

In The Matter Of:
Music Task Force Meeting

November 17, 2010

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Original File pm11-17-10.txt

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1 MUSIC ENTERTAINMENT PYROTECHNICS TASK FORCE MEETING
 2 November 17th, 2010
 3 10:00 o'clock a.m.
 4 The Report of Proceedings had in the
 5 meeting of the above-entitled cause, taken before PAMELA A.
 6 MARZULLO, a Certified Shorthand Reporter and Notary Public
 7 in and for the County of Cook and State of Illinois, at
 8 9511 West Harrison Street, Des Plaines, Illinois, on November
 9 17th, 2010, at the hour of approximately 10:00 o'clock a.m.
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1 CHAIRMAN McMULLIN: We'll call the meeting to
 2 order. Everyone is here. It's 10:00 o'clock.
 3 We'll start with the introductions. Dan
 4 McMullin Office of State Fire Marshal, Chairman of
 5 the Board.
 6 MR. RIORDAN: Dan Riordan, Tinley Park Fire
 7 Department, Member of the Task Force.
 8 MR. GREGA: Mark Grega, Member of the Tasks
 9 Force.
 10 MR. PANTHER: Brian Panther, Hi-Tech FX, a
 11 Member of the Task Force.
 12 MR. KENT: And I'm Kent Kay. I'm a pyrotechnic
 13 operator. I'm a Member of the Tasks Force.
 14 MR. BARNES: Bill Barnes, on behalf of the
 15 State Fire Marshal.
 16 MR. RIORDAN: Joe August with the State Fire
 17 Marshal's Office.
 18 MR. MUZZY: Taylor Muzzy, on behalf the Stage
 19 Hands Local 2.
 20 CHAIRMAN McMULLIN: Under old business, approve
 21 the minutes of the November 3rd meeting. Has
 22 everyone had a chance to look at them?
 23 MR. KENT: I move to accept the minutes as
 24 submitted.

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1 PRESENT:
 2 TASK FORCE MEMBERS
 3 MR. DANIEL T. McMULLIN, Chairman
 4 MR. MARK J. GREGA, Member
 5 MR. BRIAN PANTHER, Member
 6 MR. KENT KAY, Member
 7 MR. DANIEL RIORDAN, Member
 8
 9 OFFICE OF THE STATE FIRE MARSHAL
 10 MR. JOSEPH AUGUST
 11 MR. WILLIAM BARNES, Acting General Counsel
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1 MR. RIORDAN: I'll second that.
 2 CHAIRMAN McMULLIN: All in favor, say aye.
 3 (A chorus of ayes.)
 4 CHAIRMAN McMULLIN: Opposed?
 5 (No response.)
 6 CHAIRMAN McMULLIN: On to new business. The
 7 first thing is review and approve proposed
 8 definitions regarding Cover License scenario.
 9 Did everyone get a copy of them?
 10 (A chorus of ayes.)
 11 CHAIRMAN McMULLIN: Questions?
 12 MR. BARNES: Why don't we, we maybe in the
 13 interest of sort of streamlining things, why don't
 14 we address Kent's comments, recommendations and
 15 findings, because they address the Cover License
 16 matter.
 17 CHAIRMAN McMULLIN: Okay.
 18 MR. BARNES: If anyone has a problem with that,
 19 let me know. I would propose the Task Force address
 20 the recommendations and findings submitted by the
 21 Task Force Member Kent Kay, because the majority --
 22 aspects of them have not really been vetted or
 23 discussed, and they do touch on the first item of
 24 business, which is the Cover License.

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1 So, I'll let you go from there.

2 CHAIRMAN McMULLIN: Kent, at the last meeting,

3 your closing statement was that we were very close

4 on agreement on things and not to be afraid of you.

5 MR. KENT: Well, I don't think you have to be

6 afraid of me under any circumstances, Mr. Chairman.

7 CHAIRMAN McMULLIN: I understand that. At the

8 11th hour, you come out with something.

9 MR. KENT: Yes, I've had experiences in the

10 field that call into question what we're doing here.

11 CHAIRMAN McMULLIN: Why didn't we start on this

12 one in the beginning?

13 MR. KENT: Because I've been waiting for the

14 language to be formalized, so that I would have

15 something tangible to respond to, and now the

16 language is out.

17 Now, again, as I point out, we've burned

18 the ear off the clock almost when we could have been

19 discussing this. I haven't liked the pace of the

20 discussion.

21 CHAIRMAN McMULLIN: Okay.

22 MR. KENT: This is really the first time that

23 I've had a chance to review the language, and I find

24 it problematic.

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1 CHAIRMAN McMULLIN: Okay. But you could have

2 brought this up before.

3 MR. KENT: Well, again, until we define the

4 language -- grant it, I could have brought it up

5 before, if we had proceeded in a fashion where I

6 would have seen this in a timely fashion, yes.

7 I've had suspicions that we were headed in

8 this direction, and now I know we're headed in this

9 direction, and may I say I'm not the only member of

10 this committee that submits documents in the 11th

11 hour. This is the time do this now. Okay?

12 CHAIRMAN McMULLIN: Okay.

13 MR. MUZZY: I believe I would add to the Task

14 Force I believe the deadline was set at the last

15 meeting was Monday, the 15th, to submit any proposed

16 recommendations.

17 CHAIRMAN McMULLIN: Correct.

18 MR. MUZZY: To that extent, I don't think there

19 is any sort of timeliness issues.

20 MR. BARNES: I don't think there is a

21 timeliness issues. The only thing I have a question

22 about is a lot of the recommendations, and I'm not

23 approving or disapproving, it is not my spot, but a

24 lot of recommendations and statements in here could

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1 have been made two weeks ago, could have been made

2 four weeks ago, and the fact that nothing was in

3 writing shouldn't preclude you from voicing your

4 opinion as a member of the Task Force.

5 MR. KENT: I did agree, counselor. We are

6 working on regulation, which is about language, and

7 until you see the languages do you know what you are

8 doing.

9 MR. BARNES: Without voicing opinions, how can

10 the language be drafted?

11 MR. KENT: I have voiced the opinion, if you

12 refer to the record that the notion that the Local 2

13 stage hand is playing on a level playing field is

14 absurd.

15 Let me be more descriptive. Perhaps you

16 didn't hear me. It's absurd that we are playing on

17 a level playing field. I have documentary evidence

18 to prove otherwise.

19 MR. BARNES: What about the fact that this

20 Cover License scenario is -- you contend the Cover

21 License scenario is inoperable, as drafted.

22 Haven't we discussed that Cover License

23 scenario for the last two meetings?

24 MR. KENT: I have raised objections to the

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1 notion of employee relationship all along.

2 MR. BARNES: I'm not talking about the employee

3 relationship, I'm talking about the Cover License

4 scenario here.

5 MR. KENT: Are they not intertwined, the Cover

6 License?

7 MR. BARNES: Well, okay. I guess in the

8 abstract, yes, they are. They are.

9 MR. KENT: Counselor?

10 MR. MUZZY: I don't know it's appropriate for

11 you all to put words in Kent's mouth at this point

12 regarding the last meeting.

13 Notes have been taken, the minutes stand

14 as they are from the last meeting; and if we're

15 going to address the language, I think rather than

16 talking about when it should have been brought up or

17 when it was brought up, why don't we just talk about

18 the substance of it.

19 MR. BARNES: We are going to talk about the

20 substance. We have to because we've got a lot of

21 work to do. I'll let you go.

22 CHAIRMAN McMULLIN: The Office of the State

23 Fire Marshal, what we require is someone with

24 insurance and someone with a license.

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1 MR. KENT: I state in my statement that's the
 2 perfectly reasonable.
 3 CHAIRMAN McMULLIN: Safety is our number one
 4 concern.
 5 MR. KENT: I am also an advocate, that which I
 6 state in my statements. I have no issues with
 7 workmen's compensation, pyrotechnic liability
 8 insurance whatsoever.
 9 It should be and is unlawful to practice
 10 pyrotechnics in this state without them. That is
 11 the way it should be.
 12 CHAIRMAN McMULLIN: Correct.
 13 MR. KENT: Fully licensed, insured, workman's
 14 comp, I endorse that concept. So, let's move down
 15 the bar.
 16 CHAIRMAN McMULLIN: In your report here you say
 17 "protectionist," the distributor act is.
 18 MR. KENT: Certainly. Look at the history of
 19 local 2's relation with pyrotechnics. Of course it
 20 favors the pyrotechnic vendor.
 21 MR. GREGA: This is a pyrotechnic industry.
 22 MR. KENT: Right.
 23 MR. GREGA: I'm sorry, is Local 2 a pyrotechnic
 24 company?

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1 MR. KENT: No, we're not a pyrotechnic company.
 2 Let me also point out, which is public knowledge,
 3 that none of us at Local 2 are employees. We never
 4 have been. We never will be.
 5 So, if you write pyrotechnic legislation,
 6 you write pyrotechnic regulations that hinge on the
 7 concept of an employee. It flies in the face of my
 8 trade unionism.
 9 We are not a guild, we are a union. We
 10 are only referrals. If I try to buy a house and use
 11 Local 2 as a job referral, my loan agent will be
 12 told in no uncertain terms, "You are not an employee
 13 of Local 2." If you interject --
 14 MR. GREGA: Who are you an employee of?
 15 CHAIRMAN McMULLIN: You have to be an employee
 16 of someone, Ken, correct?
 17 MR. KENT: Right.
 18 MR. MUZZY: Depending on who the employee of
 19 record is. If Kent is working for Hi-Tech, he's an
 20 employee for Hi-Tech. If he is working for a venue,
 21 he would be an employee of the venue, whoever the
 22 employer of record is.
 23 MR. GREGA: If we're saying Local 2 isn't your
 24 employer, why is everything dealing with a union

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1 issue here?
 2 MR. MUZZY: I think the proposed
 3 recommendations flush it out pretty well. It's
 4 because the employment requirement -- the
 5 requirement that an operator and assistant be an
 6 employee of a distributor has the practical effect
 7 of excluding Local 2 members from performing
 8 pyrotechnics, unless, for example, they are working
 9 for Hi-Tech.
 10 MR. BARNES: Or anyone else.
 11 MR. GREGA: I mean, in your statements in here,
 12 you say the local, whatever sense of employment you
 13 are with the local, you've been providing
 14 pyrotechnics for decades.
 15 How many tours, which is what we're
 16 talking about, music entertainment, we are not
 17 talking about theatrical, we're not talking with
 18 shows that are on Broadway, but touring music
 19 entertainment, how many shows have you fired as the
 20 shooter in a music entertainment industry?
 21 MR. KENT: What is that germane to?
 22 MR. GREGA: That is what this whole entire task
 23 for is about, music entertainment, and who should
 24 provide those services.

