit
21 on them.

22 And that is the administrative rules update. Does
23 anyone have any questions?

24 DIRECTOR SHANNON: And I don't think that at this

1 time we need to take a vote. Certainly we can discuss
2 this, but we don't have any rules that are in the hopper
3 right now. We thought that what we would do is we will
4 keep those for when we do need to make some changes
5 because we might have some new, updated incorporations by
6 reference or we might have the monster truck proposal or
7 some other matter.

8 So rather than to consider doing a rule making just
9 on that -- we are not going to wait long. In all
10 likelihood, we will probably have something at the January
11 board meeting where we will present the board with a
12 variety of different proposals for rule making including
13 that, too. That way we can act on 'em as a group.

14 MS. SULLIVAN: Can I be excused for a minute?

15 DIRECTOR SHANNON: Sure. Does anyone want to discuss
16 those two, the cell phone use or --

17 MR. HAGGERTY: Excuse me, Director. Now that I am an
18 expert in Robert's Rule's --

19 DIRECTOR SHANNON: We need to take a recess?

20 MR. HAGGERTY: You can actually say we will briefly
21 stand down while Patty is out if you like. Quote,
22 unquote. Stand down.

23 DIRECTOR SHANNON: Stand down. Shall we stand down
24 for a moment. So we are not actually recessed, but we

1 stand down.

2 (Short recess was taken.)

3 DIRECTOR SHANNON: Okay. So on the next order of
4 unfinished business is monster trucks which we have
5 discussed at previous board meetings, but Doug is going to
6 give us the latest on that.

7 MR. RATHBUN: If you would go to Tab 3C.

8 Basically on the monster trucks it appeared that the
9 board was relatively satisfied with accepting the Monster
10 Truck Racing Association criteria for the inspection. The
11 sticking point seemed to be the -- the requirements of
12 both age and any licensing requirements that we would --
13 that the board would like for the operator to have.

14 Just to catch Dan up to speed, this is the monster
15 trucks that are used to transport kids/passengers around.
16 It's not the racing trucks.

17 MR. KIRSCHNER: Okay.

18 MR. RATHBUN: It's not racing trucks. At a lot of
19 monster truck events as well as at the DuQuoin Fair, they
20 have a lot of the monster trucks that haul passengers
21 around. And it doesn't fall under the auspices of the
22 Secretary of State. But, at this point in time, they are
23 a none regulated industry.

24 MR. KIRSCHNER: It took me a minute to catch on.

1 MR. RATHBUN: It came to our attention at the DuQuoin
2 Fair because this monster truck, General Hazard was out
3 there hauling kids around, passengers around and charging
4 a fee for that. And we had some operators say, you know,
5 I'm doing this, he's doing that, how come he is excluded.
6 And so that's what brought rise to the whole conversation
7 as to whether or not we felt we should regulate them.

8 The board did agree that they felt that we should
9 regulate them. The best standards I could find to build a
10 basis from was with the Monster Truck Racing Association
11 that is -- unfortunately, it's international standards,
12 but you have to be a member of the MTRA of which a lot of
13 these people are not or are not necessarily -- we don't
14 have any assurances that they are a member of that body.

15 MR. KIRSCHNER: Uh-huh.

16 MR. RATHBUN: So we, as a body, have been trying to
17 establish standards. And the question that the board had
18 discussion on was the age. Because in the Monster Truck
19 Racing Association, you do not even have to have a
20 driver's license. If your parents sign a waiver, a
21 16-year old can drive passengers around.

22 MR. KIRSCHNER: I saw that in the materials there are
23 only two currently present in Illinois. How many actually
24 come through or are traveling shows, traveling trucks?

1 MR. RATHBUN: That was in the last minutes. There
2 were like 12 or 13 events to my recollection. There were
3 two that we have dealt with very closely. But it's
4 something that we have not actually pursued very strongly
5 because there were no standards applicable. And at this
6 point in time, we have no basis to go in and say, hey, we
7 are going to regulate you.

8 There were -- I'm wanting to say that there were 12
9 events where there was the probability that those trucks
10 would be there because it was with the Monster Truck
11 Racing Association's schedule. And they are in Chicago.
12 They are in Peoria. And typically they play these venues
13 where people will go see the monster truck racing and the
14 passenger vehicles are kind of an addendum to that event.

15 We hit -- like I said, we have not pursued that. If
16 the board chooses to enact this or to come up with a set
17 of standards that says, hey, you guys are now responsible
18 for regulating the safety of these trucks, then we will be
19 more proactive in visiting these events and saying if you
20 have a monster truck giving rides to passengers, we do
21 regulate you and here is what we expect of you.

22 MR. KIRSCHNER: Have we looked at surrounding states
23 and what they are doing?

24 MR. RATHBUN: The problem is most states tend to look

1 the other way.

2 DIRECTOR SHANNON: Doug did reach out to CARSA -- not
3 CARSA, but CARES.

4 MR. RATHBUN: I talked to CARES. And most people say
5 they are not from our state. And I say, look, you had an
6 event at this town, this town and this town and you are
7 choosing not to look at it.

8 MS. SULLIVAN: They are making a choice.

9 MR. RATHBUN: Yes. And New Jersey has them on their
10 shore. And Florida -- basically they looked at them and I
11 truthfully can't remember what they said at this point in
12 time.

13 DIRECTOR SHANNON: But nobody had a rule that we
14 could borrow or model ours after other than the Monster
15 Truck Racing Association.

16 MR. RATHBUN: Correct.

17 DIRECTOR SHANNON: Now we do -- in addition to the
18 Monster Truck events, though, sometimes those Monster
19 Truck rides are at festivals like the apple orchard guy.

20 MR. RATHBUN: And the DuQuoin Fair and the Hot Roller
21 or the High Roller. He operates out of an orchard. So
22 every fall they have their fall festival and I think that
23 he operates every weekend all fall long. And those were
24 the two that we know that operate in Illinois regularly

1 and routinely.

2 As far as the frequency that they pass through,
3 those -- that's gonna' depend on the racing schedule for
4 the monster trucks. But there were many events -- you
5 know ten or 12 events if you call that many. But enough
6 that if we choose to regulate them then the inspectors
7 obviously will have to go out and pay 'em a visit.

8 And the individual that I talked to was General
9 Hazard at the DuQuoin Fair. I had several lengthy
10 conversations with him. And I went through the checklist
11 and he said, Doug, basically I meet all of these criteria
12 except for the roll bar, which I would be willing to put
13 on if you deemed it a requirement.

14 DIRECTOR SHANNON: And I just shared with him a
15 picture of one.

16 MR. RATHBUN: Right.

17 DIRECTOR SHANNON: Is that one?

18 MR. RATHBUN: That's General Hazard. That's the one
19 that was at the DuQuoin Fair.

20 DIRECTOR SHANNON: And they generally go how fast?

21 MR. RATHBUN: It's slow. It's under 25. And I
22 think -- I don't have it memorized, but in here it does
23 list it. It's -- I'm trying to remember. It's very slow.
24 It's as much a picture-taking opportunity as anything.

1 I think somebody on the board said that there was
2 actually a truck hauling a beauty queen and she fell out.

3 Was that you?

4 MR. DRISKILL: That was years ago.

5 MR. RATHBUN: Because you see I hadn't run across
6 that in my research. I did run across -- the only
7 accident I could find was in New Jersey where one rolled.
8 And it basically took off an individual's arm because it
9 got pinned underneath. So overall they are relatively
10 safe, but it does fall under -- based on the board's
11 decision -- our auspices and an entity in which we should
12 indeed regulate. And so there was a lot of discussion.

13 And actually the first section I covered is the
14 operators shall be a minimum of blank years old and the
15 operators shall have a blank driver's license.

16 DIRECTOR SHANNON: Could you just sort of -- I don't
17 know. Would the board like Doug to summarize --

18 MS. SULLIVAN: Sure.

19 DIRECTOR SHANNON: -- the other requirements. Not
20 reading them verbatim, but just some of the highlights
21 maybe.

22 MR. RATHBUN: Well, there are indeed vehicle
23 requirements. All of the drive train moving parts have to
24 be protected from -- for the safety of passengers.

1 And one of the biggies is the remote shutdown and the
2 remote kill switch. And anytime they operate that has to
3 be functional. That's one of the big safety features
4 required.

5 The only thing that was changed in this that I can --
6 that I can remember is what the -- is what the individual
7 uses to stop the truck. Which was one of the discussions
8 that I had with General Hazard. They do not need a rev
9 limiter. And what a rev limiter does is it keeps it from
10 going to too high of RPMs.

11 And he said with my truck it uses a stock engine.
12 It's not a large engine like a racing truck. So then he
13 wouldn't be able to function with a rev limiter. So that
14 was changed.

15 There are fire safety requirements.

16 The roll cage was the biggie.

17 The driver must have an automatic shutdown that he
18 can reach basically blindfolded.

19 Brakes must be hydraulically operated and in good
20 working order. Brakes must be able to stop the vehicle in
21 its own length at ten miles an hour. They have a dual
22 breaking system.

23 The course requirements -- that got tricky. And --
24 and that was one of my verbiages that I put in there

1 because the Monster Truck Racing Association did not
2 address course requirements. The reason that is is
3 because most of the courses that they have are in your
4 arenas at a convention center.

5 MS. SULLIVAN: Going over cars.

6 MR. RATHBUN: Going over cars.

7 But even with the ride trucks -- even if they just
8 went around in a circle the bystanders are typically
9 protected by virtue of the way that the arena is arranged.
10 And there is no possibility of bystanders being able to
11 get in there. Whereas at the DuQuoin Fair, he had -- he
12 had the concrete bunkers like you would see on the highway
13 to keep them out. You know the lane dividers. He had
14 those around it so that they would serve as a fence to
15 keep bystanders out.

16 Hot Roller, as I understand it, operated in the back
17 of the orchard with -- technically there was no fencing,
18 but it was well away from any access by the public. So I
19 chose to word it the course shall be such as to protect
20 bystanders and participants from accident or injury.

21 And, like I said the remote ignition interrupters are
22 a big requirement. And that's basically an automatic kill
23 switch used by a third party. So if your driver has a
24 heart attack and his feet gets caught on the accelerator

1 that third party can shut the truck down.

2 MS. SULLIVAN: Is that a passenger?

3 MR. RATHBUN: No. No, it's an individual usually
4 sitting in the stands. So they are not on the truck.
5 They are at a separate location.

6 MS. SULLIVAN: But if the truck drives to a remote
7 location, you know away from this where they are, say,
8 loading and unloading --

9 MR. RATHBUN: And that's a good question, Patty,
10 which I had not considered.

11 MS. SULLIVAN: Then what? I would think that a
12 passenger would need to be able to hit it.

13 DIRECTOR SHANNON: Would there be two operators?

14 MS. SULLIVAN: I would think so.

15 DIRECTOR SHANNON: You would have to have somebody
16 that could do the kill switch.

17 MS. SULLIVAN: Because you couldn't -- ostensibly you
18 couldn't see it from the loading and unloading area unless
19 you had somebody like in a deer stand or something out --
20 you know out where the truck actually is.

21 MR. RATHBUN: And typically that's what they do per
22 se. I mean they have that third party in the stands where
23 they can overlook --

24 DIRECTOR SHANNON: When they are at an event?

1 MR. RATHBUN: When they are at an event such as the
2 convention center.

3 MS. SULLIVAN: I mean if they are out in the orchard
4 where, you know, there is trees between --

5 MR. RATHBUN: And that's a valid point of which I
6 don't have a good answer for you. The logic is that you
7 want -- you want somebody to be able to see the whole area
8 around that truck. And you are correct in that they need
9 to be there with the capacity to shut that truck down in
10 the event that it needs to be shut down.

11 As far as the orchard -- like I said, he's pretty
12 much the exception to the rule as far as the other trucks.

13 DIRECTOR SHANNON: Well, I think -- I think -- since
14 we are not voting on this, I think that we need to go back
15 and look at --

16 MS. SULLIVAN: Options?

17 DIRECTOR SHANNON: -- where it's going to require
18 that there be two operators because --

19 MS. SULLIVAN: Just in case.

20 DIRECTOR SHANNON: -- because --

21 MR. HAGGERTY: Just for Dan's benefit, I wanted to
22 say at the spring meeting last year that the board
23 essentially considered three possibilities in the face of
24 the operation of these trucks.

1 One is that we, the board, could essentially turn a
2 blind eye as in our survey it suggested that some other
3 states have done and the board found that unacceptable.

4 Secondly, the board could take the position with the
5 operator of the monster truck that we as the Illinois
6 Department of Labor ensure that you are in compliance with
7 the manufacturer's specifications. You by altering the
8 vehicle essentially stepped into the shoes of the
9 manufacturer. And unless you can put together specs for
10 the -- for this altered vehicle, we will not permit you to
11 operate it in the State of Illinois.

12 And then the third position was to say that they are
13 here, they are operating, they are not regulated by the
14 Secretary of State, let's take a position of working with
15 them and working with this Monster Truck Racing
16 Association to try to formulate rules related to their
17 operation.

18 And that's why we're where we are.

19 DIRECTOR SHANNON: So I think -- Doug, I think maybe
20 we need to reflect a little more on that, on how that
21 would work. And maybe -- you know maybe we could even see
22 how this works if we went to some of those events.

23 MS. SULLIVAN: Well, you can ask General Hazard, you
24 know, what we need to protect your passengers in this

1 case? What do you see as good -- you know you need to be
2 able to protect your passengers in case you just slump
3 over in a heart attack or in a stroke or something like
4 that. Who else could have a kill switch or where could
5 you put a kill switch you know?

6 MR. DRISKILL: I would agree. Rather than making 'em
7 rebuild and figure out how to put a second person out
8 there with a kill switch. As a carnival ride operator,
9 there are several rides that I have to have more than one
10 operator for. At the fun houses, you have one at the
11 entrance and a second one at the barrel. It would be a
12 whole lot easier to say if you don't have sight on the
13 vehicle 100 percent of the time, you have to have a second
14 operator on the back end of the truck with a kill switch
15 so at any time you are able to kill the engine.