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1 Have you ever shot one show as a shooter?
 2 I don't think you have.
 3 MR. KENT: I have shot many.
 4 MR. GREGA: In the music entertainment as a
 5 touring show coming into your venue, and you
 6 actually pushing the buttons with your equipment for
 7 a touring entertainment show?
 8 MR. KENT: I guess I have, sir.
 9 MR. GREGA: I would like to see that, evidence
 10 of that, through the union, because you are stating
 11 here the union has performed these services.
 12 MR. KENT: They have on touring shows.
 13 CHAIRMAN McMULLIN: On music shows?
 14 MR. GREGA: Music, entertainment, not Broadway,
 15 not theatrical.
 16 MR. KENT: Oh, definitely, Metallica.
 17 CHAIRMAN McMULLIN: You shot the show?
 18 MR. KENT: I'm not speaking myself. Why should
 19 I speak of myself?
 20 CHAIRMAN McMULLIN: We're talking the statement
 21 you made here is that the union has provided
 22 pyrotechnic services for the music industry.
 23 MR. KENT: You're saying that's not true?
 24 MR. GREGA: I would like evidence of that, that

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1 the insurance policies that you have, in order to
 2 shoot that the equipment and the permits the union
 3 has pulled, in order to be able to do that.
 4 MR. MUZZY: I think you are confusing that
 5 issue again, Mark. The union is not the employer,
 6 it's a referral.
 7 MR. GREGA: For decades, union labor has
 8 continued to perform pyrotechnics.
 9 MR. MUZZY: Right, correct.
 10 MR. KENT: I have employment records dating
 11 back to 1996.
 12 MR. GREGA: For theatrical and movies.
 13 MR. KENT: I'm sorry, sir. There are rock and
 14 roll shows. We've done WWE, we've done Metallica.
 15 There is a long list of rock and roll shows.
 16 CHAIRMAN McMULLIN: As support personnel, not
 17 as the shooter?
 18 MR. KENT: If they handle the pyrotechnic
 19 products, if they wire them, I think that
 20 constitutes pyrotechnic activities.
 21 Why they never got post-display reports,
 22 why they were never signed up for assistants,
 23 remains a mystery to me, but don't tell me that
 24 union labor has not worked on touring productions.

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1 CHAIRMAN McMULLIN: It is not a mystery.
 2 MR. GREGA: Not worked on it, but actually been
 3 responsible for shooting the shows, because that is
 4 kind of what you are implying here that you've done
 5 this for decades, but we're talking about who can
 6 perform those services; and the services that you
 7 provided for those were stage-hand services that you
 8 have done, not actually pyrotechnic displays that
 9 you have fired.
 10 MR. MUZZY: Don't confuse the requirements of
 11 the act with the statement that was made in the
 12 recommendations. The statement says what it says.
 13 MR. GREGA: It is misleading.
 14 MR. MUZZY: It is not misleading.
 15 MR. GREGA: It is also a half truth it seems to
 16 me, as we go through this, for decades.
 17 MR. BARNES: Prior experience is one thing, and
 18 the statement stands. I think what we need to do is
 19 we need to look at the recommendation and how it
 20 works and whether it will work.
 21 I think it would be good to have Kent
 22 explain his recommendation, and I will speak for
 23 everyone else, maybe I'm speaking for everyone else,
 24 I don't understand why the opportunities don't exist

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1 in the current or our proposed scheme for Union 2
 2 stage hands to get the necessary experiences and
 3 ultimate license.
 4 MR. GREGA: Kent has a license, I am licensed.
 5 MR. BARNES: I know you do. I think we're more
 6 concerned about the people not in your situation,
 7 the people who are looking to become the Kent Kay.
 8 MR. KENT: Bill, let me point out, I've had
 9 experience of being on a labor call and put on the
 10 pyrotechnic crew, and I have been sanctioned by
 11 handling pyrotechnic products because I was not
 12 listed on the permit, and I was not listed on the
 13 insurance.
 14 Now, it seems to me the office of the
 15 State Fire Marshal preferred using unlicensed union
 16 labor to do the job, rather than somebody with a
 17 license.
 18 In fact, I went an entire year without
 19 getting a job in pyrotechnics, because I've been in
 20 this other region as a licensed operator.
 21 MR. GREGA: That hasn't precluded you from
 22 working as a stage hand. Your only job is not
 23 pyrotechnics, you also fill other calls.
 24 MR. KENT: Grant it, we have many skills, and

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1 we take calls in various venues.
 2 When I get a call for pyrotechnics, at a
 3 local theater, and I arrive there, and I wind up in
 4 the case I'm speaking of carrying two boxes of
 5 loaded product out and placing them on the stage
 6 right and stage left, and then I'm writing a letter
 7 of sanction to the office of the State Fire Marshal
 8 explaining my behavior, I was on a labor call.
 9 I am licensed and experienced, and yet I'm
 10 not allowed to touch pyrotechnic products.
 11 CHAIRMAN McMULLIN: Because you don't have the
 12 insurance.
 13 MR. KENT: Grant it. Then why subsequent to
 14 that incident has union stage hands been handling
 15 pyrotechnic products without insurance? This is
 16 part of my question. This is not a level playing
 17 field.
 18 MR. BARNES: So, you don't perceive, and I
 19 think the word that Brian used was an active
 20 pathway, for individuals like local stage hands to
 21 get the necessary experience to become licensed?
 22 MR. KENT: Clearly when the charter of the
 23 union does not entertain the word "employee," and
 24 this legislation is based on the concept of

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1 employee, you have to be an employee of a
 2 pyrotechnic distributor.
 3 Now, I thought we had it worked out that
 4 if I had registered assistants, that I could hire
 5 them through Hi-Tech to come to the site with me and
 6 receive professional viable training in pyrotechnic
 7 operations, workman's comp, pyrotechnic liability
 8 insurance.
 9 Now, I'm in a local venue for the last 12
 10 days, and another one locally for another 3 days,
 11 and I was told by the authority having jurisdiction,
 12 "I'm not going to sign a post-display report if it
 13 has any names on it other than yours and the two
 14 road operators."
 15 I thought we had an arrangement where he
 16 could bring -- hire my union brothers to come in to
 17 get viable training on the set.
 18 CHAIRMAN McMULLIN: Were they on the packet
 19 that was given to the fire department?
 20 MR. KENT: Well, let me ask you: You are
 21 telling me now that my assistants have to be listed
 22 on every permit?
 23 CHAIRMAN McMULLIN: Yes, they have to.
 24 MR. GREGA: I think that's the normal process.

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1 CHAIRMAN McMULLIN: Yes, they have to be
 2 listed, so we know they are insured, and they are an
 3 employee.
 4 MR. KENT: Okay, then, Brian, virtually every
 5 permit we apply for, I guess we put our assistants
 6 on them, to get them training.
 7 MR. PANTHER: We need to know ahead of time
 8 what that's going to be. I know in the last meeting
 9 we talked about the circumstances where road
 10 operators changed their touring technicians and
 11 things changed at the last minute, which you got a
 12 system in place for doing that.
 13 And I made a point of asking, during the
 14 last meeting, if we had to put all of those names on
 15 there ahead of time, and then I believe it actually
 16 says in the statement that "No, that's not necessary
 17 to have them listed."
 18 CHAIRMAN McMULLIN: Right.
 19 MR. PANTHER: I believe it to be common
 20 courtesy and good practice to be putting the names
 21 of the people that are coming out.
 22 MR. BARNES: To notify the local jurisdiction.
 23 MR. PANTHER: Absolutely.
 24 MR. BARNES: So you won't run into issues like

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1 that. I think that was a mistake that display
 2 report. I think if the assistants were on that
 3 permit --
 4 CHAIRMAN McMULLIN: But they weren't on the
 5 permit, correct?
 6 MR. KENT: No, they weren't. Besides which the
 7 operator that came with circus was not the operator
 8 that they told me, and we're getting back to the
 9 vagaries of this craft.
 10 No, if I had known -- now given the last
 11 pick up we did, I just let this go, I didn't bring
 12 my trainees in for training. If they have to be on
 13 the permit, then we will do that.
 14 Just tell me what to do, and we will
 15 comply, because that seems to be our only way
 16 towards licensing.
 17 MR. PANTHER: Under the statute, yes. That is
 18 what I've been trying to explain is that when we set
 19 out on our journey with Local 2, with my previous
 20 experience and past supporter of the union, I made a
 21 decision as a business person to go down the road
 22 looking at new individuals.
 23 I saw it as a good opportunity to vet and
 24 train technicians who are competent in theater craft

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1 to become new pyrotechnic operators. I saw it as a
 2 great opportunity to possibly train new operators.
 3 Now, grant it, there are very steep
 4 licensing requirements, and I stand by my statement
 5 that I've always made that I support the principle
 6 of maintaining a high standard of licensure.
 7 You cannot, I think it is unconscionable,
 8 to offer the services of pyrotechnic distribution,
 9 as you've stated, that does not cover the insurance,
 10 the workman's comp, and maintain a very high level
 11 of training requirement for pyrotechnic operators.
 12 I don't think anybody disputes that.
 13 Nobody questions that. We set out on that journey
 14 with Local 2 to provide a pathway for Local 2
 15 members to become licensed pyrotechnic operators;
 16 and the idea that you are putting forth in this
 17 proposal, I have some very significant problems
 18 with, particularly with respect to the employment
 19 portion of it.
 20 If you'll entertain the reasons why I
 21 think that is the case, any individual, yourself,
 22 any other Local 2 stage hand that has the
 23 experience, is more than capable of becoming a
 24 pyrotechnic distributor, provided that they have

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1 insurance, they can prove work comp, they can prove
 2 DOT registration and hazard materials employment.
 3 However, I think it is extremely unlikely
 4 that any individual would do so, due to the fact
 5 that getting insurance, becoming a new motor
 6 carrier, costs hundreds of thousands of dollars and
 7 a very, very extensive amount of work to get that
 8 done.
 9 And I would also offer, you know, it would
 10 be extremely unlikely for a theater or a venue who
 11 you might be employed with traditionally as a
 12 referral, these venues, number one, by the nature of
 13 the fact that they are a theater or a touring
 14 company, they are not motor carriers.
 15 So, they would never even be eligible to
 16 become DOT motor carriers or hazardous material
 17 registration.
 18 MR. KENT: Yes.
 19 MR. PANTHER: They are not going to spend the
 20 tens of thousands, if not hundreds of thousands of
 21 dollars, to get the liability policies, and I saw
 22 that as a very impractical way for people such as
 23 yourself and Local 2 stage hands to become licensed.
 24 So, using logic, why not enter into an

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1 agreement whereby an existing distributor has the
 2 financial wherewithal and the process in place to be
 3 able to bring people on, and that's what we set out
 4 to do.
 5 And I think the idea that getting rid of
 6 the employment requirement, I just don't see how it
 7 can functionally happen, because I very seriously
 8 doubt that any of the other employers that are in
 9 the situation are going to be able to comply. Even
 10 if they wanted to, it's not financially viable.
 11 I think the net effect of enacting this
 12 type of proposal would be that Local 2 stage hands
 13 would end up with even less pyrotechnic work, if not
 14 completely out of pyrotechnic work.
 15 You know, I agree, I hate regulations just
 16 as much as the next guy, and I wish that I could
 17 forego all of the tens of thousands of dollars worth
 18 of expenses that it cost me to maintain insurance,
 19 and to do operator liability insurance, and
 20 workman's comp.
 21 It is a reality of this world that we live
 22 in, and there is just no way to get around it.
 23 MR. MUZZY: If I can respond quickly. I
 24 understand what your saying the practical impact on

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1 whether or not it would be a production company
 2 venue, another source for the pyro insurance.
 3 That's a business decision.
 4 I don't think that should be legislated.
 5 Right now that's being legislated. That is not even
 6 an option. It's an option for film, television,
 7 commercial, et cetera, but it's not an option in
 8 music entertainment.
 9 I think the fact that it practically may
 10 not happen, is not a good reason to legislate that
 11 that's not an option. I don't think that is a good
 12 reason.
 13 MR. PANTHER: If that's the way you want to do
 14 it, I'm perfectly willing to let you go your course.
 15 All I can say is good luck with that. I've tried to
 16 offer an olive branch and give the local an
 17 opportunity to pursue licensure.
 18 MR. MUZZY: It's not cutting your olive branch,
 19 and Local 2 certainly appreciates the relationship
 20 that has developed with Hi-Tech. This would just be
 21 opening up another avenue.
 22 MR. PANTHER: This to me says, "Thank you, but
 23 we don't need you." That is exactly what this says
 24 to me, and I take offense at it.