16 DIRECTOR SHANNON: So rather than rebuild the vehicle
17 you need to accommodate somebody with a kill switch.

18 MS. SULLIVAN: I would rather work with them and --
19 because it's why you have carnival people on the board.
20 They are the ones who know their business. And he
21 would -- he would -- he might have a better alternative
22 than we might come up with.

23 MR. RATHBUN: Well, and --

24 MR. WRIGHT: I might say is it possible to also see

1 the probability overall of the likelihood that there is
2 a -- that you have to have a chaser car behind them to see
3 how things are going that could hold a kill switch?

4 MR. DRISKILL: Then the chaser vehicle guy has a
5 heart attack and gets his foot stuck and hits the monster
6 truck.

7 MR. WRIGHT: Well, following them to see if there is
8 something erratic and if he could stop the car as well.

9 MR. RATHBUN: Well, for the majority of them -- I
10 mean the only exception to this rule is the Hot Roller who
11 operates at the orchard. And I think that he's been one
12 that we've been playing hide-and-go-seek with as far as he
13 is being noncooperative.

14 MS. SULLIVAN: Oh. Well, that's a shame.

15 MR. RATHBUN: Well -- whereas General Hazard has been
16 very forthcoming.

17 MS. SULLIVAN: Does General Hazard know the other
18 guy?

19 MR. RATHBUN: I don't know.

20 MS. SULLIVAN: Because if this other guy knew that we
21 wanted to work with 'em maybe he would be more -- I mean
22 you know we're the government and we're here to help you
23 is -- you know what I mean? You know it's not always what
24 you think that you are going to get. And maybe that's why

1 he is just kind of ducking you.

2 MR. RATHBUN: Right.

3 MS. SULLIVAN: But maybe just leave a message and say
4 we need to discuss this issue and we would like your input
5 because we don't want to ask you to do something that
6 isn't possible or --

7 MR. RATHBUN: Right.

8 And Matt has reached out to him and with very little
9 success. He operates in Matt's area. But I mean we can
10 try going through General Hazard. Like I said, he has
11 been very cooperative and very willing to work with us.

12 MS. SULLIVAN: Either you can help us with a solution
13 or you will have to live with our solution.

14 MR. RATHBUN: Well, touche. And that's -- and he
15 was -- like I said, he was very forthcoming, very willing
16 to help. And I can run that by them and ask for
17 suggestions.

18 As I said, Hot Roller really is the only one that
19 we're aware of that does not operate in some type of
20 arena/restricted area that is easily monitored.

21 DIRECTOR SHANNON: One other point, Doug, is that you
22 had a slide show I think at one of the board meetings
23 where we saw pictures of them, but Dan was just asking on
24 the -- these are seats up here (indicates); right?

1 MR. RATHBUN: Correct.

2 DIRECTOR SHANNON: And then do they have seat belts?
3 Does each passenger have a seat belt or a shoulder
4 harness?

5 MR. RATHBUN: I was thinking that his did.

6 DIRECTOR SHANNON: But the proposal would be that
7 they -- that they would have seat belts; right? All
8 vehicles must have approved seat belts mounted to the
9 frame or frame cover.

10 MS. SULLIVAN: In case they would prefer to have it
11 like a ski lift where you have an overhead thing coming
12 down to, you know, hold people in as well, we might want
13 to say an approved restraint. I don't know, but that's
14 something else to think about before the next meeting.
15 And -- and not limit them to seat belts.

16 DIRECTOR SHANNON: And actually these might -- we're
17 not dictating that they have to go over the shoulder are
18 we? We are saying just seat belts. So they could be just
19 seat belts that go over your lap; right, Doug?

20 MR. RATHBUN: I don't know.

21 DIRECTOR SHANNON: It's in C4.

22 MR. KIRSCHNER: The forward momentum is not an issue.
23 It's a fall hazard out of the truck; right?

24 DIRECTOR SHANNON: Let's go over the roll cage

1 requirement, Doug.

2 MR. RATHBUN: Okay.

3 MR. HAGGERTY: You were saying something about the
4 forward motion?

5 MR. KIRSCHNER: Catherine was asking about the
6 shoulder restraint. And I said it's -- the forward
7 momentum is not the issue. It's the fall hazard out of
8 the back of the truck; right?

9 MR. RATHBUN: In the event of a rollover?

10 MR. KIRSCHNER: No. No. In the event that someone
11 hits a bump or someone is standing up.

12 DIRECTOR SHANNON: In other similar areas, we have
13 elevated platforms. It seems that the side railing is
14 awfully low to where the passengers feet should be from
15 the floor of the bed to the top of that railing.

16 MR. RATHBUN: No, I don't --

17 DIRECTOR SHANNON: What is the height of -- of that
18 from the top of that bed to the railing?

19 MR. RATHBUN: A foot and a half. Two foot maybe.

20 MS. SULLIVAN: I mean it looks like waist high.

21 Well, from this it's hard to tell.

22 MR. KIRSCHNER: A lot of building codes in terms of
23 the elevated platforms, whether it's a windowsill or a
24 balcony, have certain requirements.

1 MS. SULLIVAN: Well, and the ASTM has a standard.

2 It's 42-inches tall.

3 MR. KIRSCHNER: That doesn't seem to be 42-inches

4 tall.

5 MR. RATHBUN: It's not 42-inches tall.

6 MS. SULLIVAN: And I don't know that it needs to be,

7 but there needs to be some way that people need

8 restrained. But keep in mind that using your feet against

9 something is considered a restraint. It's a participatory

10 restraint rather than, you know, an -- a -- what's the

11 word? What's a participatory restraint? For instance,

12 like with the log flumes where you go down. You have

13 sides and -- and you have things to hold on to. And you

14 can use your feet and -- because you don't want to be seat

15 belted in, in that case. And you push with your feet to

16 hold yourself in. Those are acceptable. But for this I

17 just don't feel like -- you know you don't know where the

18 center of gravity is going to be on an individual. And I

19 think that some sort of restraint is appropriate.

20 MR. KIRSCHNER: In terms of -- I'm thinking of -- in

21 terms of -- in terms of movement and in terms of ingress

22 and egress where they are moving between and having them

23 drop off to one side and the two railings you know? We

24 should look at the height of the two railings that go

1 around to prevent that kind of dropoff.

2 MS. SULLIVAN: And ASTM also has a standard for a
3 rail on the side of a ride.

4 MR. KIRSCHNER: Yeah. And that's basically what that
5 is.

6 DIRECTOR SHANNON: I think that that's a good thing
7 to look at.

8 MR. KIRSCHNER: I'm not talking about obstructing
9 people's view, but making sure that it's high enough for
10 people getting on and off and into and to keep people from
11 falling off of the side there.

12 DIRECTOR SHANNON: Doug, do you think that General
13 Hazard has lap belts?

14 MR. RATHBUN: Right.

15 DIRECTOR SHANNON: And the roll bar or the roll cage.
16 He doesn't have one?

17 MR. RATHBUN: He does not.

18 The rules that we are looking at does say that they
19 will have a roll cage to protect passengers in the event
20 of a roll over. And he agreed that he would put one on if
21 that eventually became a part of the standard that we
22 adopted.

23 MS. SULLIVAN: If I could make another comment just
24 for the two Dans who weren't there when they started

1 talking about the monster trucks. I -- of course I had in
2 my head that these trucks were going to be on some rolling
3 surface and going from side to side. Whereas the fact of
4 the matter is -- at least at DuQuoin -- it's just a flat
5 track that they go around.

6 MR. RATHBUN: Right.

7 MS. SULLIVAN: Now the orchard would have, you know,
8 maybe a little bit more of an opportunity for some bumping
9 and swaying a little bit, but it's not you know -- the
10 only time I've ever seen monster trucks are on ads for --
11 for monster truck events. And they are rolling over
12 things. And you know -- so it's -- it's not as -- as
13 violent of a ride as I had in my head at first because I
14 have never seen one.

15 MR. KIRSCHNER: What about hay rides?

16 DIRECTOR SHANNON: It's -- it's not a hay ride.

17 So is that the major point?

18 Is there anybody else?

19 MR. RATHBUN: Okay.

20 MS. SULLIVAN: And are you still looking for input
21 from us on the age of the driver and the type of license?

22 MR. RATHBUN: That seemed to be the sticking point
23 that the board had varying views on and strong feelings.

24 DIRECTOR SHANNON: And behind your proposal is --

1 well, we had someone from the IDOT or Secretary of State
2 come to the last board meeting and talk to us.

3 MR. RATHBUN: He was from the Secretary of State.

4 DIRECTOR SHANNON: We had a speaker from the
5 Secretary of State from the last board meeting and -- who
6 talked about what a CDL means and some of the restrictions
7 and so forth. But at the very end of that 3C is a e-mail
8 from Doug to Marcia that talks about the different -- the
9 five types of motor vehicle licenses in the State of
10 Illinois. Are those nationally?

11 MR. RATHBUN: The state regulates any regular
12 operator's license.

13 DIRECTOR SHANNON: A Class D or a Class C or --

14 MR. RATHBUN: Class D depending on what state you are
15 in. For our discussion, we can call it a Class D. It
16 allows the license holder to drive a vehicle from zero to
17 16,000 pounds. That is regulated by the state after that.
18 Any of your commercial driver's license are regulated by
19 the federal government through the Commercial Vehicle
20 Motor Safety Act of 1986 which specified the requirements
21 for the different levels of CDL. And so those are
22 consistent nationwide.

23 DIRECTOR SHANNON: Did you have a handout, Marcia?

24 MS. JOINER: I don't think that you got this in your

1 books.

2 MS. SULLIVAN: Yeah, it's in there, this e-mail.

3 MS. JOINER: It happened after the books got out.

4 MS. SULLIVAN: Is there such a thing as a chauffeur's
5 license in the State of Illinois?

6 MR. DRISKILL: Not any more. There used to be before
7 they called them CDLs. You used to have to have a
8 chauffeur's license to drive trucks.

9 MS. SULLIVAN: So if somebody is driving a limo, they
10 have a regular license, a D License?

11 MR. RATHBUN: No. That's a Class C with a J10
12 restriction. And what that means is that it's a vehicle
13 designed to transport 16 or more passengers including the
14 driver and/or vehicles placarded for hazardous material
15 that do not meet the criteria for Class A or Class B.

16 MR. DRISKILL: What if the limo carries less than 16
17 people?

18 MR. RATHBUN: Then it is basically unregulated.

19 MS. SULLIVAN: They have to have a regular driver's
20 license?

21 MR. RATHBUN: Correct. It does not require a special
22 CDL.

23 MR. DRISKILL: So like a taxicab driver just carries
24 a standard license?

1 MR. HAGGERTY: I think that we need the man from the
2 Secretary of State's office.

3 MS. SULLIVAN: I think -- I think that you are right.
4 They just have a regular license. They just have to
5 have a permit for their car to be a taxi.

6 Well, we really had a lot of discussion about do they
7 need to have a CDL, but they need to meet all of the other
8 requirements of an operator which includes the drug
9 testing program and that kind of thing.

10 MR. RATHBUN: That is with the CDL.

11 DIRECTOR SHANNON: That goes for an operator of any
12 amusement ride.

13 MS. SULLIVAN: Yes. And they would still be under
14 those rules if -- if they are going to drive a monster
15 truck as well.

16 MR. RATHBUN: Okay.

17 MR. WRIGHT: With a CDL, we are going to know if a
18 person is caught speeding because doesn't that follow
19 their license more strictly?

20 MR. RATHBUN: Yes. The CDL license is far more
21 restrictive. And that's what that gentleman went into.

22 DIRECTOR SHANNON: And if you have any issues with
23 your regular license, your CDL is impacted.

24 MR. RATHBUN: Yes, it is impacted.

1 DIRECTOR SHANNON: So I think that what we need to
2 decide is -- you know we don't actually have to decide it
3 today because we are not voting, but you know before we --
4 before we do make these a part of our rules, we would need
5 to decide is there any license that they should have and
6 if so, which one or should they have no license. Which I
7 don't know that there was anyone saying that there
8 shouldn't be any driver's license.

9 MR. SPARKS: I would just say, as a personal opinion
10 with me, that I think that we ought to have an age
11 requirement of maybe even 21 because they are dealing with
12 the public now.

13 And as far as the CDL, I think that that's a joke.
14 These courses have nothing to do with the Secretary of
15 State. There is no stop signs or yield signs. There is
16 no parking. There is no nothing. And if they can drive
17 and operate a vehicle responsibly, that's what we need to
18 be looking at.

19 MS. SULLIVAN: So a regular driver's license?

20 MR. SPARKS: Yeah. They are not heavy. They are not
21 an overweight vehicle.

22 MS. SULLIVAN: They are top heavy.

23 MR. SPARKS: There is nothing. It doesn't pertain to
24 anything to do with a CDL. It's an added burden and

1 expense and paperwork that they don't need.

2 MS. SULLIVAN: I think that the only reason that we
3 were thinking a CDL was because of the drug testing.

4 MR. SPARKS: That's otherwise covered.

5 MR. DRISKILL: I have a CDL. Am I qualified to drive
6 a monster truck and haul passengers?

7 MS. SULLIVAN: It depends on if you've been properly
8 trained.

9 MR. DRISKILL: Which is more important than having a
10 CDL. It doesn't qualify any one of us to get behind the
11 wheel. It doesn't qualify me to go in and operate that.
12 I would need training to go in and operate that piece of
13 equipment. I've got a lot of guys that work for me that
14 have goofed up and they've lost their license. Does that
15 mean that they can't operate a ride switch? I would say
16 no.

17 MR. WRIGHT: Having a valid CDL would mean that we
18 would know a few things about you. Number one, you are a
19 great driver.

20 MR. DRISKILL: I've got a lot of tickets. Don't call
21 me a great driver.

22 DIRECTOR SHANNON: And doesn't that affect your CDL?

23 MR. DRISKILL: I have points against mine.

24 MR. WRIGHT: When you are carrying children around

1 and other adults, we would know that your driver's license
2 is more scrutinized than a regular driver's license.

3 MR. DRISKILL: I don't see where that impacts whether
4 a driver is capable of operating a piece of machinery
5 safely.

6 MS. SULLIVAN: And I would tend to agree with that
7 because they still have to meet all of the other
8 requirements of a ride operator. They have to be trained
9 operators. There is a drug testing program which doesn't
10 mean mandatory testing on a regular basis. They can have
11 a random sample test for drugs as long as they have the
12 drug testing policy.

13 MR. SPARKS: A program is already in place.

14 MS. SULLIVAN: A program is in place. And -- but
15 because they are actually driving a vehicle with people in
16 it, you know, that's why it came up. I think that that's
17 the only reason that we started discussing the CDL.

18 DIRECTOR SHANNON: Or a driver's license at all. And
19 I guess that maybe that would be the first place to start
20 and that is -- you know is there a consensus on the board
21 that they ought to at least have a driver's license?

22 MR. WRIGHT: Yes.

23 MS. SULLIVAN: I think so.

24 MR. DRISKILL: Do you need a driver's license to

1 drive a trackless train?

2 DIRECTOR SHANNON: I don't know.

3 MR. WRIGHT: It's on a course. With a monster truck,
4 it's at your discretion in choosing the course with people
5 on it. I think that you have to be a little bit more
6 strict with that.

7 DIRECTOR SHANNON: Does the trackless train -- I mean
8 the difference with the trackless train is that they
9 actually have a manual and they all actually have -- this
10 is a little different because there isn't a manual.

11 MR. DRISKILL: It is smaller, but what about the
12 people movers that move people from parking lots to the
13 front gates? Do they require CDLs or a driver's license?

14 MR. RATHBUN: Not that I am aware of.

15 MR. SPARKS: Because they are not on a public
16 highway.

17 MS. JOINER: And so if a tram is not on the public
18 highway, they are not covered by the Secretary of State?

19 MS. SULLIVAN: It would depend on what the park
20 required.

21 MS. JOINER: Yeah. But as far as state requirements,
22 no.

23 MR. DRISKILL: When it comes to the monster truck --
24 and I apologize for being absent at the last meeting --

1 but does the organization for monster trucks have their
2 own training programs that they follow?

3 MR. RATHBUN: They do. They take three veterans
4 drivers I think and they monitor the up-and-coming drivers
5 at events. And they grade them and they evaluate them.
6 And I think that it only takes one person to fail them,
7 but they do have a very structured approach to doing that.

8 MR. DRISKILL: Is there some way to get those public
9 operators to attend?

10 MS. SULLIVAN: That would require them to be a
11 member.

12 MR. RATHBUN: And I don't know if they pay a fee, but
13 I think that there is a little regulation as to who gets
14 in because there is a lot of money involved in these
15 events.

16 MR. DRISKILL: To me -- I'm trying to figure out one
17 of these things. They are top heavy. The center of
18 gravity is different. Training on a unit would be more
19 important than a driver's license.

20 MR. SPARKS: (Nods affirmatively.)

21 MR. RATHBUN: And I do see your point. And I agree
22 in principal with you. I guess the problem we run into
23 is -- well, okay. You got General Hazard. This guy built
24 his own truck.

1 MS. SULLIVAN: Well, then he has to provide his own
2 training manual.

3 MR. RATHBUN: He operates his own truck. Who --
4 other than saying yes, I drive my truck, how would he be
5 able to document training? I'm not trying to play devil's
6 advocate. I'm trying to think through this out loud. You
7 know what are we going to expect of him for training?
8 That he either that he can say, hey, I've driven it at the
9 DuQuoin Fair and I've driven it at all of these events.

10 Well, I, Doug Rathbun, could build a monster truck
11 and take it out. And okay, I'm the owner. And in
12 reality, I've probably never driven one of these before
13 and don't have a clue.

14 So how do we balance the two -- the need for training
15 which I do understand versus this guy has probably sunk a
16 hundred grand or 50 grand or whatever it is into this.
17 It's his life. But he cannot document a training program
18 other than the fact that he's got the hands-on experience
19 and the on-the-job training.

20 So -- and I don't have the answer to that. I'm just
21 kind of throwing it out there.

22 MR. DRISKILL: I don't have a good answer for that
23 either. I just don't know that calling him qualified
24 because he has a driver's license or a CDL is the answer

1 either.

2 MS. SULLIVAN: Well, if they have a basic driver's
3 license and I guess just -- as far as maneuvering a
4 vehicle. And you know a truck is a vehicle. Being able
5 to pass even the basic driving test to maneuver a vehicle
6 would be something that would make us feel like he has had
7 some training driving and some experience. You know some
8 experience driving.

9 MR. DRISKILL: Let's say a standard driver's license
10 is a step in the right direction.

11 MS. SULLIVAN: That's kind of my feeling about it
12 because I don't see that they need to have a CDL, but I
13 would want to see at least just a standard driver's
14 license so that we know that you have -- so we know that
15 they've passed the test to be able to maneuver a vehicle
16 and -- and you know the basic safety things that you have
17 to pass in a driving test.

18 MR. DRISKILL: (Shrugs shoulders.)

19 MS. SULLIVAN: And you know you have to have some
20 time in before you can get your driver's license.

21 MR. DRISKILL: Yeah.

22 MS. SULLIVAN: And I think that, that would be
23 appropriate as a minimum.

24 MR. DRISKILL: As a minimum just to -- would you make

1 them go through and get a CDL?

2 MS. SULLIVAN: No. I don't think that, that is
3 necessarily value added for --

4 DIRECTOR SHANNON: That's what we were discussing.

5 MS. SULLIVAN: This was a long discussion.

6 DIRECTOR SHANNON: There was not a consensus at the
7 last board meeting for a commercial driver's license.
8 There was division among board members.

9 MS. SULLIVAN: And I have had a little more time to
10 think about it once I found out that, okay, it's a flat
11 track and they are not doing all of this up and down
12 stuff.

13 DIRECTOR SHANNON: One thing that maybe -- you know
14 whenever we decide which license we are going to require,
15 even though it's somewhat redundant, this would go into
16 our rules; right?

17 MR. RATHBUN: Correct.

18 DIRECTOR SHANNON: And so our rules already have the
19 Operator Requirements in 120 that talk about training.
20 But maybe we should say all operators, drivers of monster
21 trucks operating as an amusement ride shall possess a
22 valid Class whatever driver's license in addition to
23 meeting the training requirements in Section 120 or
24 something like that so that it's clear that the driver's

1 license alone isn't adequate. You also have to be trained
2 on how to operate the ride even though they should know
3 that.

4 To assume that they are going to read all 6,000 of
5 our rules may be a stretch. So if we can emphasize that
6 there has to be training on the actual operation of that
7 ride --

8 MS. SULLIVAN: Yeah. Because if Joe Blow and his
9 son, Jim Blow are both out there in this and you know one
10 person's selling the tickets and the other person is doing
11 the driving, well what if the son has been doing the
12 driving before and now he's got a hot date. So he's not
13 going to be there over the weekend or whatever. Then his
14 buddy, you know, Johnny from down the street or down the
15 road can't just come and jump in the truck and take off
16 with the truck with never having driven it before. I
17 think that we would want to have --

18 MR. DRISKILL: That's why I think that more than just
19 a driver's license at this point is important.

20 MS. SULLIVAN: And I agree. And we are agreeing with
21 that, but I don't think that the CDL training is the
22 answer at all. I think that that's superfluous to what we
23 are trying do.

24 DIRECTOR SHANNON: And I think that Bill is with you.

1 He is shaking his head.

2 MR. SPARKS: Yes.

3 DIRECTOR SHANNON: And you are shaking your head?

4 MR. DRISKILL: Yes.

5 MR. KIRSCHNER: Is the Secretary of State's point
6 that it is not on the public roadway or is it the
7 mechanical equipment?

8 MR. RATHBUN: Both. Those tires would never qualify
9 and it is not roadworthy.

10 MS. VAUGHN: One of the other arguments was that it
11 wasn't -- when they actually have to take the vehicle on a
12 road test. They actually have to take the vehicle out on
13 the road. It's an impossible scenario. You would have to
14 be driving the vehicle that you would be driving. So
15 they've never had the opportunity to drive this on a real
16 street.

17 MR. KIRSCHNER: Well, does the monster truck industry
18 have its own certification standards?

19 MR. RATHBUN: It is not universal across the monster
20 truck industry.

21 DIRECTOR SHANNON: Do they have a driver's license
22 requirement?

23 MR. RATHBUN: No, they do not. That's what prompted
24 this because they don't have a requirement.

1 DIRECTOR SHANNON: You don't even have to have a
2 regular driver's license?

3 MR. RATHBUN: And I kind of have an issue with that.
4 And I think that most of the board agreed that just a
5 16-year old with nothing is not really a good plan for
6 safety.

7 MR. WRIGHT: I would be willing to go with that if
8 you could do a 21-year old limit or minimum. What you do
9 you guys think about that?

10 DIRECTOR SHANNON: So you would say a regular
11 driver's license and we would not require a commercial
12 driver's license as long as there was some age
13 restriction?

14 MR. WRIGHT: That they have to abide by the rules of
15 the Monster Truck Racing Association and be 21. I would
16 go with that.

17 DIRECTOR SHANNON: And just in case everyone doesn't
18 know this. Maybe you didn't know. You have to be
19 16-years old to operate a carnival ride. So this would be
20 a big change.

21 MR. HAGGERTY: Well, I think Bill had said 21.

22 MR. SPARKS: Yeah. But after I said that, I think we
23 will get into a Catch 22 as our operator's rules of
24 amusement rides state age 16. Can we make an exception?

1 DIRECTOR SHANNON: We can make it here for this
2 particular --

3 MR. KIRSCHNER: I don't know about 21. I think if
4 you can drive a tank at 18 that you can drive a monster
5 truck at 18. I like 21 for drinking, but it --

6 MS. VAUGHN: So you can buy beer first.

7 MS. JOINER: Were you talking about in addition to
8 the age requirement in order to comply with the operator's
9 requirements?

10 DIRECTOR SHANNON: I was actually talking about in
11 addition to the driver's license.

12 MS. JOINER: Do any of the ASTM Standards pertain to
13 that particular type of vehicle?

14 MS. SULLIVAN: No, not at this time.

15 MS. JOINER: I'm looking at 120 and I'm thinking,
16 okay, other than, you know, your basic restraints and your
17 paying attention and all of that, 120 really doesn't
18 pertain to the safety of driving that monster truck.

19 MS. SULLIVAN: Okay.

20 MS. JOINER: And I'm wondering if maybe we need to
21 add some additional training requirements to this that
22 particularly pertain to -- well, like, Dan was talking
23 about earlier where, you know, you can have how many hours
24 of training for a CDL, but he still doesn't know how to

1 operate that monster truck. I would want to know how to
2 operate that monster truck you know? What about taking
3 possibly some of the training requirements out of the regs
4 for the Monster Truck Racing Association and putting 'em
5 in here?

6 MS. SULLIVAN: And I would talk to the General Hazard
7 guy, too, and ask him how did you learn to do this and
8 what -- you know what would you recommend for, like, a
9 minimum number of hours of experience, you know, before
10 you take on passengers and -- and things like that?

11 MS. JOINER: Uh-huh.

12 MS. SULLIVAN: You know working with these guys.
13 Because I don't know how long it would take to train
14 somebody. Any one of us might be able to learn how to do
15 this in two hours, but you know what's -- realistically
16 what's reasonable for somebody who is doing this and has
17 experience?

18 DIRECTOR SHANNON: I thought, though, that the
19 training standards that we reference in our rules that
20 refer to the ASTM Standards -- I thought that those were
21 standards that work across all different kinds of rides.
22 They are not unique to a particular ride; right?

23 MS. JOINER: It's been a long time since I read that
24 and I'm trying to visualize what would be a monster truck

1 sort of equivalent ride.

2 DIRECTOR SHANNON: Like the loading and unloading.

3 MS. JOINER: Well, that, yes. But as far as how to
4 train and how to operate that monster truck.

5 MS. SULLIVAN: Uh-huh. Yeah. That's why I'm saying
6 that I think that touching base with the General guy would
7 be a good idea.

8 MR. SPARKS: Well, Doug, didn't you say that there is
9 an association that has training requirements?

10 MR. RATHBUN: Well, what they do is they use the
11 senior drivers to evaluate and approve the new/younger
12 drivers. Whereas, when he is a lone operator, he is kind
13 of out in the cold. So you know, from that perspective,
14 whatever the monster truck association does -- they do
15 have that, but it's kind of hard for us to say okay, you
16 have to have three drivers to evaluate you.

17 MS. SULLIVAN: Where are we going to get them?

18 MR. RATHBUN: And they are going to say, hey, hold
19 on. I built this myself. This is my hard money at work
20 here and you are going to tell me that I have to go to
21 this other entity to drive my own truck. So I think that
22 there would be some pushing back there.

23 MR. KIRSCHNER: It's not telling them that you have
24 to do this. If you want to drive your truck and if you

1 want to charge the public to come in and ride your truck,
2 that's what we are saying.

3 MR. RATHBUN: But I think that you would have a
4 problem with the Monster Truck Racing Association.
5 Drivers would not be willing to do that for this guy.
6 From their perspective, they are not going to go do this
7 and say Joe Smith can drive this General Hazard now and we
8 think that he is safe when he is not in their organization
9 number one.

10 So I think from a stand-alone perspective, it's going
11 to be hard to come up with training requirements that's
12 gonna' meet -- that's gonna' qualify him. I mean if --
13 it's going to be hard for us as a body or you as a body to
14 stipulate to requirements for this individual.

15 MR. KIRSCHNER: What are the requirements for hay
16 rides?

17 MR. RATHBUN: They are exempt.

18 MR. KIRSCHNER: Specifically?

19 MR. RATHBUN: Yes. And typically we do not dictate
20 training requirements or a training regime on how to
21 operate. We say you must teach your -- as an owner, you
22 are responsible for teaching your operators the proper way
23 to operate this device as prescribed by the manufacturer.

24 MR. KIRSCHNER: Are there any parallels? Dan brought

1 up the example of the trackless train. Like at the
2 Lincoln Park Zoo. Are there other regulations to other
3 rides like the trackless train ride?