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1 MR. BARNES: Well, you know, let's talk about
 2 the practicalities of it, personal feelings aside.
 3 There's a statement in here that I think
 4 needs to be addressed before we go down this road
 5 that says -- I'm looking at page 5 of Kent's
 6 statement, first full paragraph, "The employment
 7 requirement can be removed without a compromise in
 8 safety, so long as a direct link can be established
 9 between the individuals performing the pyrotechnic
 10 displays and entity with Illinois worker's
 11 compensation and the necessary liability."
 12 How do you propose to do that? What's the
 13 solution there?
 14 MR. MUZZY: To establish the link?
 15 MR. BARNES: Yes. Because as Dan said, that's
 16 our concern.
 17 CHAIRMAN McMULLIN: Insurance and license, that
 18 is what we're after.
 19 MR. KENT: In the two examples, California
 20 Health and Safety Code in New York Penal Law, look,
 21 you cannot apply for a permit in California.
 22 MR. BARNES: This isn't California.
 23 MR. KENT: I realize that. I'm just telling
 24 you that there is a paradigm that does not have this

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1 employee relationship.
 2 MR. GREGA: In California, there is also this
 3 gray issue a certificate of insurance and the GPD.
 4 The GPD is the company's proof that there's
 5 insurance.
 6 Then there's an additional insurance
 7 certificate that is given to the operators, this is
 8 how California works. It is also very gray, and
 9 would we've tried to do here is remove the gray and
 10 make it black and white because that grayness is
 11 there.
 12 Yes, it's certainly much cheaper for
 13 someone with a license to be able to say, "Just list
 14 me as an additionally insured, and then I'm good."
 15 But what you don't understand is that with
 16 the additionally insured, if you are only covered of
 17 the negligence of the pyrotechnic company, as an
 18 additional insured does not grant you those
 19 insurance as far as liability, workmen's comp, just
 20 because you are listed as additionally insured.
 21 If you have any negligence on your own, if
 22 you do anything incorrect, you have no workman's
 23 comp, and you have no liability, because you are an
 24 independent contractor, who should be providing his

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1 own insurance and his own workman's comp.
 2 So, a piece of paper doesn't give you
 3 insurance just because someone lists you as
 4 additionally insured. It's only for with respect to
 5 their negligence.
 6 MR. MUZZY: Let there be no confusion. No one
 7 is advocating pyrotechnics can be performed without
 8 the requirement of insurance in place.
 9 MR. BARNES: That is understood.
 10 MR. GREGA: But a certificate of insurance
 11 isn't -- like in California, that's how it's done.
 12 I'm saying here it is gray. If anything
 13 were ever to go wrong, Kent, when you are on one of
 14 those shows, and you aren't listed as an
 15 additionally insured, with no general liability of
 16 your own, and something was done incorrectly, you
 17 can't just point at the pyro company and say, "I was
 18 listed as additionally insured."
 19 You will be responsible, and you will have
 20 no insurance, works man's comp or other, just
 21 because you are listed as additionally insured. As
 22 Brian, I don't like to spend hundreds of thousands
 23 of dollars on liability insurance and workman's comp
 24 every year, but I have to.

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1 MR. BARNES: One of the things we talked about
 2 at the Fire Marshal, when we received your comments;
 3 and, quite frankly, we aren't taking the comments,
 4 the comments were I think we can come to an
 5 agreement here.
 6 It's just the insurance thing that has us
 7 really hung up. We thought internally that we could
 8 establish a relationship with the Illinois
 9 Department of Insurance to help with the vetting
 10 process, but that still doesn't get us over the
 11 hurdle of avoiding these gray areas. We want to
 12 make sure --
 13 CHAIRMAN McMULLIN: We want to protect you.
 14 MR. BARNES: We want to protect you. We want
 15 to protect the people in the office. We want to
 16 protect the performance. We want to protect the
 17 house owner.
 18 MR. KENT: We have the same motives, gentlemen.
 19 MR. BARNES: It is just a matter of figuring
 20 that out.
 21 MR. KENT: Yes.
 22 MR. BARNES: If I have my druthers, you guys
 23 could do a production company, I don't care. You
 24 could do whatever, but it's got to be insured, and

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1 it's got to be relatively -- it's got to be very
 2 clear, so that we don't have to spend 45 days
 3 processing a permit application because we're pawing
 4 through riders upon riders and trying to figure out
 5 who is covered.
 6 I'm worried there are instances when these
 7 touring companies come in, it's a company, but there
 8 are subs within subs, and the sub within the sub is
 9 holding the insurance policy, does it go up or does
 10 it go down?
 11 It's the insurance issue. Mark's point is
 12 very valid about the independent contractor. That
 13 creates a big question and a big fear, which is why
 14 I think wholesale elimination of the employment
 15 requirement, maybe we don't do wholesale
 16 elimination, maybe we have, I don't know, different
 17 scenarios whereby you have a production company, and
 18 can't the production company hire the union folks?
 19 MR. GREGA: If we talk about the music
 20 entertainment industry, we're not talking about a
 21 Broadway show that is moving from town to town,
 22 we're talking about music.
 23 A production company has a pyro vendor on
 24 that tour who is providing the services, who has the

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1 insurance, who is aware of the keys, who has the
 2 trust of the artist, who at this particular show is
 3 ready to do his work.
 4 To say at that show something is
 5 different, and that he's going to have to hire not
 6 only just the stage hand that he has to hire in the
 7 venue in Illinois anyway, but now he's going to have
 8 to hire a pyro person on top of that individually
 9 separately.
 10 MR. BARNES: He doesn't have to hire a union
 11 pyro person.
 12 MR. MUZZY: That's the thing.
 13 MR. GREGA: Right now this is something that's
 14 established. To say the distributorships that are
 15 in here are protectionalism, the purpose behind
 16 this, if you go back to the first paragraph that you
 17 wrote, talks about gray-white.
 18 The reason behind the distributorship was
 19 to be able to say there is a direct link between the
 20 shooter and the insurance, because right now there
 21 isn't when you have an additional insurance
 22 certificate, it is not really insurance.
 23 That was the sole purpose behind that.
 24 You know, there's Georgia, Tennessee, Ohio, all have

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1 distributorships. It was not as if this is the only
 2 state that has it. North Carolina just adopted
 3 almost our rules verbatim.
 4 MR. KENT: When wonders, then, even during my
 5 brief tenure of two years in this area, why
 6 pyrotechnic distributors have been using a union
 7 laborer without insurance and permit.
 8 This I don't understand. If you can just
 9 show me the way, again, I've been trying to respond
 10 and actually apply the principles that we have been
 11 discussing here in the field; and when I get to an
 12 authority having jurisdiction, nobody told me as a
 13 statute that these people had to be named on the
 14 permit.
 15 Both of these jobs were a rush job, a
 16 replacement, if you will, and grant it, I was
 17 flexible. I said, "Officer, fine, but if I need to
 18 register them on the permit before I go into that
 19 job to pay them as employees to come in to get the
 20 experience towards licensing, I will do that."
 21 Let's just establish that and show me
 22 something, first of all, that says that an authority
 23 having jurisdiction has to sign the post-display
 24 report. Where is that?

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1 CHAIRMAN McMULLIN: It's in the act.
 2 MR. PANTHER: It is in the act.
 3 MR. BARNES: It is in the act. The State Fire
 4 Marshal fields issues like that all the time. I
 5 think Maureen addressed it when she was here.
 6 If the first responders weren't called, if
 7 no one was injured, then they have to sign it or
 8 send a letter to the State Fire Marshal that the
 9 show went off without that; and that's essentially
 10 signing the fire, excuse me, the display.
 11 To the extent that there are issues
 12 arising with late replacement on a permit, maybe
 13 that's something we can address in the rules.
 14 CHAIRMAN McMULLIN: Yes.
 15 MR. BARNES: On a less formal basis, but --
 16 CHAIRMAN McMULLIN: We just want to make sure
 17 that person is insured. If you call me and say --
 18 MR. BARNES: It sounds to me like there are
 19 some issues. There are some scenarios that are
 20 arising that we can certainly address, and we want
 21 to make sure that those individuals, as long as they
 22 have the necessary insurance, and they are on the
 23 permit, whether it be the permit is filed or amended
 24 at the show when someone doesn't show up, and

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1 someone has got to fill in, we'll see that.
 2 I mean, we don't want to keep you guys
 3 from getting the experience and ultimately getting
 4 your license. That is not our intent here.
 5 MR. KENT: And again, I'm trying to apply the
 6 principles we're discussing here to see if it works
 7 in the field.
 8 MR. BARNES: But nothing has been formalized.
 9 CHAIRMAN McMULLIN: Right.
 10 MR. BARNES: It is apparent there are some
 11 loopholes.
 12 MR. KENT: So, you grant there are up issues?
 13 MR. BARNES: Yes.
 14 MR. KENT: Thank you. That is all I'm trying
 15 do here. This is, again, in our charter we're not
 16 employees, and yet employee is essential to
 17 licensing.
 18 Now, Brian, I'm not -- any regulation that
 19 works towards safe and sane operations, I'm an
 20 advocate.
 21 MR. PANTHER: I understand that, I have no
 22 question of that.
 23 MR. KENT: I wouldn't be here if I'm not. I
 24 just want to clarify for the future, if this is the

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1 language, I would at least like us to take a look at
 2 the employee relationship, because it's unethical to
 3 what trade unionism is all about.
 4 MR. BARNES: Let's talk about that. That's the
 5 forum for today. Let's see if -- I mean, we're
 6 considering your recommendation. That is the lion's
 7 share of what we're doing today.
 8 MR. KENT: All right.
 9 MR. BARNES: I talked far too much. I'll let
 10 you guys.
 11 CHAIRMAN McMULLIN: Do you want to go over your
 12 recommendations and why you changed what you did?
 13 MR. KENT: I'm not sure that I changed
 14 anything, Mr. Chairman.
 15 MR. RIORDAN: Dan, let me ask a couple
 16 questions. Kent, I have had a chance to review the
 17 document.
 18 MR. KENT: Thank you very much.
 19 MR. RIORDAN: You're welcome. In there,
 20 there's a couple references to mass scheming. I'm
 21 assuming you are finding that some covert objective
 22 is going on here.
 23 I just want to get -- help me understand
 24 what you wrote here. There are three or four items

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1 I saw the word "scheme."
 2 MR. KENT: Yes, as somebody that's been
 3 observing the system working, I am proposing here
 4 that there is a possibility that these regulations
 5 were designed to exclude union labor from licensing;
 6 and that the history of the past two years, in
 7 particular, tends to suggest to me that something is
 8 going on here that's keeping my union brothers from
 9 performing pyrotechnic duties and being insured.
 10 It's something that I find unconscionable
 11 that this has been going on repeatedly, with no
 12 reference, no signing them up as assistants.
 13 CHAIRMAN McMULLIN: Because they weren't
 14 insured. They have to be insured.
 15 MR. KENT: I wanted them insured, Mr. Chairman.
 16 MR. GREGA: Who is going to insure the venue is
 17 your employer. Has that been established that the
 18 venue is the employer?
 19 CHAIRMAN McMULLIN: That is who calls you for
 20 work, that is who your employer is.
 21 MR. KENT: That is correct. However, as we
 22 know, when I take a job, and my pyrotechnic
 23 distributor applies for the permit, I'm no longer an
 24 employee of the house, I'm an employee of Hi-Tech.