4 MR. RATHBUN: It is typically the manufacturer --

5 DIRECTOR SHANNON: But the ASTM Standards do have
6 certain -- because we have referenced ASTM 770 and ASTM
7 2374 -- is that it? Patty would know, but they are
8 general. They are not unique. They are not specific to a
9 ride. The manual to the ride would talk about the
10 specific training.

11 MR. RATHBUN: Correct.

12 DIRECTOR SHANNON: That's why I was thinking we
13 referenced this in an ASTM. It probably talks about that
14 you have to know how to load properly; right?

15 MS. JOINER: But the problem with the monster truck
16 is --

17 DIRECTOR SHANNON: What to do in the case of an
18 emergency or something?

19 MS. JOINER: There is the manufacturer's manual that
20 comes with that truck.

21 DIRECTOR SHANNON: I know. It doesn't work for this.

22 MS. JOINER: It might tell you how to change the
23 light bulb in your taillight, but not how to load and
24 unload passengers.

1 MR. RATHBUN: You are going to run into that same
2 thing at the state fair.

3 DIRECTOR SHANNON: We have a training requirement
4 that references ASTM for those fair rides. At least it
5 has some general guidelines. Maybe we should -- why don't
6 we refresh our memory.

7 MR. KIRSCHNER: Can we extrapolate from the hayride
8 the ASTM?

9 DIRECTOR SHANNON: There is no hayride ASTMs.

10 MR. HAGGERTY: No, because they are exempt.

11 DIRECTOR SHANNON: In our Carnival-Amusement Ride
12 Safety Act, they are specifically exempt. I don't know if
13 someone else regulates them, but we don't. We don't have
14 any standards for them. But we can -- maybe Doug can
15 refresh our memory with the ASTM Standards and bring
16 copies to the next meeting.

17 Patty, what's the ASTM Standard referenced in our
18 rules? Is one of 'em for inflatables and one of 'em for
19 rides because we have ASTM F 770 and ASTM --

20 MS. SULLIVAN: ASTM F 770 is operator training.

21 DIRECTOR SHANNON: Oh, okay.

22 MS. SULLIVAN: It has to do with operators and the
23 operator training program and those kinds of things.

24 What was the other one?

1 DIRECTOR SHANNON: It's 2374.

2 MS. SULLIVAN: Isn't that Go-Karts. No, 2007 is
3 Go-Karts.

4 DIRECTOR SHANNON: That's what this is. And 2007 is
5 Go-Karts?

6 MS. SULLIVAN: Yeah.

7 MS. JOINER: And 2374 I believe is the inflatables.

8 MS. SULLIVAN: I think so.

9 DIRECTOR SHANNON: So would it be correct to say that
10 there is a consensus that if you look at a driver's
11 licensing requirements that all operators should have a --
12 what is it? Is it a Class C or a Class D?

13 MR. RATHBUN: It's a Class D.

14 MS. SULLIVAN: I thought a Class D was a CDL.

15 MR. RATHBUN: No.

16 MS. JOINER: Actually, the Secretary of State tells
17 us that we shouldn't box ourselves in to putting a
18 particular license designation like a D or an A or a B
19 because other states do not use those same
20 classifications.

21 MR. RATHBUN: Right.

22 MR. KIRSCHNER: So a valid driver's license?

23 MS. JOINER: From their home state.

24 DIRECTOR SHANNON: From the state of residence.

1 MS. SULLIVAN: Yeah, a valid driver's license.

2 DIRECTOR SHANNON: So does everyone agree with that?

3 MS. SULLIVAN: Yes.

4 MR. SPARKS: Yes.

5 MR. DRISKILL: Yes.

6 DIRECTOR SHANNON: A valid driver's license?

7 MR. HAGGERTY: Of the state of residence or
8 something.

9 MS. SULLIVAN: What if they are from Canada?

10 MR. HAGGERTY: Yeah. I think maybe we should say
11 just a valid driver's license.

12 DIRECTOR SHANNON: And then we might want to add in
13 some training requirements. We will take a look at that
14 and bring it back to the board before we vote on this.

15 What about the driving age?

16 MR. WRIGHT: I still say 21.

17 MS. SULLIVAN: I'm also kind of with the 18. If you
18 can go get killed for your country, you ought to be able
19 to drive a monster truck. But I'm not -- you know I'm not
20 married to that, but --

21 MR. DRISKILL: And I would say 18.

22 MR. KIRSCHNER: That's the way that I feel. You can
23 go and get killed for your country at 18 and you can vote
24 for the president at 18.

1 MS. SULLIVAN: Yeah.

2 MR. WRIGHT: But still a lot of 18-year olds are
3 still so immature in regular auto situations. You don't
4 know what they may have done. It could be from -- it
5 could be anything from having too much Red Bull or
6 something. And you know you just -- I'm not trusting the
7 18-year old. I just wouldn't trust an 18-year old in that
8 situation.

9 MS. SULLIVAN: If it was your child?

10 MR. WRIGHT: Well, if it was my child, there is no
11 way.

12 DIRECTOR SHANNON: We have three 18-year olds, one
13 21-year old.

14 MR. SPARKS: I have no problem with 18.

15 DIRECTOR SHANNON: Sounds like the consensus would be
16 18.

17 MS. SULLIVAN: A minimum of 18.

18 DIRECTOR SHANNON: But -- well, we've got those two
19 questions answered, but now we have more for you to do,
20 Doug. So to refresh -- so Doug, you are going to look
21 into the training. You are going to look into the two
22 operators or how they will do that kill switch; right?

23 MR. RATHBUN: Uh-huh.

24 DIRECTOR SHANNON: And then the restraint issue.

1 MS. SULLIVAN: Uh-huh.

2 DIRECTOR SHANNON: Whether we should say restraint
3 system as opposed to belt.

4 MS. JOINER: And didn't we talk about a side railing?

5 DIRECTOR SHANNON: Oh, a side railing.

6 MR. HAGGERTY: Specifically the height of the side
7 railing.

8 DIRECTOR SHANNON: The height of the side railing.

9 Okay. Every time we bring this up you get new things
10 to research.

11 Okay. So I think that we've at least made those two
12 decisions. And now we have three pending items to look
13 into -- no, four pending items. They are training, the
14 kill switch, the restraint system and the side rails.

15 Okay. Well, what's the next order of business? Fee
16 increase follow up.

17 Bert?

18 MR. RODRIGUEZ: Just one second.

19 DIRECTOR SHANNON: Just for the benefit of refreshing
20 everyone's memory and for both Dan Driskill and Dan
21 Kirschner, we thought that we would have Bert do an
22 abbreviated Powerpoint on the fee increase proposal.

23 Which is at Tab 3D. Right?

24 (Pause.)

1 any layoffs. We have an agreement signed with AFSCME to
2 that effect. But there is still not funding in our coming
3 yearly budget for the open carnival inspector position
4 that was vacated by John Peterman. And I think it's going
5 to be a challenge in the coming year to fill any open
6 position that comes up as well as we are still seeing
7 challenges that we face along with the rest of the state.

8 At the last board meeting, we presented a few options
9 to the board for consideration as far as potential fee
10 increases. And everybody should be able to find this in
11 their packet again.

12 DIRECTOR SHANNON: Well, Bert, do you have that?

13 MR. RODRIGUEZ: Sure.

14 DIRECTOR SHANNON: So we were talking about the fact
15 that -- just to give a full picture to everyone, we took
16 in \$139,000 approximately in 2009. Your slide -- I think
17 it's about Slide 4 or 5. It shows what the costs for the
18 programs are. I think that it's also in that handout.
19 And, for now, this was based upon having five carnival
20 inspectors plus a manager.

21 MR. RODRIGUEZ: That's right.

22 DIRECTOR SHANNON: The cost of the program is close
23 to \$600,000. It's \$582,715; right, Bert?

24 MR. RODRIGUEZ: That's correct.

1 And that's a good way to capture that. That is the
2 current cost structure.

3 And Slide 12 -- at least from the total perspective,
4 the cost is captured there. There is detail both on that
5 handout and a little bit in the presentation as far as
6 what makes up that cost that we currently incur in the
7 department at that time.

8 MS. SULLIVAN: Can I ask a question?

9 MR. RODRIGUEZ: Sure.

10 MS. SULLIVAN: And this is just curiosity because I
11 just haven't seen it before. It's not an objection. It's
12 just curiosity. What's Social Security Personal Service?

13 MR. RODRIGUEZ: The personal services lines is
14 basically the payroll cost of the agency. So any
15 employees' salary cost as well as the Social Security cost
16 that we would pay is included in those lines.

17 MS. SULLIVAN: Well, you have a line for inspectors
18 and manager salaries and then you have Employee Social
19 Security.

20 DIRECTOR SHANNON: The 1,500 is what she is referring
21 to.

22 MS. SULLIVAN: I'm not objecting. I'm just curious.

23 MR. RODRIGUEZ: Which one?

24 MS. SULLIVAN: On the -- on the one printed 1/8/2010,

1 Revenue for 2009.

2 MR. RODRIGUEZ: That's a good question.

3 DIRECTOR SHANNON: I don't know why they are not
4 lumped together because if you look at the slide they
5 were. It's 24,600. I'm sure that it's a fiscal issue.

6 MR. RODRIGUEZ: Yeah, there must be a reason.

7 DIRECTOR SHANNON: The way that he categorizes
8 things -- I -- I don't know. Our fiscal officer.

9 MR. RODRIGUEZ: Right. Because this would be again
10 strictly a budget category. A line item that is personal
11 services is just straight salary costs. And then Social
12 Security is captured in the following line item as well.

13 DIRECTOR SHANNON: But it really should read \$24,600
14 I think.

15 MR. RODRIGUEZ: Exactly.

16 DIRECTOR SHANNON: I don't know why it's broken out.

17 MS. SULLIVAN: It's a round number. Which you don't
18 get Social Security.

19 DIRECTOR SHANNON: Right. And all of these were
20 rounded up.

21 MR. RODRIGUEZ: Yeah. They are not exact.

22 MS. SULLIVAN: But I mean there is Social Security
23 and then there is personal services. I mean -- I just
24 don't understand.

1 MR. RODRIGUEZ: Personal Services is just the salary
2 cost specifically.

3 MS. SULLIVAN: No. You have salary up there.

4 MR. RODRIGUEZ: Right. But they are called personal
5 services and related lines. So I think that when we talk
6 personal services it's not only salary, but it's Social
7 Security and any other payroll-related costs. So that's
8 how it's listed in the budget.

9 MS. SULLIVAN: But it specifically says Social
10 Security Personal Services. Which is not Social Security
11 and it's not salaries.

12 DIRECTOR SHANNON: Right. I don't have an answer for
13 you. It's a fluke. It probably was a mistake. It
14 probably should have just been --

15 MS. JOINER: I think that, that was my error. The
16 slides are Berts. And this is mine. And I think that I
17 may have just copied the wrong number and I didn't catch
18 it.

19 DIRECTOR SHANNON: Social Security should be \$24,600.

20 MS. JOINER: Yeah.

21 MR. RODRIGUEZ: Yeah.

22 DIRECTOR SHANNON: I don't know why that 1,500 is
23 broken down.

24 MR. RODRIGUEZ: There is not a separate designation

1 for Personal Services Social Security. It would be all
2 one line item. Social Security is based on personal
3 services.

4 MS. SULLIVAN: Based off of the wages and salary?

5 MR. RODRIGUEZ: Yeah.

6 DIRECTOR SHANNON: Personal Services in the state
7 budget is the same thing as salary. It's called personal
8 services. If you look in the budget bill, that's what
9 they say for salary is personal services.

10 MS. VAUGHN: Sounds better than personnel.

11 DIRECTOR SHANNON: It's odd but that's the way that
12 the budget is.

13 MS. SULLIVAN: Okay.

14 MR. RODRIGUEZ: And that is strictly employee salary
15 cost. It does not include any -- if there would be
16 contractors or any of that type of thing. It's strictly
17 employee cost.

18 MS. SULLIVAN: Well, that's the only item for Social
19 Security.

20 MR. RODRIGUEZ: Yeah. And it's strictly employee
21 costs.

22 MR. HAGGERTY: Well, and, Bert, you know I was
23 sending an e-mail to the chief fiscal officer to ask him
24 what that means, but if Marcia prepared it, I will stop.

1 Did you get this from Layton or --

2 MS. SCHERER: No.

3 MS. JOINER: No. I did this.

4 MR. HAGGERTY: Then I will retract my e-mail.

5 All right. I thought that he had.

6 MR. RODRIGUEZ: Okay. And as we discussed the last
7 time as well -- this is just a quick revisit of this as
8 well. The costs that we have again is approximately
9 \$582,000. Which significantly outweighed the revenue that
10 we take in under our current fee structure. So that's why
11 we had that.

12 We looked at other states as well to provide some
13 bench marking information to see where we stacked up
14 against them. And that helped in forming a little bit
15 some of the proposals that you see on Slide 12 on the
16 presentation.

17 I believe that at the last board meeting there was a
18 lot of discussion on several options. Here, Option Number
19 1 of the presentation provides for an increase to \$300 for
20 the adult rides and \$200 for kiddie and inflatables or
21 some variation thereof. This was the option that helped
22 us get close to and a little bit above that.

23 And the other options mentioned here are Options 2
24 and 3. They did not fully cover the difference, but did

1 provide some additional revenue to the state. And those
2 were -- I think that's where most of the discussions were.
3 As far as at least helping with some additional revenue to
4 help us fill the position that we have vacant downstate
5 with John Peterman leaving.

6 There was also a discussion on doing a variation
7 where we would charge an additional or a different fee,
8 say, for roller coasters and ski lifts. And I believe
9 that, that was reflected in the minutes as well. And I
10 was hoping I would be able to pull this up here to show it
11 individually. At least just for some of the estimates
12 that we had.

13 I think that the proposal was to charge \$300 for a
14 roller coaster and ski lifts. There seemed to be a very
15 small amount within the state that would be permitted
16 between roller coasters and ski lifts. About 20. So that
17 would not provide a significant change to some of the
18 proposals or options that were discussed at the last
19 session as well.

20 DIRECTOR SHANNON: Bert, can I just make a correction
21 on the one page that everybody has? We have the numbers
22 flipped per the slides. So Option 1 is really the 200 or
23 300 on this page (indicates). On this page here
24 (indicates). So if everyone wants to make a change, when

1 Bert described Option 1, he was talking about \$200 there.

2 Per kiddie -- and 300 for Option 3. It was \$75 for kiddie
3 and inflatables and \$150 for adult and majors.

4 MR. KIRSCHNER: In terms of the total rides and
5 operations in this state is there a way to have some type
6 of sliding scale based upon the number of riders. So if
7 you have a smaller ride that may not generate enough
8 income for the operator, it makes sense to charge \$300 for
9 the rides that generate more operating income. Is there
10 some sliding scale based on ridership?

11 MR. DRISKILL: I think that they tried to do that
12 based on the options.

13 MS. SULLIVAN: That could be a really deep, big can
14 of worms to try to assign values to that. We did discuss
15 about spectaculars going up because a lot of -- because it
16 takes more time to -- to inspect like -- for instance, if
17 there is an -- if there is a roller coaster and -- and
18 roller coasters even come in many different sizes, but if
19 there is a roller coaster, it's going to take longer to
20 inspect than say a scrambler. And I say that because I'm
21 familiar with the scrambler. And -- and that might be a
22 justifiable reason to raise 'em because we are talking
23 about the inspector's time to inspect. And you know in
24 all likelihood the roller coasters are going to have

1 higher grosses, but to try to figure out you know what or
2 assign grosses to any given ride, I think that we -- it
3 would be a debate that would keep this from passing for,
4 you know, the next couple of decades.

5 MR. KIRSCHNER: Does Great America pay \$85 for its
6 permit for the American Eagle?

7 MR. RATHBUN: Yes.

8 MS. SULLIVAN: Uh-huh.

9 DIRECTOR SHANNON: And just for the perspective from
10 the department, I don't know that we could handle that
11 sort of a scheme for charging because our program is
12 antiquated and I can't even imagine trying that.

13 MR. RATHBUN: And you would have to go and assign a
14 value for every single ride and --

15 DIRECTOR SHANNON: And you would be relying on
16 people's honesty.

17 MR. RATHBUN: That would be a slow and tedious
18 process.

19 DIRECTOR SHANNON: Good idea. We don't mean to shoot
20 it down.

21 MS. SULLIVAN: But it's the reality of the situation.
22 Understanding that we broke off coasters. And there are
23 kiddie coasters as well as, you know, major coasters. So
24 we would have to, you know, maybe make some designation

1 there. But if you are riding one -- a huge coaster at --
2 at you know Great America or Gurney, it's going to take
3 the inspectors -- you know it might take two inspectors a
4 full day or three days.

5 DIRECTOR SHANNON: Well, we always send them in
6 pairs. Right; Doug?

7 MR. RATHBUN: Uh-huh. Oh, one coaster per day. If
8 they are there for a month, you can count on one coaster
9 a day for two of 'em is realistic.

10 DIRECTOR SHANNON: Ski lifts.

11 MR. RATHBUN: Ski lifts. A full day easily.

12 DIRECTOR SHANNON: Easily. Right?

13 MR. RATHBUN: Uh-huh.

14 DIRECTOR SHANNON: Now what about kiddie coasters?
15 Those are currently charged at the kiddie price?

16 MR. RATHBUN: It depends on what it is. I think that
17 the Orient Express were charged at \$35.

18 MS. JOINER: Yeah.

19 MS. SULLIVAN: If they ride adults?

20 MR. RATHBUN: Yeah. And the --

21 MS. SULLIVAN: And the Spinning House is probably
22 \$85?

23 MR. RATHBUN: So the problem is that there are so few
24 big ones. And this is what Bert and I were talking about.

1 There are so few big, big coasters. You know to really
2 hit them hard all you would be doing is slamming Six Flags
3 is what it boils down to.

4 DIRECTOR SHANNON: For \$600.

5 MR. RATHBUN: For \$300?

6 DIRECTOR SHANNON: For \$6,000.

7 MR. RATHBUN: But that will -- the ski lifts and --
8 and the big coasters would affect -- would impact four
9 companies in the state.

10 DIRECTOR SHANNON: Four?

11 MR. RATHBUN: Yeah. You got Galena, Chestnut
12 Mountains. And you got Ski Snowstar in Andalusia. Villa
13 Olivia Country Club. That's your lifts. And I think that
14 there is 11 total lifts. And then you've got --

15 MR. HAGGERTY: The big coasters.

16 MR. RATHBUN: -- the big coasters at Six Flags. And
17 that's it. And it came out to about 20 big rides and four
18 companies that we would be impacting if we focused on
19 raising rates. Specifically for large coasters and ski
20 lifts.

21 MS. SULLIVAN: How many -- how many, say, normal
22 major rides can you inspect in a day for instance or did
23 they --

24 MR. RATHBUN: Well, realistically in my mind a full,

1 long day for one inspector at a carnival -- and I'm not
2 talking a Six Flag coaster.

3 MS. SULLIVAN: Right. I am saying a major ride.

4 MR. RATHBUN: Eight to ten is a good day. Twelve.

5 MS. SULLIVAN: Rides.

6 MR. RATHBUN: Rides.

7 But if you are doing a carnival, obviously you are
8 running into many combinations of Hamptons versus your
9 Himalaya Bobs. If a guy has ten or 12 show rides up,
10 that's a long day. And a 16-ride show is a killer. And
11 that's where it's usually better to get two if you can you
12 know?

13 MS. SULLIVAN: Well, I'm just thinking in terms of if
14 a ski lift takes one to two days and a coaster takes --
15 takes one to two days, then I would think that there is
16 justification for raising those higher to accommodate the
17 amount of time we're paying our inspectors to do that.

18 MR. RATHBUN: And from a man-hour perspective, you
19 are right.

20 MS. SULLIVAN: 'Cause I think -- I'm thinking of -- I
21 mean I even think that they could probably go higher than
22 \$300 for the amount of time that it takes them 'cause
23 there is a lot to inspect on those types of rides.

24 MR. WRIGHT: How would that impact our deficit?

1 MR. RODRIGUEZ: That's a good point, but I can
2 realistically say \$300 if that's what we are charging for
3 those. Right now they are being charged \$85. So it's a
4 \$215 increase. So say it's about 20 permits that would
5 apply. So we are only looking at a \$4,300 increase.
6 There again if we do increase the fee higher, then it
7 would go up. But there is just not a lot of rides that
8 would be permitted in the state. So it wouldn't have I
9 think a dramatic impact on the --

10 DIRECTOR SHANNON: In terms of the amount of money of
11 revenue it raises.

12 MS. SULLIVAN: But it is still \$300.

13 MR. RODRIGUEZ: Yeah.

14 MR. KIRSCHNER: Do any of the amusement fees
15 generated come to us?

16 MR. RODRIGUEZ: No.

17 MR. KIRSCHNER: Is their entire budget based on the
18 permitted process?

19 MR. RODRIGUEZ: The permit fees come into the General
20 Revenue Fund. So they do not come directly to us. There
21 is not a dedicated fund for this division. We are funded
22 from General Revenue. And so is the Carnival Division.
23 But we do not control the fees that come directly to the
24 state.

1 MR. SPARKS: That's like, as a retired fiscal officer
2 with the state, you have absolutely zero guarantee that
3 you will ever see those funds no matter what we raise it
4 to. It goes into the General Revenue Fund. The
5 legislature and all of the powers that be will distribute
6 that where they feel like. So no matter what we do here
7 it's the State of Illinois' problem. And no matter what
8 we do here it is not going to guarantee funding for this
9 position.

10 MR. RODRIGUEZ: That is correct. I think it would
11 help us make the case to fill the position. Again, there
12 wouldn't be a guarantee.

13 MR. SPARKS: Sure.

14 MR. RODRIGUEZ: But with no money coming in, I -- I
15 think it's going to be a tough decision to make.

16 MR. SPARKS: Back in the '80s when this was
17 established, the State of Illinois came to the carnival
18 industry and said we are going to regulate you and we're
19 not going to charge exorbitant fees. Don't worry about
20 that. We just feel the need to regulate you.

21 Well, now you are coming to the carnival industry and
22 wanting us to fund the whole thing. And I don't think
23 that's fair at all.

24 MS. SULLIVAN: Well, and different states do it

1 differently. New Jersey for instance. One of their state
2 mandates is that they're pretty much self-funded.

3 MS. JOINER: Yes.

4 MS. SULLIVAN: And that was never intended to be
5 self-funded. However, if we don't raise some rates and
6 give Bert or -- or Catherine some leverage to go to the
7 Office of Personnel or whoever you need to go to --

8 DIRECTOR SHANNON: Management and Budget.

9 MS. SULLIVAN: Management and Budget.

10 -- then they don't have any leverage to get the fifth
11 inspector. And I think that we need to -- to just admit
12 that, you know, we've been at this rate for a long time.
13 It's been -- you know it's still tough on all of the
14 operators out there because we've had rain and they can't
15 raise their prices and still get people to come and
16 patronize them.

17 But I think -- I think it's justifiable to raise them
18 some and give -- and you know give you some leverage and
19 some kind of ammunition to go and try to get the -- the --
20 the fifth person on board. And -- and -- because we are
21 going to end up paying, you know, more -- well, it's not
22 overtime, but comp time and -- and get less of our
23 inspectors time to do -- to do research to do, you know,
24 all of the other things that they need to do.

1 I mean it's -- or you know you are going to call
2 and -- and they are going to say we're sorry, but we don't
3 have anybody to send to you right now, you are going to
4 have to wait another day.

5 MR. SPARKS: And I agree with you. I'm not opposed
6 to a moderate raise. I feel doubling it is out of the
7 question. Every year we get hit with more and more
8 paperwork. We've been hit with background checks. They
9 are not cheap. They add up very quickly. Insurance keeps
10 going up. I mean all the -- with all of our overhead and
11 everything, we just can't afford it.

12 MS. SULLIVAN: And the ticket price has been pretty
13 much the same for five or eight years.

14 MR. RODRIGUEZ: I think James had a question related
15 to the current fee structure, how long that it has been in
16 place.

17 DIRECTOR SHANNON: Since 2007.

18 MS. JOINER: We increased the kiddie rides \$5 and the
19 adult rides \$10.

20 DIRECTOR SHANNON: It was \$75 and \$25.

21 MR. WRIGHT: Just three years ago?

22 MS. JOINER: (Nods affirmatively.)

23 MS. SULLIVAN: Well, I can -- is it out of order to
24 make a motion?

1 DIRECTOR SHANNON: If anyone would like to make a
2 motion, they may.

3 MS. SULLIVAN: Well, I just did a little pencil
4 pushing. And one and a half times what we are doing right
5 now would make -- puts the kiddie rides at \$52.50 and it
6 would put adult rides at \$127.50. So if we said \$55 and
7 \$130 for those and maybe \$1,000 for ski lifts and major
8 coasters because they take -- you know if you can get
9 eight or ten rides inspected in the same amount of time
10 that it takes to inspect a major ride in a day -- in an
11 eight-hour day -- and that's about an hour per ride. Then
12 eight times that. The 130 is a little bit more than a
13 thousand. But if we -- if we would even say a thousand
14 for those, it would be commensurate with the amount of
15 time that they are taking to inspect compared to the major
16 rides.

17 DIRECTOR SHANNON: Okay. Can you restate the
18 amounts? For the kiddie rides it was \$55.

19 MS. SULLIVAN: The kiddie rides would be \$55. An
20 adult ride would be \$130. Coasters and ski lifts would be
21 a thousand per ride.

22 DIRECTOR SHANNON: So is that a motion then?

23 MS. SULLIVAN: Yes. I'm making that motion.

24 DIRECTOR SHANNON: Is everyone clear on the amounts?

1 MR. DRISKILL: Can you say it one more time?

2 DIRECTOR SHANNON: Kiddie rides would increase from
3 their current rates of \$35 to \$55.

4 MS. SULLIVAN: Uh-huh.

5 DIRECTOR SHANNON: Adult rides or major rides would
6 increase from \$85 to \$130. Major roller coasters and ski
7 lifts would increase from their \$85 current rate to \$1,000
8 per ride.

9 MS. SULLIVAN: Uh-huh. Per ride.

10 MR. RODRIGUEZ: And that would give us a little over
11 \$231,000 as the new revenue generated annually. Which
12 would be almost -- which would be an increase of almost
13 \$100,000.

14 MS. SULLIVAN: Which would be more than enough to --
15 to cover one more inspector with their -- with their
16 salary and their benefits and their taxes and blah-blah,
17 blah-blah. It would -- it would -- you know I feel like,
18 you know, that it would give you something, you know,
19 without killing the industry off. Because if -- if they
20 go out of business because they can't afford it, then that
21 doesn't increase revenue. And that's approximately one
22 and a half times what they are paying now. And that's a
23 pretty big jump in -- in their, you know, budget.

24 DIRECTOR SHANNON: Should I get a second on that?

1 MR. HAGGERTY: Even though it is not required as a
2 small board, it's our practice to get a second.

3 DIRECTOR SHANNON: Is there a second?

4 MR. SPARKS: I will second it.

5 DIRECTOR SHANNON: Bill seconds the motion.

6 Okay. Keep going.

7 MS. SULLIVAN: Because it -- I mean it's -- we
8 have -- we have enjoyed lower costs on this, but I also
9 feel like we cannot, you know, put the people -- the
10 golden geese out of business either. Because it's not
11 just the revenue that they bring in, but they -- they
12 will -- the revenue for all of their trucks, the revenue
13 for state sales tax, the revenue that they bring to every
14 town that they -- you know where they work. The revenue
15 that they bring in to nonprofit organizations. You know
16 it's a whole balance of money. If -- if they would go out
17 of business, that would stop coming into the system and
18 turning over. So I think one and a half is -- is -- it's
19 gonna' hurt, but it's not gonna' hopefully kill 'em.

20 DIRECTOR SHANNON: And just for clarification sake,
21 this would not go into effect obviously immediately. It
22 would not be effective until the 2011 carnival season.