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1 I payroll through Hi-Tech. Now, I've been
 2 perfectly amenable to the notion our assistants are
 3 also employees.
 4 MR. BARNES: Of Hi-Tech.
 5 MR. KENT: Hi-Tech. They will be paid. We
 6 will pay them to get trained.
 7 MR. BARNES: Okay.
 8 CHAIRMAN McMULLIN: That's fine.
 9 MR. KENT: But again --
 10 MR. GREGA: You do have a license and other
 11 people are working towards a license. I don't see
 12 how it's precluded. You've obtained a license. I
 13 don't see how you are saying you can't.
 14 MR. MUZZY: There certainly is an avenue
 15 through the employment by a distributor. We are
 16 simply advocating for a broader business
 17 opportunity, other avenues, another avenue.
 18 Dan, if I could also respond to your
 19 concern, as I understood the word "scheme" is simply
 20 referring to the setup. There was not necessarily a
 21 covert implication to be used that way.
 22 MR. RIORDAN: That is why I asked for
 23 clarification.
 24 MR. KENT: Are you comfortable with reading

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1 that language?
 2 MR. MUZZY: If it would make everyone feel
 3 better to replace the word "scheme" with "scenario."
 4 It just referred to the licensing scheme. It is
 5 just a word.
 6 MR. KENT: And again, at its inception, it was
 7 unethical to trade unionism, which again we're not a
 8 guild, we are not a director's guild, actor's guild,
 9 writer's guild, we are a referral house. We are not
 10 employees.
 11 So, what I'm trying here is the inclusion
 12 of the language. I would have liked the imagination
 13 of this group to bend our minds towards how married
 14 we are to this employee relationship, and clearly I
 15 see that's going to be your avenue.
 16 All I'm make hearing is recommendations.
 17 If I had my druthers for union labor, this would be
 18 a little bit more of an open system that mandated
 19 workman's comp and insurance; and, by the way, you
 20 have to sign your post-display reports and the AHJ
 21 doesn't have the luxury of picking and choosing.
 22 If I need to bring in assistants, and both
 23 of these productions would have been educational for
 24 my union brothers --

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1 CHAIRMAN McMULLIN: I got a quick question,
 2 though. You are there as the local license.
 3 MR. KENT: Correct.
 4 CHAIRMAN McMULLIN: I put this out to the
 5 Board. Should we allow the local license to train
 6 people on other people's equipment?
 7 MR. GREGA: If you're talking about a live
 8 associate situation, where someone is doing the
 9 local covering on the day of shows, there really
 10 isn't time to train while you are setting up a show
 11 that is happening that night.
 12 MR. PANTHER: Now I can understand your point.
 13 There may not be situations in those shows where,
 14 you know, you're going to actually have time,
 15 hands-on equipment.
 16 I think it is a lot to ask a touring
 17 company to basically spend that time and let people
 18 work on their equipment, but there is something to
 19 be said for observing the process, assisting with
 20 the process under their supervision.
 21 I've always held any experience, any
 22 association with pyrotechnics, is valuable. It adds
 23 to your experience level overall; but, you know,
 24 I've always maintained the statement that just doing

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1 those types of Cover License situations, or just
 2 observing and interacting with the thing, does not a
 3 trade pyrotechnic make.
 4 It is contingent upon an operator going
 5 through formalized training, apprenticing with
 6 educated and experienced pyrotechnic operators, and
 7 going through that whole process to get to that
 8 level where absolutely they become a qualified
 9 pyrotechnic operator.
 10 It is a part of the equation, and I
 11 definitely agree that being able to bring people in
 12 to observe the process and see how the interaction
 13 works in the real world is a whole lot more
 14 educational than just sitting in a classroom and
 15 hearing it, but all of those different pieces come
 16 together as part of a total training program.
 17 CHAIRMAN McMULLIN: Where I'm going with this
 18 is, and it's really not today, should we increase
 19 the amount of time they are there? It is just a
 20 question.
 21 MR. KENT: Let me address that.
 22 CHAIRMAN McMULLIN: Do you think, Kent, in your
 23 professional opinion, that if you took Joe August,
 24 and he did ten shows at the circus, he would be

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1 proficient?
 2 MR. KENT: I never suggested repeat
 3 performances be sanctioned or not. I have spoken
 4 with my employer and yourself.
 5 I have everything invested with tracking
 6 out and licensing only trained and skilled
 7 operators. I'm telling you that the circus is a
 8 wrinkle in this business that all of these funny
 9 little jobs, if you're going to be a Cover License
 10 some day, you damn well better not just know the
 11 operations, but how to manage the paperwork alone.
 12 Now, this is part of the issue here,
 13 everything hinges on the attachment G to your
 14 application, proof of experience.
 15 Now, classroom experience, yes, we could
 16 take Local 2 members to Hi-Tech and do hands-on
 17 experience in a controlled environment under our
 18 insurance in our own damn building with our own
 19 products and get them quality insurance.
 20 CHAIRMAN McMULLIN: Okay.
 21 MR. KENT: I'm in Iowa. Do I file a
 22 post-display report? That's why I am saying
 23 everything comes back.
 24 CHAIRMAN McMULLIN: You can file an Illinois

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1 display report in any place in the United States.
 2 MR. PANTHER: And we've been sending Illinois
 3 display reports on tour with our people.
 4 MR. GREGA: We do that all the time as well.
 5 MR. PANTHER: Some states won't sign them, some
 6 do.
 7 CHAIRMAN McMULLIN: Some won't sign them,
 8 but --
 9 MR. AUGUST: This is Joe August. We have taken
 10 letters from other states, from fire inspectors,
 11 kind of attached what your document would use over
 12 there, just attaching to us and confirming what
 13 happened.
 14 We've done that historically even to
 15 approve license. Let me say a couple things, first.
 16 I just want to get back to the insurance issue.
 17 I saw your proposal. I, personally, and
 18 I'm the Fire Marshal, the Fire Marshal would have
 19 the authority, don't have a real issue with it.
 20 Back when this thing was first gone, when
 21 we were the only licensed individual, that is when
 22 insurance came up. Insurance became a big issue.
 23 In '05 is when they modified and decided to go with
 24 the distributorship.

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1 That whole course since '05, even through
 2 Maureen, who did a lot more research than I have on
 3 this, went to another agencies and said, "Look, this
 4 is an insurance issue."
 5 This is the hangup. We cannot find an
 6 insurance company that will tell us basically as of
 7 this point, across the board for brokers, that
 8 independent contractors are covered by them. It
 9 automatically covers like you would an employee
 10 unless they do something wrong.
 11 There are specific riders attached and
 12 identifies the company. So, that is kind of the
 13 issue we have. There is some way I am sure that we
 14 could show that you or one of the other union
 15 brothers, who are licensed or have the proper
 16 insurance, I don't think it is an issue.
 17 It is just today, as of this moment right
 18 now, we can't find -- we still can't find any
 19 reasonable way to do it where we get some insurance
 20 company telling us that is the normal course of
 21 business, without somebody doing something more.
 22 Earlier on in our proposal when we first
 23 met with us you guys, Local 2, one of you, I don't
 24 know which one, had suggested you were going to put

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1 together an adequate training program.
 2 At the formal program, like an
 3 apprenticeship at least that we worked with at the
 4 time, we just need to have more information. I have
 5 to verify so that was an easy alternative.
 6 I don't know what happened to it. I
 7 thought at one time, too, there might have been some
 8 discussion. I never heard back. Maureen kind of
 9 picked it up two years ago the possibility of the
 10 union buying the insurance, carrying high kind of
 11 commercial liability.
 12 Is that anything that's been discussed?
 13 Do you know any input back from that? That kind of
 14 fell off the map when Maureen became more interested
 15 in this. We haven't heard anything back.
 16 MR. KENT: I haven't explored that.
 17 MR. PANTHER: I wouldn't think the union would
 18 do that because, again, they are not an employer.
 19 MR. KENT: We can't have the employer
 20 relationship, so we're precluded.
 21 MR. BARNES: It might be easier to change your
 22 charter than the statute.
 23 MR. KENT: Thank you. I will say your agent, I
 24 believe name was Tom.

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1 MR. BARNES: Stringer.
 2 MR. KENT: Made a very cogent presentation. He
 3 is of the gray area. I agreed wholeheartedly not
 4 just here, in California, it's gray.
 5 Liability migrates, incident related will
 6 migrate to the deepest pocket. That is mighty gray
 7 to me.
 8 Yes, the vagaries of insurance, if we
 9 could clarify it, we should be the model for the
 10 entire nation, if we can clarify the gray area in
 11 insurance. I'm an advocate of that.
 12 MR. PANTHER: I would have loved nothing more
 13 than to be able to utilize independent contractors
 14 by definition. In our sister display company, we
 15 have over 2400 statute employees because of this
 16 very reason.
 17 It's the insurance. Even if they were
 18 independent contractors, the burden for them to be
 19 able to obtain the insurance that they need, even
 20 for the most entry-level policies with the
 21 least-rated company, we're still talking about close
 22 to \$10,000 annually.
 23 And it's not a realistic scenario to see a
 24 person who shoots one or two shows a year, or even a

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1 hundred shows a year, is going to be able to afford
 2 that as part of their professional development.
 3 That is why the companies -- I would
 4 lovely nothing more not to have to deal with that.
 5 That is the unfortunate thing in this whole
 6 litigious world we live in.
 7 We have to cover our asses. Insurance is
 8 a complex thing. From day one, yes, I agree there
 9 were things that were going on that placed -- that
 10 situations where union folks were working in shows,
 11 handling materials, and they didn't have the proper
 12 coverage.
 13 I, too, was upset and concerned about
 14 that, and that's why we wanted to seek out that
 15 process by which you could become employed and
 16 become covered and be able to do the function of a
 17 pyrotechnic operator, and you are covered.
 18 Because the last thing I want to see is
 19 somebody losing everything they have because they've
 20 been drug into a frivolous lawsuit, and we've all
 21 experienced that.
 22 Whether it was really our fault or not,
 23 something goes on, somebody breathes in smoke at a
 24 venue, and then the next thing you know, we're

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1 getting sued because their asthma, you know,
 2 precipitated -- was he precipitated by our pyro
 3 smoke. These kinds of things.
 4 Even if the claims are unfounded, the
 5 costs of defending against them very quickly mount
 6 up into the tens of thousands of dollars.
 7 I don't want to see anybody who is just
 8 trying to do what they for a living run into a
 9 situation where they are faced with a lawsuit like
 10 that.
 11 CHAIRMAN McMULLIN: Okay. What do you propose
 12 we do about the employment situation? I'm asking
 13 you guys. Any ideas?
 14 MR. PANTHER: National tort reform would be a
 15 great thing, but that's not realistic.
 16 MR. BARNES: It might be easier.
 17 MR. GREGA: Unfortunately the only way for the
 18 insurance to be binding is to be an employee.
 19 MR. PANTHER: Believe me, we spent a lot of
 20 time and resources trying to figure out how to make
 21 this work in the business world. We haven't come up
 22 with one yet.
 23 We've shopped every insurance career that
 24 is out there. In the world of pyro, there is not