23 MS. SULLIVAN: Uh-huh.

24 MR. HAGGERTY: And it would require a hearing on that

1 rule change.

2 DIRECTOR SHANNON: It would require a rule change --
3 it would require a hearing, yes. A public hearing.

4 MR. HAGGERTY: A public hearing.

5 MS. SULLIVAN: Although, it's gonna' -- you know it's
6 gonna' hurt their budget and certainly their bottom line,
7 they would like to have the inspector available when they
8 need 'em, too.

9 MR. KIRSCHNER: How many carnival operators are
10 there, do you know?

11 MR. RATHBUN: Three hundred and --

12 MR. SPARKS: We have about 35 in Illinois.
13 Thirty-five shows.

14 MR. RATHBUN: Are you talking companies or carnivals?

15 MS. JOINER: We have almost 300 companies that
16 operate in Illinois.

17 MR. KIRSCHNER: What's the average number of rides
18 per company?

19 DIRECTOR SHANNON: There are some large shows.

20 MS. SULLIVAN: Anywhere from eight to 100.

21 MR. KIRSCHNER: Well, the --

22 MS. JOINER: There is a lot that only have one.

23 MR. RATHBUN: There were 304 companies in 2009. And
24 there were a total number of 2,400 permits. So take 2,400

1 and divide it by 300.

2 MS. SULLIVAN: So 2,400 rides.

3 MR. KIRSCHNER: Aren't there companies like Pump It
4 Up?

5 DIRECTOR SHANNON: Yes. Yes. But not the one that
6 you might have in your backyard.

7 MR. KIRSCHNER: The big revenue generators are --
8 aren't just the water slides?

9 DIRECTOR SHANNON: We don't regulate water slides.

10 MR. KIRSCHNER: Okay. But some of those companies
11 like Pump It Up -- they do very well on those.
12 Particularly in the Chicago area.

13 DIRECTOR SHANNON: And they are charged \$35.

14 MR. KIRSCHNER: And I wish that there was some way to
15 make it fairer on the smaller carnival operator and to put
16 more on the ones that generate more income and to tie it
17 to the income generated.

18 MR. WRIGHT: I don't know if this is legal or not.
19 To charge like set amusement parks like Great America just
20 a larger fee just to inspect. Is that possible or not?

21 MS. VAUGHN: Like carnival versus amusement?

22 MS. SULLIVAN: I think that you might get into
23 discrimination there. I wouldn't want to fight that one.

24 MR. HAGGERTY: I think that there would be equal

1 protection issues related to different classes.

2 MS. VAUGHN: Do they operate more days, though, than
3 a carnival would?

4 MR. HAGGERTY: You know I don't know that. That
5 would be a basis for trying to distinguish them.

6 DIRECTOR SHANNON: Well, from the research that we've
7 done most states follow the pattern of charging by the
8 ride. Don't they?

9 MR. RATHBUN: Yeah.

10 MR. DRISKILL: Yeah.

11 MR. HAGGERTY: I think that's the basis there.

12 DIRECTOR SHANNON: California charges by the number
13 of hours.

14 MS. SULLIVAN: And the inspectors are to read every
15 manual every year just to -- just to promulgate more money
16 for the system. And I do not want to even start thinking
17 about that kind of thing. It's just raping the carnivals
18 and operators.

19 DIRECTOR SHANNON: We have some downtime. So we
20 expect our inspectors to be doing that in the off season.

21 MS. SULLIVAN: Right. And -- well, we expect our
22 inspectors to not have to read the same manual every year.

23 MR. WRIGHT: So with the \$85 for an adult ride,
24 what's the amount of time that it takes normally to do

1 that?

2 MS. SULLIVAN: For the inspector to inspect the adult
3 ride?

4 MR. WRIGHT: Yeah.

5 MS. SULLIVAN: Probably around an hour. Give or take
6 probably 15 or 20 minutes.

7 DIRECTOR SHANNON: If just depends on the ride.

8 MS. SULLIVAN: It just depends on the ride.

9 DIRECTOR SHANNON: It might depend on the age, too.

10 MR. RATHBUN: And the quality of the ride.

11 MR. RATHBUN: You can spend two hours on a scrambler
12 if it's a piece of crap. Well, I spent three hours on a
13 Go-Kart track yesterday.

14 MS. SULLIVAN: If it's not well maintained, you are
15 going to see that pretty quickly. And you know if it's
16 missing rivets on this car and if it's missing rivets on
17 this car you know? But different rides have different
18 things where you have to check to see okay, are there
19 cracks in the -- you know in the structure of the ride or
20 in the structure of the vehicle that holds the people or
21 whatever holds the vehicle on the ride. You have to look
22 at do they have -- are keys in, are there click pins in
23 good shape. Do they have click pins in all of the
24 assembly pins. Do they -- are they, you know, properly --

1 I want to say are they properly leveled and blocked and
2 those kinds of things.

3 And you know when inspectors go to -- to -- like
4 NARSO and ASTM, they hear directly from the manufacturers
5 that here are some things to look for, these are very
6 important. They may add those in to what they inspect.
7 We're right now in the process of trying to go over all of
8 our inspection logs at my company for all of our rides and
9 to be able to post them on our web site. So that if an
10 inspector wants to download one or if a customer wants to
11 download one -- because we might hear about a comment that
12 somebody else hasn't. Like, oh, you know, you should
13 check for this. I mean we may be thinking, well, of
14 course. It's so obvious you know? Why wouldn't they?
15 But if it's happened, then you just might want to take a
16 little bit more care with something.

17 And so depending on the number of connection points,
18 it takes, you know, a greater or a lesser amount of time.
19 The number of vehicles. The type of blocking. If they
20 are trying to do it in the rain. You know it could be
21 that -- it can take a lot longer trying to climb. And if
22 they have to climb, then they've got to have their
23 personal protective equipment, you know, to put on. And
24 it is just -- there is so many different factors in how

1 long it does take. But if you averaged it out, a ride
2 that you are probably going to pass is -- is gonna' take
3 about an hour plus or minus.

4 MR. WRIGHT: It just seems like that Great America is
5 getting away with murder.

6 MR. HAGGERTY: But you know I think that an operator
7 of a ride that has greater revenues would say my
8 revenues -- I'm already paying taxes on my revenues you
9 know? So that has already been accounted for within the
10 state.

11 DIRECTOR SHANNON: Well, they have their own
12 inspection team don't they?

13 MR. RATHBUN: Well, they are also in one place.

14 MS. SULLIVAN: So they are not setting up and tearing
15 down.

16 MR. HAGGERTY: Expending hours by our own work force
17 is more appropriate --

18 MR. RATHBUN: Right. We don't have to drive four
19 hours to inspect them. Margaret is 20 miles away.

20 DIRECTOR SHANNON: They do supplement the
21 inspections. And I'm sure a lot of other operators do.
22 But they have more than most.

23 MS. SULLIVAN: I would bet that every operator has
24 somebody inspecting every ride. Well, it's a requirement

1 to have a preopening inspection. So somebody is going to
2 be inspecting. And most -- like if you have a supervisor
3 over several rides, that person is going to go and inspect
4 each ride before they would want to open. They don't want
5 anything to be wrong.

6 Having the third pair of eyes just -- you know it's
7 really a wonderful thing because you are used to looking
8 at a ride every day, day in and day out for a whole
9 season. And if you happen to miss something, then you
10 hope that your inspector comes in and says, oh, did you
11 know that you didn't have a -- you know a lock on this or
12 there is an assembly pin missing over here or you know?

13 MR. KIRSCHNER: Is there a fining process that if the
14 inspector finds something incorrect that there is a fine
15 levied?

16 MS. SULLIVAN: Well, first they would red tag the
17 ride or a seat on the ride. And that's not allowed to
18 open until they mitigate whatever the problem was.

19 DIRECTOR SHANNON: The only thing that we have that's
20 maybe akin to that would be the Stop Operation Permit.
21 And that's where if someone is operating without a permit,
22 we can fine them up to -- what?

23 MR. RATHBUN: It's \$2,500 with no permit, but --

24 DIRECTOR SHANNON: We could put a Stop Operation

1 Order on there.

2 MR. RATHBUN: Stop Operation Orders are pretty much
3 our last resort. We like to work with the owner and say,
4 hey, you are missing this pin, get it fixed. We don't
5 want to get into a position where it's like if something
6 is missing we are going to fine you \$2,500. That's
7 counterproductive to working as a team.

8 DIRECTOR SHANNON: And it's 250 for the reinspection.

9 MR. RATHBUN: Right.

10 DIRECTOR SHANNON: But we've only issued -- I mean we
11 will issue them. We use it as we need to.

12 MR. RATHBUN: We are getting better at it. It is a
13 last resort kind of thing. We are looking more for people
14 operating illegally.

15 MS. SULLIVAN: But mostly they want to work
16 cooperatively. And you know not develop an antagonistic
17 relationship.

18 DIRECTOR SHANNON: With compliance.

19 MS. SULLIVAN: Because the carnival owner may be also
20 able to say, hey, there is another thing that you ought to
21 look for that we have found or that we have learned from
22 somebody else on the east coast or somewhere that has been
23 a problem. So you want them to have that working
24 relationship with the inspectors. It goes both ways. And

1 if we start to getting icky with them, that would probably
2 stop.

3 MR. KIRSCHNER: Uh-huh.

4 MS. SULLIVAN: So it's let's get this corrected while
5 we are here and then it's not -- because Marcia doesn't
6 want to have listen to it and Catherine doesn't want to
7 have to listen to it and Doug doesn't want to have to
8 listen to it if you start putting stop orders on things
9 that they can fix right there while you are there.

10 DIRECTOR SHANNON: Is there any further discussion?

11 MS. JOINER: Are we back on fees?

12 MS. SULLIVAN: Uh-huh.

13 DIRECTOR SHANNON: Well, I think mostly.

14 MS. JOINER: Well, before you vote on that, I want to
15 make sure that I am clear and that is that this is only
16 for ski lifts and not tramways and rope tows.

17 DIRECTOR SHANNON: The 1,000?

18 MS. JOINER: Yes. Because -- why I'm saying that is
19 in our rules, at Section 50, the way that it's listed is
20 ski lifts, tramways and rope tows are all the same.

21 DIRECTOR SHANNON: What section of our rules are you
22 referring to?

23 MS. JOINER: I'm at 50.

24 MR. HAGGERTY: So we are at 6000.50?

1 MS. JOINER: Yes. Item 4 in A and B both. Which we
2 can separate those.

3 And then we -- of course, we would have to define
4 major coasters from --

5 MR. RATHBUN: That was my next point of order is a
6 working definition as to what qualifies as a major
7 coaster.

8 MS. JOINER: Right. But before that, when they vote
9 they are sort of lumped together right now.

10 DIRECTOR SHANNON: Yeah.

11 MS. JOINER: And I wanted to make sure that we are
12 only doing ski lifts and not the tramways and rope tows.

13 MR. HAGGERTY: Would aerial tramways and rope tows --
14 would they also require a day to a day and a half to
15 inspect?

16 MR. RATHBUN: Rope tows, no. We don't have any
17 aerial tramways.

18 MS. JOINER: Not anymore.

19 MR. HAGGERTY: Okay.

20 MR. RODRIGUEZ: So would that mean must removing ski
21 lifts and making it a separate line item?

22 MR. HAGGERTY: Well, I guess following --

23 MS. SULLIVAN: Would rope tows take about an hour to
24 an hour and 15 minutes to inspect?

1 MR. RATHBUN: Yes.

2 MR. HAGGERTY: Aerial tramways, if they did exist,
3 would probably require the same amount of time as a ski
4 lift?

5 MR. RATHBUN: Yes.

6 MR. HAGGERTY: Keeping ski lifts together and
7 separating out the tow ropes.

8 DIRECTOR SHANNON: So there was a question about
9 whether, Patty, your motion for ski lifts included aerial
10 tramways and rope tows because right now in our rules we
11 have all three in the same category.

12 MS. SULLIVAN: Well, I would say rope tows, no.
13 Because they don't take that long to inspect.

14 DIRECTOR SHANNON: So rope tows would be in with the
15 adult rides?

16 MS. SULLIVAN: What were they before? Were they in
17 with the adult rides?

18 MR. RATHBUN: Yes.

19 MS. SULLIVAN: Then I would think that they would
20 stay in with the adult rides.

21 Aerial tramways -- well, most of them have -- you
22 know they have columns that the inspector has to climb
23 every single one and -- and inspect every single one.
24 They still have to inspect the whole cable all of the way

1 around there. And that's a long and tedious process. As
2 well as the gear house that's running. The whole thing.

3 So you know they don't have maybe as far to go, but
4 you know if we want to do something in between for them.
5 But otherwise I think that it's still the climbing up
6 because, you know, you have to have your harness on and
7 your -- you know you have to lock yourself on every step.

8 DIRECTOR SHANNON: So was it your intent to include
9 ski lifts and tramways?

10 MS. SULLIVAN: I hadn't thought about tramways
11 truthfully, but I think it's probably reasonable to
12 include tramways. And tramways are usually static. They
13 don't move.

14 DIRECTOR SHANNON: How many of those do we have?

15 MR. RATHBUN: None.

16 MR. HAGGERTY: None.

17 DIRECTOR SHANNON: Oh.

18 MS. SULLIVAN: Okay. But in case we would get one,
19 we will just throw it in there.

20 MR. HAGGERTY: So would that be a motion to amend the
21 pending motion?

22 MS. SULLIVAN: Yes. I would be happy to amend my
23 motion to include tramways with ski lifts.

24 DIRECTOR SHANNON: Okay.

1 MR. HAGGERTY: And what --

2 MS. SULLIVAN: But not rope tows. Rope tows would
3 remain in with the major rides.

4 MR. SPARKS: And large coasters.

5 MS. SULLIVAN: Yes.

6 MR. RATHBUN: And, as a point of clarification, what
7 criteria are we using to determine what a major coaster
8 is?

9 MR. WRIGHT: A thousand feet.

10 DIRECTOR SHANNON: I think that I used the term major
11 coaster. So if that's not the term --

12 MR. RATHBUN: Well, it's incremental. Where are we
13 drawing the line? Are we using track length? Are we
14 using the height of the lift hill. We just need
15 clarification so that --

16 DIRECTOR SHANNON: Or are we talking about all
17 coasters that aren't kiddie coasters? I don't know.

18 MR. RATHBUN: That would include the Orient
19 Expresses. You are not going to charge \$1,000 for those.

20 MS. SULLIVAN: No. I would say -- you know I don't
21 know exactly how to define major coasters, but, for
22 instance, if it takes a day or two or more to set 'em up,
23 then they are a major coaster.