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1 that many of those that will even talk to you. I
 2 wish there was a different answer to that.
 3 MR. KENT: Again, I want the insurance and the
 4 work man's comp, too. I've been doing this for
 5 many, many years. I'm also well aware of the
 6 lawsuits.
 7 In many ways, I'm responding to a history
 8 of union labor handling pyrotechnics without
 9 insurance. I find that galling and unacceptable.
 10 Now, if we could be explicit here, my registered
 11 assistants at the hall, when they come for training
 12 on the set, they will be employees of Hi-Tech.
 13 They will be paid by Hi-Tech. Therefore,
 14 they will have workman's comp, and they will have
 15 comprehensive pyrotechnic liability insurance.
 16 CHAIRMAN McMULLIN: Okay.
 17 MR. KENT: Okay? If we're not going to explore
 18 something other than the employee relationship at
 19 this point.
 20 MR. BARNES: Let's explore it.
 21 MR. KENT: That is what why I wanted to have
 22 this discussion.
 23 MR. BARNES: Right. We're not forcing you down
 24 a certain pathway. It's just that you raise this

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1 fact that the employment relationship can be thrown
 2 out as long as there is a direct link. I don't have
 3 that direct link.
 4 MR. MUZZY: I can speak only for myself. I'm
 5 not an expert in insurance.
 6 MR. BARNES: Neither am I.
 7 MR. MUZZY: It just seems to me it has to be
 8 vetting a little more.
 9 MR. BARNES: I can talk to the Department of
 10 Insurance, but it sounds to me Mark brought up his
 11 discussion with his.
 12 MR. GREGA: I spoke with John Stringer this
 13 morning. A certificate of insurance does not afford
 14 you actual insurance. It doesn't give you what's on
 15 this peace of paper.
 16 It only protects you from the negligence
 17 of the pyro company. It doesn't give -- just
 18 because you have a piece of paper that says you are
 19 additionally insured, doesn't mean you are actually
 20 additionally insured in what you do. Your acts, you
 21 are responsible for them.
 22 MR. KENT: Thank you for indulging me, first of
 23 all.
 24 CHAIRMAN McMULLIN: Let's take a five-minute

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1 break. We'll come back to that.
 2 (Recess taken.)
 3 CHAIRMAN McMULLIN: We'll call the meeting back
 4 to order. We'll get going.
 5 The production company, good idea, bad
 6 idea, why do we need it?
 7 MR. BARNES: As an alternative to the
 8 distributorship, regardless of whether or not
 9 someone, you know, it will ever happen, Taylor has a
 10 point. It is a business option.
 11 Viability is not an issue here. It's
 12 another avenue for people to get involved. What's
 13 the Board's thought?
 14 MR. PANTHER: I think the production company
 15 language, as it exists, works well for the industry.
 16 They work in that business model. I think the way
 17 it's been working, it's been working well for them.
 18 I don't really see that anything needs to
 19 change for that. You know, in the line of
 20 discussion, you know, like we've been having, any of
 21 the individual theaters or employers have the
 22 opportunity to become either a production company or
 23 a pyrotechnic distributor, if they so choose.
 24 I just think, as I said earlier, it's

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1 unlikely that many of them would choose to do that,
 2 unless they were doing a very high volume of shows
 3 that involve pyrotechnics, because the expenses and
 4 the amount of work that's required to go through
 5 that process and get it all set up, it's cost
 6 prohibitive.
 7 MR. GREGA: Certainly that avenue exists.
 8 MR. PANTHER: It exists.
 9 MR. MUZZY: It doesn't, because it's limited to
 10 film, TV, legit theater. When we went through the
 11 discussions, we were going to put it in music
 12 entertainment, but then it basically ended up coming
 13 out.
 14 To the extent that a music show is going
 15 on at Allstate Arena or Rosemont Theater, I don't
 16 know that that avenue does exist, because it's not a
 17 legit theater production, it is not a film
 18 production, it is not a TV production.
 19 MR. GREGA: Because at the time when this was
 20 discussed before, the pyro industry in agreement
 21 created the production company. That was for a
 22 movie or for a theatrical performance.
 23 When it was suggested before, the music
 24 industry was just broad brushed across with

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1 everything else when it was originally intended for
 2 only the movies and for theatric, because those
 3 individuals who were working, who needed to have an
 4 pyro card in order to be legal and to do a show,
 5 didn't carry their own insurance because in that
 6 industry, those companies, along with the cameras
 7 that are rented and the stunts that are done and
 8 actors and insurance, is afforded to them because it
 9 is part of how that business works.
 10 The movie company takes out an insurance
 11 policy that covers everything. They have a script.
 12 They have the general idea what's going on. There
 13 are million dollars actors; and by the way, there is
 14 also a building that explodes.
 15 But the special effects person that is
 16 hired in that industry doesn't have insurance. He
 17 is an employee of that production company for that
 18 certain amount of time, and then it's over.
 19 We're talking about music, especially at
 20 the time when we were talking about a tour that is
 21 coming in, to ask Britney Spears tour to create a
 22 production company for their shows in Illinois.
 23 MR. BARNES: Couldn't there be an Illinois base
 24 production company just there to do the pyro.

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1 MR. GREGA: The companies that are hired, some
 2 of them are from Europe. It is not -- the tours are
 3 worldwide.
 4 MR. PANTHER: There could be a production
 5 company, but it is no different than contacting one
 6 of the existing production companies or distributor.
 7 Everybody has that option of doing it.
 8 My logic has always been why would you
 9 want to go through the month, and it does take
 10 months to go through that process, of setting that
 11 all up if there's somebody that is there that is
 12 willing to do it with you.
 13 MR. GREGA: I'll also entertain the idea if the
 14 Allstate Arena wants to become a production company,
 15 they certainly can.
 16 MR. PANTHER: They can do so.
 17 MR. KENT: Let me add to this. I agree, I
 18 think that we should not create a music production
 19 company category.
 20 I think we should stay with film
 21 production and the system that we have now. As I
 22 have reiterated, my concerns are about inclusion of
 23 union labor into the licensing process, and I think
 24 we are addressing that; but the notion that we

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1 create a third category now of a music -- touring
 2 music pyrotechnic distributorship --
 3 MR. GREGA: I think it's silly.
 4 MR. KENT: I think the existing system seems to
 5 be working. Again, as you say, Live Nation, step up
 6 to the plate. If you want to get the
 7 distributorship, fine.
 8 MR. GREGA: If Live Nation wants to do that,
 9 they certainly can.
 10 MR. KENT: Get a building, get a loading dock,
 11 get some trucks and do all that.
 12 So, again, I think a third category of the
 13 touring pyrotechnic music/music, is unnecessary. It
 14 seems to be working now. Again, my issues have been
 15 licensing in future for organized labor.
 16 CHAIRMAN McMULLIN: The only problem I have,
 17 and correct me if I'm wrong, adding it to the movie
 18 one, is the distributor for and/or pyro has
 19 different insurance requirements.
 20 MR. KENT: That is true.
 21 CHAIRMAN McMULLIN: So, I think we would have
 22 to make another one, to make sure that the insurance
 23 requirements from the distributor are mirrored in
 24 the production company. That is my thought.

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1 MR. KENT: And the essential difference there
 2 is \$2,000,000 of general liability for a publication
 3 company, 1,000,000 pyrotechnic, and the other
 4 product liability.
 5 CHAIRMAN McMULLIN: Right.
 6 MR. GREGA: Because they are creating their own
 7 products on site.
 8 MR. KENT: Yes, but for a guy who works on
 9 movies, we use a ton of prepackaged stuff, too,
 10 Mark.
 11 MR. GREGA: The reason behind that was because
 12 there is also things like --
 13 CHAIRMAN McMULLIN: The gas bombs.
 14 MR. GREGA: -- gas and plywood and risk charges
 15 that are combined.
 16 MR. KENT: I agree.
 17 CHAIRMAN McMULLIN: So, I think we would have
 18 to make another production company just so the
 19 insurance regulations mock what the distributors
 20 are.
 21 MR. KENT: Okay. So, you're saying if we have
 22 category 3, a production company/music --
 23 MR. BARNES: What are the first two?
 24 MR. KENT: The preexisting, the production

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1 company as we know and love it, the Strictly FX, the
 2 high techs of this world, and that's a pyrotechnic
 3 distributor, then we have a distributor called a
 4 production company that has the same rights and
 5 privileges as the distributor, but with a different
 6 insurance profile, and now we're suggesting a third
 7 category.
 8 CHAIRMAN McMULLIN: Music production company.
 9 MR. KENT: A production company in music. Now,
 10 again, Live Nation, step right up, if that's what
 11 we're going to do, but is the insurance profile
 12 going to remain the same from video film to --
 13 MR. BARNES: I don't think it can.
 14 MR. KENT: I don't think it can.
 15 MR. BARNES: I think it should mirror
 16 distributor, because there is a possibility that
 17 binaries could be made and combined.
 18 MR. KENT: Indeed, yes.
 19 MR. BARNES: Taylor?
 20 MR. MUZZY: You're talking about applying the
 21 previously existing production company scenario to
 22 music entertainment industry, the same that needs
 23 the million dollars liability insurance and the
 24 liability, generally liability, that covers pyro?

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1 MR. BARNES: Yes, as a minimum.
 2 MR. MUZZY: In practically, that makes sense
 3 for the industry, I'm fine with that.
 4 MR. GREGA: We're also talking about the people
 5 who aren't here that were essentially saying you
 6 need to go get insurance and do this.
 7 We did have one, I don't remember her name
 8 from before, that was the Arie Crown and the
 9 McCormack Place who insisted that they will not do
 10 that under no circumstances.
 11 Right now, they don't allow anyone to
 12 touch it. They don't even want it in their
 13 building. We can certainly open up that door to
 14 them, if they would like to.
 15 MR. PANTHER: That is why I say it's practical
 16 the door could be opened, but the realistic
 17 situation that I really feel is the case anywhere is
 18 that unless you tend to be in the business of being
 19 a pyrotechnic company, the amount of regulation and
 20 the amount of cost incurred in doing it is
 21 prohibitively expensive; and I don't think you would
 22 find a single company, I may be wrong, that would
 23 take advantage of it.
 24 MR. GREGA: Should we preclude them or just say

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1 it now that we add this third thing, and the third
 2 thing is there?
 3 CHAIRMAN McMULLIN: It's there.
 4 MR. KENT: It's there. And again, which fits
 5 the profile of an inclusive business environment.
 6 If you are in that business, and you want to step up
 7 to the plate, come on down; otherwise, call an
 8 existing distributor who's done all the work for you
 9 and hire them.
 10 MR. PANTHER: I can agree with that.
 11 CHAIRMAN McMULLIN: What are our thoughts on
 12 this?
 13 MR. GREGA: Certainly to entertain the idea to
 14 define it, to add it into the suggestions, I don't
 15 have a problem with that.
 16 MR. PANTHER: Nor do I.
 17 CHAIRMAN McMULLIN: We'll change the insurance
 18 so it mirrors the distributorship. Let me think
 19 about something here.
 20 MR. RIORDAN: From a permit perspective, does
 21 that mean the production house fits the venue in
 22 their production house, they are the ones that need
 23 the permit?
 24 CHAIRMAN McMULLIN: Yes.