24 MR. WRIGHT: Can you say permanent, fixed.

1 MS. SULLIVAN: No.

2 MR. RATHBUN: Point being the Wild Mouse. It's a
3 mobile ride. And I would say anything over like 30 or 40
4 foot tall. That's where my mind is going.

5 MS. VAUGHN: The Orient Express is considered an
6 adult ride.

7 MR. RATHBUN: It is, but I would not call it a major
8 coaster to the extent that it's a family ride.

9 MS. SULLIVAN: It's a family ride with cars big
10 enough to accommodate adults. It's not one to turn over
11 and to corkscrew.

12 But you know, for instance -- I don't know if we have
13 any that come into Illinois. But, for instance, in
14 Columbus, Slovenias (phonetic) bring this big old coaster
15 in and it -- you know they bring it in ahead of time. And
16 it takes three or four days to set up.

17 MR. RATHBUN: That's true.

18 MS. SULLIVAN: And the fact that you are setting up
19 that many pieces and -- and -- and fitting together track
20 and everything -- you know I just think that the
21 inspectors have to take more time on it because it's --

22 MR. WRIGHT: Can you define it that it takes so many
23 hours to inspect?

24 MR. DRISKILL: They are going to pay \$1,000 for the

1 inspector to inspect it, but not -- if I have a coaster --
2 I don't. But if I did, I would pay the same thousand to
3 get the benefit of a repeat inspection throughout my
4 season.

5 MS. SULLIVAN: Uh-huh. But for the first inspection,
6 those inspectors still have to take all of that time to do
7 it. And I think that that's -- I don't know any -- we are
8 trying to fund a position. And -- and I mean we need
9 another inspector. So I'm thinking --

10 MR. DRISKILL: And, as an owner, operator, I don't
11 dispute that. I've been at the mercy of the inspectors
12 where I have called Doug up and said I forgot, I screwed
13 up, I need an inspection. And he has accommodated me. I
14 agree that we need an inspector. I just don't know.

15 What about with a -- with a coaster? It used to be
16 \$85 and now you want him to pay a thousand.

17 MS. SULLIVAN: But he is getting that much of our
18 inspector's time.

19 MS. SCHERER: Would any of these be over 30 or 40
20 feet?

21 MR. SPARKS: Yeah. A Zyclone would.

22 MS. SCHERER: That is a bigger roller coaster.

23 MR. DRISKILL: A Zyclone is.

24 MR. RATHBUN: Yeah.

1 MR. SPARKS: Fifty foot.

2 MR. RATHBUN: That's as tall as some of the coasters
3 at Six Flags. That's the point. There are portable rides
4 that are as big as it is. And it may be a one-shot deal
5 like the Heart of Illinois Fair where they did take three
6 days to set it up. And it was probably a one-shot deal.
7 But yes, that would meet the criteria of a major coaster.

8 MR. SPARKS: We could change it to a permanent unit
9 coaster that rides adults.

10 MS. SULLIVAN: No, 'cause I think that the Zyclone is
11 going to take as long to inspect as one in a park.

12 MR. WRIGHT: How about inspection hours like getting
13 the kiddie coaster -- taking any coaster that takes over
14 two hours to inspect.

15 MR. RATHBUN: No, I would never stipulate how long it
16 takes to inspect something. It takes as long as it takes
17 to inspect it. That's just --

18 MS. SULLIVAN: I'm totally with you on that.

19 MR. RATHBUN: You do not dictate how long it takes an
20 inspector to inspect a ride.

21 DIRECTOR SHANNON: He is just saying the time that it
22 takes.

23 MR. RATHBUN: I understand.

24 DIRECTOR SHANNON: You need an incentive for it to be

1 done quicker.

2 MR. RATHBUN: You need to be more -- some type of an
3 intangible element relative to inspections whereas height
4 or length are concrete. Does that make sense?

5 MR. WRIGHT: Yeah. If you say like a 30-foot tall
6 1,000-foot coaster.

7 MR. HAGGERTY: So with a track in excess of X or a
8 height in excess of Y?

9 MR. RATHBUN: Right.

10 DIRECTOR SHANNON: Well, we could define major -- we
11 will have to go through the rules anyway and look at
12 defining that.

13 MS. SULLIVAN: Uh-huh. And in the meantime maybe
14 Doug and the inspectors can kind of categorize the -- the
15 coasters that they have and maybe even take pictures for
16 us to see so we can say that we think that this should be
17 and we can have an interval like a \$500 inspection fee
18 or --

19 MS. JOINER: Don't some of the other states do this?

20 DIRECTOR SHANNON: Charge more for coasters?

21 MR. RATHBUN: Yes. Kentucky has like 12 different
22 categories.

23 MS. JOINER: How do they do it?

24 MR. RATHBUN: It's height usually.

1 MS. VAUGHN: What about permanent versus a certain
2 height?

3 MS. SULLIVAN: I wouldn't say permanent. I would
4 just say over a certain height. Because if they are set
5 up and torn down 20 times during the year -- and these
6 guys work long days when they are setting up a coaster.
7 And the opportunity to miss a pin and -- an assembly pin
8 or something else increases the more tired that you are
9 and the more that there are to put in.

10 And you know I think that the -- that it has to be
11 taken into consideration because the inspectors have to
12 have time to do it right. And if the inspector is fine --
13 and we may want to get their recommendation of, oh, it
14 only takes me about four or five hours to do these kinds
15 of coasters as opposed to the big one at -- you know some
16 of the big ones take me two days.

17 MR. WRIGHT: What's the average track length on an
18 adult coaster?

19 MS. SULLIVAN: You are asking, again, trivia that you
20 would have to look up.

21 MR. WRIGHT: Is there like 2,000 feet coasters?

22 MR. RATHBUN: Margaret may be able to tell you what
23 the one is at Six Flags. I cannot tell you that.

24 MS. VAUGHN: Some go in circles.

1 MR. DRISKILL: Some tracks are long. You take the
2 Zyclone and the pieces of track on that are as long as
3 this section of table, but yet you take that Wild Mouse
4 and that same piece of track could be three or four or
5 five times as long and much less pivoting points where
6 they connect together.

7 MR. WRIGHT: I'm trying to figure out how to define
8 it.

9 MS. SULLIVAN: I think that we should get
10 recommendations from our inspectors. They would know.
11 They are doing it right now. And they would know
12 approximately how long it takes on average for this size
13 versus this size. And ask them to, you know, be thinking
14 as they are inspecting and give us a recommendation. Then
15 I think that that's the best way to go about it with the
16 best information.

17 DIRECTOR SHANNON: Some states have super rides.
18 They must define in their rules what a super ride is.
19 Some states have just coasters. They are more for the
20 coasters. And some use the term super size. And we
21 probably should define what a coaster is or what is a
22 super ride if we are going to use those kinds of terms.
23 Which we would do in our rules.

24 MS. SULLIVAN: Uh-huh. So what if I would amend my

1 motion to also say a \$500 fee for what our inspectors may
2 want to say is a midsize coaster or intermediate size or
3 whatever you want to call it. And -- and then have the
4 two categories there.

5 DIRECTOR SHANNON: Intermediate coaster?

6 MS. SULLIVAN: Uh-huh. And then most of the ones
7 possibly coming into the state would be more likely to be
8 an intermediate rather than a big. And if they are the
9 high ones, they are probably coming into a state fair or
10 something that -- that's an event that is long enough that
11 it will pay 'em to come and set up.

12 DIRECTOR SHANNON: So that's a motion to amend your
13 motion?

14 MS. SULLIVAN: Correct.

15 MR. HAGGERTY: So perhaps, Catherine, you should
16 state it as you understand it currently now and see if we
17 are all on the same page.

18 DIRECTOR SHANNON: The motion now before us is to
19 charge kiddie rides at \$55, adult rides including rope
20 tows at \$130.

21 MS. SULLIVAN: Uh-huh.

22 DIRECTOR SHANNON: Intermediate coasters at \$500 and
23 major coasters, ski lifts and tramways at \$1,000.

24 MS. SULLIVAN: Uh-huh.

1 MR. HAGGERTY: Is there a second?

2 DIRECTOR SHANNON: Is there a second to the amended
3 motion?

4 MR. KIRSCHNER: Can I ask a question?

5 DIRECTOR SHANNON: Yes.

6 MR. KIRSCHNER: Is that something that the carnival
7 operators are comfortable with? Is that something that
8 Bert and Catherine are comfortable with in terms of taking
9 it to the legislature and the Governor with?

10 DIRECTOR SHANNON: I think that we can
11 administratively handle this unlike some of the other
12 things that we've discussed. I think that
13 administratively it wouldn't be a problem right now for
14 our ride programs to do these variations of fees.

15 In terms of the -- in terms of, you know, going to
16 the JCAR with this proposal, I don't see a problem there.

17 In terms of going to the Office of Management and
18 Budget, I think that it -- it raises you know over
19 \$100,000 I think Bert said.

20 MR. RODRIGUEZ: A little under.

21 DIRECTOR SHANNON: A little under \$100,000.

22 So I think that Patty is right. We could certainly
23 fund another position with all of the fringes and
24 associated costs.

1 MS. SULLIVAN: You would have something to go to 'em
2 with.

3 DIRECTOR SHANNON: Right. And that would be what our
4 intent would be to say, you know, our board is willing to
5 increase the fees, you know, because they believe that we
6 need the vacancy to be filled. So yeah, I think that we
7 could --

8 MR. WRIGHT: (Nods affirmatively.)

9 DIRECTOR SHANNON: -- go to the legislature with
10 this.

11 MR. HAGGERTY: Is there a second?

12 DIRECTOR SHANNON: Is there a second?

13 MR. SPARKS: I second it.

14 DIRECTOR SHANNON: Okay. Bill has seconded it.

15 Is there any further discussion?

16 (No response.)

17 DIRECTOR SHANNON: We are going to do a recorded
18 vote. So I will start with the motion has been made and
19 seconded by Bill.

20 MR. HAGGERTY: Well, now you are calling the request
21 on the vote as to whether the fees should be increased as
22 follows.

23 DIRECTOR SHANNON: I'm calling the request on the
24 vote as to whether the fees should be increased as

1 follows: kiddie rides, \$55; adult rides including rope
2 tows, \$130; intermediate roller coasters \$500 and major
3 coasters, ski lifts and tramways, \$1,000. And this would
4 be effective with the 2011 carnival season. And on that
5 question, I'll call the roll call.

6 Bill.

7 MR. SPARKS: Yes.

8 DIRECTOR SHANNON: Patty?

9 MS. SULLIVAN: Yes.

10 DIRECTOR SHANNON: Dan?

11 MR. DRISKILL: Yes.

12 DIRECTOR SHANNON: Dan?

13 MR. KIRSCHNER: Can I vote present?

14 MR. HAGGERTY: Well, you would abstain.

15 MR. KIRSCHNER: I will abstain.

16 DIRECTOR SHANNON: James?

17 MR. WRIGHT: Yes.

18 DIRECTOR SHANNON: And Catherine votes yes.

19 MR. HAGGERTY: So the motion carries on a vote of --

20 DIRECTOR SHANNON: The motion carries on a vote of
21 five, zero to one.

22 Okay.

23 MS. JOINER: And that would be effective in January

24 of '11?

1 MS. SULLIVAN: Assuming we can get it through
2 legislatively.

3 DIRECTOR SHANNON: We would have to change our rules,
4 yes.

5 MR. HAGGERTY: And have a public hearing.

6 DIRECTOR SHANNON: And have a public hearing, but our
7 intent would be to impose it for the 2011 carnival season.

8 MS. SULLIVAN: Most of the operators that I have
9 talked to since then as far as a raise, they -- you know
10 they want the fifth inspector. And I -- you know nobody
11 wants our -- our costs to go up, but there is a -- there
12 is a trade off here.

13 DIRECTOR SHANNON: Okay. Well, thank you. We
14 will -- we will probably then be looking at rules at the
15 next board meeting in January. So -- 'cause we will have
16 to do that in order to implement change. And we will be
17 scheduling a public hearing, but we will let you know
18 about that as well.

19 MR. DRISKILL: Explain that to me one more time.
20 What about the January meeting?

21 DIRECTOR SHANNON: We actually may have to have a
22 special meeting I would think now that I am thinking about
23 it, Dan, because January is already 2011. We might have
24 to do a public hearing, a board meeting first and then a

1 public hearing because the public would have to see the
2 proposal. So I would think maybe August -- no, I don't
3 know what works for people, but after Labor Day. Would
4 that work? Or August, but --

5 MR. DRISKILL: (Nods head no.)

6 MS. SULLIVAN: August is gonna' be hard. After Labor
7 day I would think would be better.

8 MR. RODRIGUEZ: When do the packets go out?

9 MS. JOINER: What are you talking about doing in
10 August?

11 DIRECTOR SHANNON: Having another board meeting to
12 vote on a rule.

13 MR. HAGGERTY: To present the draft rules to the
14 board.

15 MS. SULLIVAN: To present the written rules that we
16 just voted on.

17 MS. SCHERER: It takes about a minimum of four
18 months.

19 DIRECTOR SHANNON: We can do an emergency.

20 MS. JOINER: For us to put that out for the -- for
21 the January '11 season, they need to be in place October
22 the 1st.

23 MS. SCHERER: So you have to have a public hearing
24 and adopt our rules.

1 DIRECTOR SHANNON: We could have an emergency. We
2 should do it as soon after Labor Day as we can.

3 MR. SPARKS: Don't we have to determine the
4 difference between intermediate and large?

5 DIRECTOR SHANNON: Exactly. We would have to do
6 that. We would have to have a proposal from the board for
7 that.

8 MS. SULLIVAN: But we've passed that one to --

9 DIRECTOR SHANNON: To the staff that is down one
10 inspector and is in the middle of peak carnival season.

11 MS. SULLIVAN: But I think that they have a sense of
12 what -- of what takes how long.

13 DIRECTOR SHANNON: Yeah. So we will be looking at
14 having -- and maybe we can combine -- I guess we can't
15 really combine a public hearing and the --

16 MR. HAGGERTY: Board meeting.

17 DIRECTOR SHANNON: -- board meeting.

18 MR. HAGGERTY: No.

19 DIRECTOR SHANNON: Because they have to be published
20 for 30 days. Well, we could if we get it out to the
21 board. But we will be getting back in touch with you
22 about this board meeting. How about that? I am getting
23 some funny looks from Marcia and Doug.

24 Okay. Well, then we are ready for the division

1 manager's report.

2 Doug.

3 MR. RATHBUN: Okay. At this point in time, we've
4 issued right at 1,300 permits, initial permits. Last year
5 we had 2,400. So we are moving right along.

6 Now nondestructive testing. We did send a letter to
7 ARM asking for clarification of their NDT requirements.
8 They were very vague. So we're awaiting a response from
9 them. And that will apply to several rides like -- help
10 me out here.

11 MS. SULLIVAN: The Sky Master --

12 MR. RATHBUN: The Sky Master.

13 Because they are -- currently they have -- in their
14 manual, they've got a one-year NDT and a two-year NDT.
15 The one year is a structural inspection. And so we
16 just -- and a lot of operators were -- were stating that
17 they thought that I was misinterpreting it. I didn't feel
18 that I was based on letters from Mike Gill (phonetic).

19 So we just sent them a letter that said tell us step
20 by step what you require period. We want to know verbatim
21 what your expectations are because I don't want to -- I
22 don't want operators to feel like I'm making up stuff as I
23 go. I want what we require of operators to come straight
24 from the manual. And you know it's up to the

1 manufacturers to be real clear as to what they expect.

2 So --

3 DIRECTOR SHANNON: And we have not heard back from
4 them?

5 MR. RATHBUN: We have not heard back from them.

6 MR. HAGGERTY: Because I think that the situation was
7 that we found their manual to be --

8 MR. RATHBUN: Lacking.

9 MR. HAGGERTY: -- to be ambiguous as it relates to
10 the NDT testing and what type of NDT testing --

11 MR. RATHBUN: Right.

12 MR. HAGGERTY: -- should be performed.

13 And so what we've asked is -- we've asked them in
14 writing to tell us in writing with great specificity what
15 their expectations of their operators are. And we are
16 awaiting their response.

17 MR. RATHBUN: So that's pending.

18 Accidents. We've had one accident. It was just
19 where a child bumped their head. It was pretty minor
20 actually. So they didn't do -- they did go to the
21 hospital and record it in a timely manner as they were
22 supposed to.

23 As far as Stop Operation Orders, we have issued four
24 this year. One of them was to the Mt. Vernon Lions

1 Club --

2 (At which time, Counsel
3 Haggerty and Mr. Rathbun have
4 an off-the-record discussion.)

5 MR. RATHBUN: We have had one issue.

6 And then we had three others issued for inflatables
7 operating without a permit.

8 One of the things that we are trying to be more
9 proactive about is getting to people that are operating
10 without a permit. We realize that those people who do
11 follow the rules should not have to compete with those
12 that don't.

13 And as Catherine said, the rules state that we can
14 fine people up to \$2,500 for operating without a permit.
15 And so the inspectors are trying to be more proactive in
16 tracking down or following up on reports of people
17 operating without the appropriate permits.

18 As far as outreach activities that we have, I did go
19 to the CHAOS training that was in --

20 DIRECTOR SHANNON: CHAOS stands for?

21 MR. RATHBUN: It's Haunted Houses Safety Training.

22 DIRECTOR SHANNON: It sounds like an oxymoron.

23 MR. RATHBUN: I'm sorry. I looked and I looked and I
24 could not find what the acronym stood for. It's training

1 put on by the International Association of Haunted
2 Attractions. Phil Slagert (phonetic) was the instructor.
3 It was a certification to -- for the safety of haunted
4 houses.

5 I am scheduled to speak to the fire department up in
6 Addison, Illinois on September the 24th. And the purpose
7 of that is to cover both amusement ride inspections and
8 haunted house inspections. And, like I said, the further
9 north you go the more the municipalities get involved in
10 the -- in the inspection process firsthand. So we are
11 going to go up there.

12 And I was contacted by George Michael (phonetic) who
13 is a deputy fire marshal up there.

14 DIRECTOR SHANNON: And in many case fire departments
15 do inspect haunted houses; right?

16 MR. RATHBUN: Correct.

17 DIRECTOR SHANNON: So for them to know what we are
18 looking for is helpful. And we can cover more territory.

19 MR. RATHBUN: And we are hoping to work more closely
20 with the fire departments on the fire inspections.

21 DIRECTOR SHANNON: Fire chiefs.

22 MR. RATHBUN: It's the Association of Fire Inspectors
23 is what it is. And we are to build a checklist for
24 haunted houses.

1 And we are -- I've reached out to a lot of fire
2 departments and the haunted houses are going -- they are
3 being very responsive to us. And that whole process of
4 the -- the inspection of haunted houses is going very well
5 actually. I think a lot better than we thought it would,
6 but -- the word is getting out that the Department of
7 Labor does inspect the haunted houses. And I think that a
8 lot of people were truly scared about being inspected.
9 And it was new. I inspected a guy last weekend and he
10 said you know, it's kept me up for several days. And he
11 was very serious.

12 DIRECTOR SHANNON: It wasn't a haunted house; right?

13 MR. RATHBUN: It was a haunted house. A haunted
14 house in May, yes. And he is actually a pretty
15 significant operator. That was Troy Hasmatis (phonetic).

16 But the word is getting out. The industry is being
17 receptive to us and so that's going well.

18 There is also a training being offered in July by the
19 Auburn Haunted House. And that will take place near
20 Springfield. We are going to go -- probably Bill and
21 myself are going to go and make an appearance and explain
22 to them what they need to do to become permitted and
23 compliant with the law.

24 MR. HAGGERTY: Because many haunted houses seemed

1 to -- to be under the mistaken belief merely if they were
2 a not for profit operating that they were exempt from the
3 CARSA requirements. So we've been working with them and
4 helping them to understand that they need to be permitted
5 or otherwise exempt. So it's going well.

6 MR. RATHBUN: It has been going well. We are also
7 trying to get our spring safety message out. I've been
8 working with Anjali to try and set that up.

9 DIRECTOR SHANNON: Who is the department's
10 spokesperson.

11 MR. RATHBUN: Yeah. The public information officer
12 for the Department of Labor.

13 We've been working with the Navy Pier. So -- to
14 hopefully send out a safety message as we head into summer
15 to remind people of amusement ride safety. And that's
16 still -- we are trying to work the bugs out of that and
17 get that set up.

18 That's all that I have.

19 DIRECTOR SHANNON: We are being, as we said, more
20 proactive. And I just noticed that your page under Tab 4
21 was a letter that was sent out to all of the haunted
22 attraction owner/operators that we could identify and
23 hopefully that has gotten the message out so that we can
24 spread the word because we had -- I think that the

1 inspectors worked with you.

2 MR. SPARKS: So we are permitting haunted houses now?

3 MR. RATHBUN: Yes.

4 MR. DRISKILL: These are the haunted houses that go
5 up around Halloween that the local YMCA sets up?

6 DIRECTOR SHANNON: Right.

7 MR. HAGGERTY: And they used to say, well, we're a
8 not for profit. So we had to explain to them that, that
9 doesn't exempt you from CARSA. That in and of itself is
10 not sufficient to exempt you.

11 MR. KIRSCHNER: So on a rainy day you are a not for
12 profit, too?

13 MR. DRISKILL: I might be a not for profit for a
14 couple of years.

15 MR. RATHBUN: That concludes our report

16 DIRECTOR SHANNON: Are there any questions for Doug?

17 (No response.)

18 DIRECTOR SHANNON: Well, the next item on the agenda
19 is board discussion and other business.

20 One meeting that we are certain of the dates for is
21 the January meeting. And that will be in Springfield on
22 January the 13th and the 14th of 2011.

23 But prior to that we will be scheduling a board
24 meeting so that we can take up the issue of the increases.

1 MR. HAGGERTY: Right. So that we can present to you
2 a rule that reflects today's vote.

3 DIRECTOR SHANNON: Right. Because we would need to
4 get that rule into place --

5 MR. HAGGERTY: Right.

6 DIRECTOR SHANNON: -- before we could send out our
7 packets. And we usually send out our packets when, the
8 applications for permits? In October?

9 MS. JOINER: We start printing them October the 1st.
10 They are mailed out November the 1st.

11 DIRECTOR SHANNON: We may have to handle that time
12 line a little differently this year. We may be getting
13 them out to you by e-mail. That's the best way to reach
14 them. If we need to correct it --

15 MR. DRISKILL: Mine's wrong.

16 DIRECTOR SHANNON: -- we will need to get that before
17 you leave today.

18 If anyone else has incorrect information, please make
19 sure that we have the best way to contact you before you
20 leave today. In fact, I -- I mean I think that we have
21 most people's cell numbers. Where is that in our book?

22 MR. DRISKILL: It's at the very back.

23 DIRECTOR SHANNON: Is that in the book?

24 MR. DRISKILL: It's the last three pages.

1 MS. JOINER: It's under handouts at the very back.

2 MR. RODRIGUEZ: Oh, under handouts.

3 DIRECTOR SHANNON: Okay. I have rules. I don't know
4 that I have handouts in the back of mine, but at the back
5 of everyone's binders, there is a -- or the front? Is it
6 in the front of your binder? Anyway there is a list of
7 all of the board members and their contact information.

8 So I see the problem with yours. If everyone could
9 just check to make sure that we have the correct contact
10 information before you leave today.

11 And then the other item that I wanted to bring up
12 is --

13 Patty, we were just saying if you could just make
14 sure that your contact information is correct.

15 MS. SULLIVAN: Okay.

16 DIRECTOR SHANNON: We will be scheduling a board
17 meeting. In addition to the January the 14th meeting, we
18 will be scheduling a board meeting sometime this fall,
19 early fall. Marcia or I will be reaching out to you.

20 Marcia put together this board member handbook. It's
21 a lot of weight to carry around with you, but it's got a
22 variety of different information for people. It has the
23 history of the board. It's got the Carnival Amusement
24 Ride Safety Act, copies of the Open Meetings Act and the

1 frequently asked questions, the travel -- the State of
2 Illinois Travel Guides. And that's so that when you are
3 turning in your reimbursement forms you will know how to
4 properly fill them out. It has a copy of the Illinois
5 State Employee Indemnification Act because every member of
6 this board is covered by that the legislative process, the
7 rule making process. The Ethics Standards. Which as
8 board members, everybody who is appointed to the board is
9 covered by the ethics -- by the State Officials and
10 Employees Ethics Act and must file a Statement of Economic
11 Interest.

12 Is that what you are passing out now?

13 MS. JOINER: (Nods affirmatively.)

14 DIRECTOR SHANNON: That's the ethics package.

15 MS. SULLIVAN: That's the thick one.

16 DIRECTOR SHANNON: So if you hadn't filled one out,
17 you were probably informed of that.

18 MS. SULLIVAN: Marcia ever so kindly informed us of
19 that.

20 DIRECTOR SHANNON: The Secretary of State puts that
21 out. And they will remind you.

22 MS. SULLIVAN: And Marcia reminded us.

23 DIRECTOR SHANNON: The Freedom of Information Act.
24 The boards and commissions appointment process. And

1 Robert's Rules of Order.

2 So, Marcia, thank you for doing this. This is a very
3 handy reference book for people. And she's been trying to
4 get this done for several years. So I'm sure she is
5 thrilled to have it done.

6 MS. JOINER: One thing I want to point out is the
7 travel section in there has a copy of the travel vouchers,
8 an actual blank form. So I did not bring additional
9 forms. All you need to do is to copy it.

10 DIRECTOR SHANNON: Okay. So in Section -- in Tab
11 4 --

12 MS. JOINER: Yes.

13 DIRECTOR SHANNON: -- is the travel voucher sample.

14 MS. JOINER: Yes.

15 DIRECTOR SHANNON: But then in the side pocket is --

16 MS. JOINER: The side pocket has --

17 MS. SULLIVAN: Is the real thing.

18 DIRECTOR SHANNON: And you can just copy this and
19 make copies and reuse it over and over again. So --

20 MS. JOINER: But I do have more if you need 'em.

21 MS. SULLIVAN: Okay.

22 DIRECTOR SHANNON: So that is all of that.

23 MS. SULLIVAN: Thank you. (Clapping) That's a lot of
24 work. I have put books together before.

1 MS. JOINER: I had a lot of time.

2 DIRECTOR SHANNON: Is there any other items for
3 discussion from the people on the board?

4 MS. SULLIVAN: I don't think so.

5 MR. SPARKS: (Nods head no.)

6 DIRECTOR SHANNON: If not, I would entertain a motion
7 to adjourn.

8 MR. SPARKS: I would make a motion to adjourn.

9 MR. DRISKILL: I second that.

10 DIRECTOR SHANNON: All those in favor say aye.

11 (Group response.)

12 DIRECTOR SHANNON: All those opposed say nay.

13 (No response.)

14 DIRECTOR SHANNON: This board meeting is adjourned.

15 (Board meeting concluded

16 at 2:45 P.M.)

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1 STATE OF ILLINOIS)
) SS.
 2 COUNTY OF SANGAMON)

3

4 I, CYNTHIA M. SMITH, do hereby certify that I am
 5 a Certified Shorthand Reporter and Notary Public in and
 6 for the County of Sangamon and State of Illinois, and that
 7 I reported in shorthand the proceedings had in connection
 8 with the above-entitled cause on May 18, 2010, and that
 9 the foregoing is a true and accurate translation of my
 10 shorthand notes so taken.

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Certified Shorthand Reporter

and Notary Public

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CSR #084-003540

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