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1 MR. RIORDAN: The distributors are
 2 subcontractors of the production house, I guess.
 3 MR. KENT: Yes, if you had a Live Nation
 4 bringing a band into your venue, they would be the
 5 employer of the pyrotechnic card, the licensee, and
 6 it would be in a similar format.
 7 They would apply for the permit and prove
 8 the requisite insurance, workman's comp, same
 9 profile. Again, it has the earmarks of being
 10 inclusive, even if nobody exercises it.
 11 If they want to, they can.
 12 CHAIRMAN McMULLIN: Okay. Maybe I'm ignorant
 13 here, Kent. You keep saying Live Nation. When you
 14 are there as a stage hand, are you employed by Live
 15 Nation.
 16 MR. KENT: No, indeed, you are not. What I'm
 17 suggesting, Dan, is if for some unknown reason, Sony
 18 Music want wants to get into Illinois as a
 19 distributor, that they could say, "Okay, we're a
 20 music company. We're Sony Music. We want to
 21 establish ourselves in Illinois," like they have a
 22 GPD in California. Well, step up, Sony Music.
 23 There is a path for you to become a
 24 distributor and apply for permits all on your

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1 lonesome, if you fit the profile of the state.
 2 CHAIRMAN McMULLIN: So, everyone is in
 3 agreement, we'll add the insurance?
 4 MR. BARNES: Let's have a vote about the
 5 inclusion of a music production company in the
 6 proposed modifications.
 7 MR. MUZZY: Are you talking about adding music
 8 entertainment to the currently-existing production
 9 companies?
 10 CHAIRMAN McMULLIN: No.
 11 MR. PANTHER: Because of the insurance --
 12 CHAIRMAN McMULLIN: Because of the insurance,
 13 we have to make another classification.
 14 MR. BARNES: We were area creating the music
 15 production company.
 16 MR. MUZZY: In my mind, the way you would draft
 17 that and add music entertain into that list, when
 18 you go to the insurance requirements in film,
 19 television, commercial, and I propose that you add
 20 music entertainment into the currently-existing
 21 production company scenario, and then when it comes
 22 to the insurance requirements, you just parse it
 23 out, or the difference types of entertainment
 24 industry, then you don't have to go and create a

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1 whole new scenario.
 2 As far as drafting goes, it is just a
 3 little easier.
 4 CHAIRMAN McMULLIN: It would be, like, a
 5 subsection is what you are saying, the insurance
 6 requirements for the music industry?
 7 MR. MUZZY: Right. You are adding it in, but
 8 saying the insurance requirements are going to be
 9 different.
 10 MR. BARNES: Well, would the insurance
 11 requirements be different only in the instance where
 12 pyro is being shot off?
 13 I can see maybe music production
 14 companies, if we add it to the general definition,
 15 maybe they are just there to do music and no pyro.
 16 MR. MUZZY: That is the definition of
 17 production company, the current one.
 18 MR. BARNES: Why don't we take a vote on that.
 19 CHAIRMAN McMULLIN: Do we want to put it to a
 20 vote?
 21 MR. GREGA: And also, the term for music
 22 production company, if that is the correct way to
 23 define it.
 24 MR. BARNES: Maybe production company in the

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1 music industry.
 2 MR. KENT: Well, the way it's presently with
 3 production companies, it says "production company,"
 4 then it defines film, video.
 5 I mean, you could easily call that
 6 production company/film video, production
 7 company/music and just apply the insurance profile
 8 to the music company that you would have.
 9 MR. PANTHER: I think whichever way works best
 10 for the legislator. When the thing goes through the
 11 legislation and to markup, they will figure how to
 12 clean it up and put it exactly whichever way makes
 13 more common sense to do it.
 14 I'm supporting the general concept of what
 15 it is we're talking about here.
 16 CHAIRMAN McMULLIN: Are you putting it to a
 17 vote?
 18 MR. BARNES: Why don't we move. Somebody has
 19 got to move to vote.
 20 MR. PANTHER: So moved.
 21 CHAIRMAN McMULLIN: Is there a second?
 22 MR. RIORDAN: I'll second it.
 23 CHAIRMAN McMULLIN: All in favor, say aye.
 24 (A chorus of ayes.)

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1 CHAIRMAN McMULLIN: Opposed?
 2 (No response.)
 3 CHAIRMAN McMULLIN: We'll get this all cleaned
 4 up, written out, and we'll try to get it sent out as
 5 soon as we can.
 6 MR. BARNES: We'll have to talk about future
 7 courses of action, what we're going to be doing
 8 here. We got a couple of things that we certainly
 9 want to get through today.
 10 CHAIRMAN McMULLIN: The Cover License, what is
 11 our opinion now on the Cover License? Has everyone
 12 looked at it?
 13 MR. PANTHER: What was the -- you're advocating
 14 in your proposal, Kent, that we shouldn't put the
 15 Cover License language into place? I'm kind of
 16 trying to figure out.
 17 MR. KENT: Again, all of those dovetail back to
 18 the employee relationship, again which I have wanted
 19 to discuss, which we have discussed.
 20 Clearly if we're going with the employee,
 21 it seems to me the way the wind is blowing that the
 22 Cover License representative is what presently
 23 exists.
 24 MR. PANTHER: I think as we've all discussed in

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1 the past meetings, we've identified that there
 2 clearly is some gray area.
 3 MR. GREGA: There is a need for it to be
 4 defined, and especially on the display report, who
 5 is actually doing what; and by defining that there
 6 is a touring pyrotechnic operator, and that that
 7 company does not have the license, or is hiring an
 8 individual/company who has that license who is going
 9 to oversee the safety, at least I feel better to
 10 define it so that it is no longer gray, that it is
 11 black and white, because it is happening, and it is
 12 not -- in this verbiage, it's correct.
 13 MR. BARNES: Should we expand the proposed
 14 Cover License language to include the production
 15 company?
 16 MR. PANTHER: I think there could be a
 17 situation that might exist where it may come into
 18 play, and I don't see a problem by including that,
 19 you know, even by reference.
 20 If the Cover License, depending on where
 21 it's put in the act, you know, is part of the
 22 general definition, and the notation is made that it
 23 could apply to, you know, pyrotechnic distributor or
 24 a production company, then it would be -- I think

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1 all the bases would be covered. I think we all
 2 agree.
 3 MR. KENT: I have had experience with the film
 4 production company serving as a Cover License.
 5 CHAIRMAN McMULLIN: Correct.
 6 MR. KENT: And this definition is quite
 7 functional. The state issued me a second license
 8 for 20th Century Fox, and I went in and supervised
 9 the explosion as a cover.
 10 MR. BARNES: Does anyone have an issue with
 11 expanding the proposed Cover License language to
 12 include the acceptable scenario where a production
 13 company music is asked to provide Cover License?
 14 MR. KENT: I can't see a situation where you
 15 could do pyrotechnics without a license.
 16 CHAIRMAN McMULLIN: Do we want to vote?
 17 MR. BARNES: Not on the specific language, but
 18 just the inclusion of production companies in the
 19 cover. I'm trying to give myself a road map to what
 20 occurred.
 21 MR. PANTHER: I would agree. I would move that
 22 we include or that language be drafted to include
 23 production companies in the Cover License section of
 24 the code.

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1 CHAIRMAN McMULLIN: Taylor?
 2 MR. MUZZY: I want to make sure I understand
 3 exactly what you are proposing. So, you're saying
 4 as it's written right now, the Cover License
 5 proposal applies to?
 6 MR. BARNES: Distributors.
 7 MR. PANTHER: And touring music productions,
 8 but as we've seen from Kent's testimony, there are
 9 situations where a production company doing film or
 10 television project in the State of Illinois, may
 11 have out-of-state licensed operators that have need
 12 to have a locally-licensed pyro technician
 13 supervising them.
 14 CHAIRMAN McMULLIN: Correct.
 15 MR. PANTHER: With that respect --
 16 MR. BARNES: I think what we're proposing is
 17 just to change the Cover License language from means
 18 any Illinois license pyrotechnic distributor, blah,
 19 blah, blah, to means any Illinois license
 20 pyrotechnic or production company/music.
 21 CHAIRMAN McMULLIN: That's all we're asking.
 22 MR. BARNES: And then the Cover License, the
 23 representative stays the same.
 24 MR. PANTHER: That is what I would move that we

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1 include that language in the definition of Cover
 2 License.
 3 MR. BARNES: Okay.
 4 MR. PANTHER: Any pyrotechnic distributor or
 5 production company.
 6 CHAIRMAN McMULLIN: Everyone agree?
 7 MR. GREGA: Yes.
 8 MR. BARNES: Anyone disagree?
 9 (No response.)
 10 MR. PANTHER: Is that a second or a vote?
 11 MR. BARNES: Robert's Rule of order are being
 12 loosely followed.
 13 MR. MUZZY: Just a practical question. Could
 14 you explain real quick to me practically how this
 15 Cover License works?
 16 Is that something that can be done quickly
 17 and somewhat easily?
 18 MR. PANTHER: Sure, an out-of-state entity,
 19 whether it is a touring music group that has a
 20 pyrotechnic vendor touring with it, or in the case
 21 of an film, 20th Century Fox comes to town with a
 22 California license pyrotechnician, they don't have
 23 the desire in this case to get their own pyrotechnic
 24 license, or to become a production company

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1 distributor, they have the opportunity to contact
 2 one of the existing Illinois distributors or
 3 pyrotechnic -- pyrotechnic distributors or
 4 production company and retain their services to
 5 provide the Cover License.
 6 And that licensee would then come in and
 7 supervise the firing of the pyrotechnics, the setup
 8 and the handling, just like we've discussed in the
 9 past meetings.
 10 MR. MUZZY: So, the insurance requirements are
 11 coming from the?
 12 MR. PANTHER: It goes both ways.
 13 MR. BARNES: People are insuring each other.
 14 The touring pyrotechnic company insures the Cover
 15 Licensor, and the Cover Licensor insures the touring
 16 production company, correct?
 17 MR. PANTHER: Correct.
 18 MR. MUZZY: As far as who is actually doing the
 19 work, practically, how does that work?
 20 MR. PANTHER: Well, it depends on the
 21 situation.
 22 MR. KENT: To give you an example, I'm working
 23 with Feld right now on the circus, and on the
 24 three-show days, I helped the road crew do the

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1 turn-arounds, because it's a monster job to do three
 2 shows in a day.
 3 Now, the Disney Magic at Rosemont Theater,
 4 tiny little show, I never touched a thing. I walked
 5 in, I had some issues with the operator, as did my
 6 AHJ, and we had words with him, and he corrected his
 7 evil ways.
 8 But, essentially, when I'm the set as the
 9 Cover License, I feel that I represent, because the
 10 AHJ doesn't have to be there for every performance,
 11 I represent both my employer and the AHJ's interest
 12 for safe and sane save use of fireworks.
 13 MR. BARNES: As it's drafted, the Cover
 14 Licensor provides a representative whose role is
 15 actually a pretty big role, and one that I would
 16 assume, if I was a distributor, to oversee safety
 17 and regulatory compliance.
 18 That definition -- you know, there is a
 19 section in the Cover License scenario which says,
 20 "The Cover Licensor representative shall be present
 21 during and shall personally supervise all phases of
 22 the pyrotechnic display or pyrotechnic service,
 23 subject to the Cover License. He shall personally
 24 supervise all operators technicians, assistants, and

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1 event employees."
 2 CHAIRMAN McMULLIN: What are you looking for?
 3 MR. BARNES: The safety and compliance
 4 language, where is that?
 5 MR. MUZZY: I think it's paragraph E.
 6 MR. BARNES: That is what I was just reading.
 7 Is that something you guys think should be included
 8 in there? For some reason, I thought it was in
 9 there. I don't see it.
 10 MR. KENT: I might add here the language of
 11 Cover Licensor representative, I think it is
 12 superior to Cover Licensee. This is more
 13 descriptive, because I am representing my
 14 pyrotechnic distributor as a cover.
 15 MR. BARNES: Okay, that is what it says. The
 16 Cover Licensor representative says he's responsible
 17 for supervising the safety and regulatory.
 18 MR. KENT: Right. Again, I find the language
 19 of the representative superior to Cover Licensee.
 20 It is more descriptive than license, you know, than
 21 the other.
 22 MR. BARNES: Which one are you talking about,
 23 the one right above Cover Licensor?
 24 MR. KENT: The licensor is my pyrotechnic

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1 distributor.
 2 MR. BARNES: Right. Then he sends -- that
 3 distributor sends an individual.
 4 MR. KENT: His representative is the Cover
 5 Licensee.
 6 MR. BARNES: Well, the Cover Licensee is the
 7 touring -- out-of-state touring company, that is the
 8 licensee.
 9 MR. GREGA: No.
 10 MR. BARNES: The licensor holds the license,
 11 and then he's allowing the licensee to use the
 12 license. That is the out-of-state touring company.
 13 MR. PANTHER: I thought that was the definition
 14 of the touring pyrotechnic operator.
 15 MR. KENT: Yes.
 16 MR. BARNES: It is, yes. Arguably because he's
 17 an employee of the licensee.
 18 MR. PANTHER: I kind of agree with what Kent is
 19 saying, licensee tends to be something that most
 20 people may not understand, where as the language
 21 that is listed there as Cover Licensor
 22 representative is much more clear.
 23 MR. BARNES: Right.
 24 MR. KENT: While the touring lead pyrotechnic

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1 operator is, in fact, responsible for the setup and
 2 discharge, I, as the licensor representative,
 3 evaluate his performance to make damn sure he's
 4 sober, he knows what he's doing.
 5 MR. BARNES: Right.
 6 CHAIRMAN McMULLIN: That's your responsibility.
 7 MR. KENT: That's my responsibility.
 8 MR. BARNES: And then that also behooves the
 9 Cover Licensor because his liability insurance, his
 10 or her liability insurance, is on the line.
 11 MR. KENT: Yes, as it stands right now, what I
 12 do is I register the road operators as pyrotechnic
 13 assistants; and then functionally, they are under
 14 our umbrella as the ones actually manipulating the
 15 stuff.
 16 CHAIRMAN McMULLIN: Correct.
 17 MR. BARNES: Right.
 18 MR. PANTHER: Under the new definition, we
 19 would not have -- we would no longer have to
 20 register those touring operators as assistants,
 21 because this language clearly defines the
 22 relationship between the touring pyrotechnic company
 23 and the Cover Licensor.
 24 MR. GREGA: And the same thing on the display

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1 report.
 2 CHAIRMAN McMULLIN: Yes.
 3 MR. BARNES: So, as it is, the Cover License
 4 language will stay the same, except for the addition
 5 of "production company" to Cover Licensor.
 6 MR. PANTHER: That is what I believe we agreed
 7 on, yes.
 8 MR. BARNES: Are there any other additions or
 9 modifications to the Cover License language?
 10 MR. GREGA: The Cover Licensor we added the
 11 "and/or production company," and under who is a
 12 pyrotechnic distributor license, shouldn't that also
 13 be "pyrotechnic distributor license and/or
 14 production company"?
 15 MR. BARNES: Yes.
 16 MR. KENT: Right, inclusive, right.
 17 MR. MUZZY: I have another question. How does
 18 it work for, you know, assistants that are working
 19 for the distributors currently? Are there scenarios
 20 where assistants are performing any work in this
 21 setup?
 22 MR. BARNES: In the Cover License scenario?
 23 MR. PANTHER: Sometimes, yes. It depends on
 24 the size of the show.

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1 Obviously if it is the Disney Ice Princess
 2 show, there is probably not going to have a need for
 3 an assistant there. If there was, you are most
 4 likely going to be doing observation work type
 5 activities.
 6 It's probably going to be the case where
 7 the operator is doing that situation. If you are
 8 going in, and you are providing the Cover License
 9 for WWE, and you've got 1,000 pieces of product
 10 going off, it is very likely, you know, the license,
 11 the Cover License representative, and possibly even
 12 additional assistants may be called upon to help
 13 with the setup of that display. It just depends on
 14 the show.
 15 CHAIRMAN McMULLIN: Yes.
 16 MR. BARNES: That is why we added, if you look
 17 to E, B, E, no, excuse me, just E, we added at the
 18 tail end "assistants and event employees." I know
 19 we're going to discuss event employees in a second.
 20 The way it's drafted is "The Cover License
 21 or representative shall be present, a person that
 22 supervises. He shall personally supervise all
 23 touring lead pyrotechnic operators, touring
 24 technicians, assistants, in the instance that is

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1 necessary, and event employees."
 2 MR. PANTHER: And I think with respect to the
 3 event employee versus the assistant, for purposes of
 4 clarification, the assistant is somebody who is
 5 employed by the pyrotechnic distributor or the
 6 production company under the scheme or the scenario,
 7 I should rather say, to actually help with the
 8 handling, loading, hooking up and firing the pyro,
 9 maybe not leading the firing.
 10 You get what I mean? Whereas, an event
 11 employee may be assigned, you know, from the
 12 electric department or from the carpentry
 13 department, to help place trays and so on and so
 14 forth.
 15 It makes a very clear black and white
 16 dividing line about who is actually responsible for
 17 the pyrotechnic portion; and it also creates, in my
 18 opinion, a very nice definition for the employer,
 19 the pyrotechnic distributor to say, "Okay, yes, we
 20 have assistants that are handling pyro, but we also
 21 have some event employees who may help with, you
 22 know, positioning and things around the stage, but
 23 they are not directly responsible for the actual,
 24 you know, loading manipulating devices, which then

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1 precludes us from having to hire those individuals
 2 in addition to the assistants."
 3 MR. KENT: Right.
 4 MR. GREGA: I mean, I think it I think this
 5 definition wasn't meant to preclude anybody. I
 6 think it was meant to merely show that it's a safety
 7 issue, especially if someone is mandated.
 8 If you were told you must go work with the
 9 pyrotechnic department, it gives you an out so that
 10 it is something that you can say, "I cannot touch
 11 that product because I don't want the
 12 responsibility. I don't want the liability."
 13 It is really there for safety. The
 14 comments from before, you know, it wasn't meant to
 15 be derogatory; and it wasn't meant to be, you know,
 16 a third tier.
 17 It was merely meant for safety to say this
 18 is why there is assistants, and then this is why
 19 there is event employees.
 20 CHAIRMAN McMULLIN: Then they know what their
 21 boundaries are.
 22 MR. GREGA: Safety wise.
 23 MR. KENT: Indeed, it takes the gray area out
 24 of the insurance.

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1 MR. GREGA: Yes.
 2 CHAIRMAN McMULLIN: Yes.
 3 MR. KENT: I just had this recently with the
 4 "Get Motivated Seminar" at the United Center where
 5 they had on the labor call, now come on, Bill, they
 6 had a call for two pyrotechnic stage hands.
 7 Now, I happen to know the vendor, and I
 8 said, "Surely you understand that the union laborer
 9 is there to assist you in anything but the
 10 manipulation of pyrotechnic products?"
 11 And, in fact, they had 60 confetti
 12 cannons. They had a distro system that my guys laid
 13 out for them, and they did all the pyro. So, my
 14 guys were not stepping over that line handling
 15 product without the insurance and workman's comp.
 16 So, that afforded us a way for labor calls
 17 to be made for the pyro department; and as an event
 18 employee, they can service that as a labor call,
 19 remain on the union payroll and yet not cross that
 20 rubicon of insurance, which has been my issue and
 21 your issue all along. That seems to define that.
 22 CHAIRMAN McMULLIN: That's the only reason it
 23 was put in there.
 24 MR. KENT: And then my assistants are

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1 registered, and they are brought in for training as
 2 an employee of Hi-Tech.
 3 MR. GREGA: Yes.
 4 CHAIRMAN McMULLIN: Yes.
 5 MR. KENT: All right.
 6 CHAIRMAN McMULLIN: Taylor?
 7 MR. MUZZY: I do have an issue with the event
 8 employee language. I really think it is
 9 superfluous. Under the act, nobody can engage in
 10 pyrotechnic displays or pyrotechnic services without
 11 being licensed or being a registered assistant.
 12 When you look at the definition of
 13 displays and services, that has to do with the
 14 detonation and declaration of certain classes of
 15 pyrotechnic materials. So, you are basically saying
 16 there is something in place that says, "Nobody shall
 17 set up pyrotechnics, unless they are licensed or an
 18 assistant."
 19 I don't think the event employee adds
 20 anything at all, you know, to formally say that in
 21 another way. Those people already could set up the
 22 pyro and remove it.
 23 MR. PANTHER: I agree. It is an additional
 24 level of definition.

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1 CHAIRMAN McMULLIN: Yes.
 2 MR. PANTHER: The difference I think comes, you
 3 know, when you have a person like a theater
 4 representative who isn't used to looking at law all
 5 day.
 6 It can be pretty dry and hard to
 7 understand, no offense to the lawyers present. But
 8 having something that clearly says that the common
 9 labor person or theater manager can look at it and
 10 says, "An event employee does this," I think it
 11 helps clarify to the common person that this is what
 12 that boundary line is.
 13 CHAIRMAN McMULLIN: Right. I think Kent said
 14 it in his statement at the United Center. He told
 15 the production company putting on the show they
 16 can't do this. This is what they can do.
 17 Now he's got some clarification right
 18 there, so he knows he's not crossing the line.
 19 That's the only reason it was put in there, so there
 20 is no gray area.
 21 I understand what you are saying, Taylor.
 22 MR. MUZZY: For me, it kind of comes full
 23 circle back to the employment requirement, which we
 24 kind of put off, because the way I see it, there's a

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1 Local 2 member who is an employee of a house in a
 2 particular example, and the house decides that it's
 3 going to purchase pyrotechnical liability insurance,
 4 and they've got the worker compensation insurance, I
 5 don't see any reason why that individual shouldn't
 6 be able to engage --
 7 MR. GREGA: In that situation, that individual
 8 wouldn't have it. It's for the instances where they
 9 don't have that in place.
 10 MR. MUZZY: But they wouldn't be an assistant
 11 because they are not employees of the distributor,
 12 they are employees of the house.
 13 They got pyro insurance, they got worker's
 14 comp, but the house isn't a production company, too,
 15 because they haven't gone through -- they don't have
 16 somebody who has the DOT, they don't have the
 17 HAZMAT, but there is still insurance in place, will
 18 that person be able to work on the pyro, but they
 19 are not an employee of the distributor, and the
 20 production company isn't licensed, they just have
 21 the insurance?
 22 MR. AUGUST: That almost sounds like a
 23 production company.
 24 MR. PANTHER: That would be the definition of a

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1 production company, because it's not just insurance.
 2 You have to comply with everything in 27 CFR with
 3 regards to ATF, and the employment relationship that
 4 is mandated under that statute as well.
 5 MR. MUZZY: But that's why I put the language
 6 in there that says, "The person can be an assistant,
 7 provided that they don't handle any explosive
 8 materials that require them to have an ATF license
 9 under 27 CFR."
 10 It's somewhat a complicated distinction,
 11 the distinction being that an employee -- a Local 2
 12 member could be an assistant, with the insurance
 13 requirement in place, they just wouldn't be an
 14 employee of a distributor.
 15 They are still an entity. Their employer,
 16 who has the insurance, but it's not the distributor,
 17 and it's also not a production company that's gone
 18 through the licensing scenario.
 19 MR. GREGA: Where is the definition that you
 20 wrote?
 21 CHAIRMAN McMULLIN: Kent, I thought you wrote
 22 all this?
 23 MR. MUZZY: We worked on it together.
 24 MR. KENT: All of my work is subject to review

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1 by counsel, sir. Not by choice, by necessity.
 2 MR. BARNES: I think it's paragraph 10.
 3 MR. MUZZY: It's on page 5.
 4 MR. BARNES: Paragraph 10, is that what you are
 5 looking at, Taylor?
 6 MR. MUZZY: Yes.
 7 MR. BARNES: There is a big question mark next
 8 to that.
 9 MR. PANTHER: Let's take another scenario.
 10 Even if the situation where you are dealing with
 11 articles, pyrotechnic, anything, which are
 12 specifically excluded in 27 CFR as a regulated item
 13 by the ATF, it still does not address the issue of
 14 how does the pyrotechnic material get to the venue
 15 in the first place.
 16 MR. MUZZY: It depends on who is in place. It
 17 could be a distributor, or it could be a production
 18 company.
 19 MR. PANTHER: Right, but the transportation of
 20 that material is regulated under 49 CFR, and that is
 21 why I think the state statutes address the fact that
 22 in order to be able to move that product, you have
 23 to be registered with the Department of
 24 Transportation.

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1 You can't just throw it in. For a
 2 commercial enterprise, if one person is paid to do
 3 work on that show, or one person is paid to attend
 4 that show, it's in commerce, and 49CFR clearly
 5 states that any transportation has to be done in
 6 accordance with those regulations.
 7 Hence, the registration with the
 8 Department of Transportation and PHMSA, the Federal
 9 -- the Pipeline Hazard Material Safety
 10 Administration. Those two pieces of paper are
 11 merely just the indication that the person who is
 12 performing that service has complied with all of
 13 those regulations to be able to move that material
 14 in commerce.
 15 So, yes, the situation does exist that you
 16 may not be subject to ATF regulations, but being in
 17 commercial, you are still subject to DOT
 18 regulations.
 19 MR. MUZZY: Right, and those requirements are
 20 met by either the production company or the
 21 distributor.
 22 MR. PANTHER: Correct, but in the situation you
 23 were describing, if the theater, for instance,
 24 decides to purchase the pyrotechnic liability

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1 insurance, they've got the material, or they've got
 2 that covered, but they still have to figure out how
 3 they are going to get it to the theater.
 4 MR. BARNES: They are going to hire another
 5 pyro production company.
 6 MR. KENT: They would have to.
 7 MR. BARNES: Or a distributor. That's the only
 8 way that could happen.
 9 MR. KENT: If I could just bring us back to the
 10 assistant event employee. It seems to me for union
 11 labor, that using the two definitions opens the
 12 possibility for labor to fill pyro calls for touring
 13 companies as an event employee and not handle
 14 pyrotechnic products, so that the insurance issues
 15 are moot.
 16 MR. GREGA: That was the intent.
 17 MR. KENT: In other words, it affords us the
 18 possibility to fill pyro labor calls.
 19 MR. PANTHER: Absolutely.
 20 CHAIRMAN McMULLIN: Yes.
 21 MR. KENT: And the assistant definition gives
 22 us the pathway towards licensing, because nobody
 23 touches product, even after my missive, unless they
 24 are an employee; and an assistant is, by definition,

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1 an employee, because again, I refer back to the "Get
 2 Motivated Seminar," where they needed help on
 3 pyrotechnics.
 4 They needed help in getting the XLR cables
 5 laid out for their firing system. They needed
 6 confetti canons and special effects. Now, I think
 7 have helped them with the pyro products, I have the
 8 permit.
 9 They didn't need me. They didn't need me
 10 for the fire, but I had two guys on labor call as
 11 events employees.
 12 MR. BARNES: And they could.
 13 MR. KENT: And they could.
 14 MR. GREGA: They could do everything except
 15 test the product. It just defines their role.
 16 MR. KENT: As opposed to eliminating the pyro
 17 position from the labor call, that is one of my
 18 concerns.
 19 MR. PANTHER: We're not trying to say that
 20 union stage hands can't be involved in the process
 21 at all. We're not trying to be exclusionary in any
 22 way, shape or form.
 23 We just want to be sure when union labor
 24 is working with pyrotechnic materials, that they are

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1 covered by insurance somewhere.
 2 MR. GREGA: And if they are directed by a lead
 3 pyrotechnic operator to do something that they
 4 should not do, in the sense that they are now not
 5 covered by insurance, this at least gives them the
 6 ability to say, "I can't do that because of this. I
 7 can do everything else, but at this point, I need to
 8 be an employee of your company, in order to touch
 9 this product."
 10 MR. PANTHER: In fact, if we educate the union
 11 hands to that effect, it actually works in their
 12 favor to be able to protect them from unnecessary
 13 exposure.
 14 MR. GREGA: Yes, sir. Because right now we all
 15 know that it's happened. We are not going to argue
 16 that.
 17 That is another problem going forward, but
 18 part of the reason it happened is because the folks
 19 who were being placed in those situations under the
 20 existing paradigm, you know, when you are told, "You
 21 go do this," you just do it because that's what you
 22 are directed to do.
 23 Even in the sense of merely trying to be
 24 helpful.

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1 MR. PANTHER: Yes, this way we educate the
 2 stage hands to know that, yes, you can do certain
 3 things with that, and we would encourage you to do
 4 that if you have an interest to do it, but there is
 5 a clear line of what is within the scope of their
 6 practice.
 7 If you want to go to the next level and
 8 actually handle pyrotechnic material, load and fire,
 9 and you are interested in proceeding down that
 10 licensing track, there is a process in place for you
 11 to do that; and, you know, we don't want to exclude
 12 anybody.
 13 MR. KENT: And again, I feel the two
 14 definitions are more inclusive to union labor and
 15 defines as a historical problem and puts it to the
 16 side where it should be.
 17 MR. GREGA: Without a doubt.
 18 MR. MUZZY: I'm not a fan of the event employee
 19 language, but that notwithstanding, I still think
 20 there's a way to expand this definition of assistant
 21 in a way that still has the insurance and all the
 22 other requirements in place, so that that individual
 23 doesn't necessarily have to be an employee of the
 24 distributor.

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1 MR. BARNES: Right. I will say the employee --
 2 the employment relationship we're not going to
 3 resolve that today.
 4 I don't even know -- you know, Taylor and
 5 I are going to try to get Stringer and Eric Trend on
 6 the phone and just try and pose some questions, try
 7 and clear this up, to see what can be done, if
 8 anything, to eliminate this employment relationship,
 9 because that appears to be our biggest hangup, and
 10 one that I believe people in this room would like to
 11 go away, if we could insure that the bright line
 12 insurance coverages is apparent.
 13 MR. MUZZY: Yes, that is an issue. I'm not
 14 even really talking about that, because there is --
 15 what I'm saying, I'm probably just not explaining it
 16 very well. Forgive me, I'll try again.
 17 There's still an employment relationship
 18 in place. It's just not the assistant distributor
 19 employee relationship, or assistant production
 20 company relationship.
 21 It's assistant to, say, the house, for
 22 example, and the house has the liability insurance
 23 and the worker's comp insurance.
 24 MR. GREGA: But right now they don't.

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1 MR. PANTHER: If you look at their policies,
 2 most of those policies will have exclusionary
 3 language in there that does not cover pyrotechnic
 4 services.
 5 MR. MUZZY: Under what I'm saying, it has to.
 6 It has to. Like I've always said, the insurance has
 7 to be in place. So, they would have to have pyro
 8 insurance in place and Illinois worker's
 9 compensation.
 10 MR. AUGUST: That is a production company. For
 11 the \$100, they could register as such by just
 12 showing us the insurance and showing us the list,
 13 and identify the assistants they are covered. What
 14 is our fee, \$100?
 15 MR. MUZZY: It's different, then there is the
 16 DOT and HAZMAT.
 17 MR. AUGUST: Under production, I think we allow
 18 the licensee, right, we allow the lead operator to
 19 be able to carry that.
 20 We don't require the companies to do that.
 21 In those situations, we allow them to hire or
 22 employee stage hand that would carry those requisite
 23 things.
 24 MR. MUZZY: Right, one or the other has to be

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1 provided.
 2 MR. AUGUST: You're talking about a scenario
 3 they would not have it, nobody would?
 4 MR. MUZZY: Correct. Well, there would be a
 5 distributor in place. So, the distributor comes in,
 6 they got all their stuff, okay, they come in to do
 7 the pyro and the show.
 8 The house decides that they are going to
 9 get pyro liability insurance that covers their
 10 employees. They've got Illinois worker's comp
 11 insurance also.
 12 So, in that case, we will put two members
 13 on the call. Their employer of record, the house,
 14 has all the insurance requirements, but the house
 15 doesn't have -- they don't employ any lead pyro
 16 operators, they don't have the DOT license, the
 17 HAZMAT, the ATF. This would be a situation where
 18 that employee could work as an assistant.
 19 MR. BARNES: He could be hired by the
 20 distributor.
 21 MR. MUZZY: I'm saying that's not necessary.
 22 MR. AUGUST: He still can't, because he still
 23 has to have a letter of clearance to handle the
 24 product. He could be the event, whatever the term

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1 you have for the event person, could run the wires
 2 and stuff. He still couldn't touch the product.
 3 MR. MUZZY: Well, if you look at that, that is
 4 what paragraph 10 says, you're not going to touch
 5 anything that requires clearance unless they've got
 6 one, I don't think, as I understand it, maybe I'm
 7 wrong.
 8 MR. AUGUST: I don't think he would need
 9 insurance. That is what I am saying, I don't think
 10 in that case that individual, as long as he doesn't
 11 touch the product, he needs to have the insurance.
 12 MR. MUZZY: But they would be touching product.
 13 CHAIRMAN McMULLIN: Then they need insurance.
 14 MR. MUZZY: Right, but they would have to have
 15 clearance.
 16 MR. AUGUST: They would have to have the
 17 clearance.
 18 CHAIRMAN McMULLIN: They have to have a letter
 19 of clearance.
 20 MR. AUGUST: You can't -- I think everybody who
 21 works for you, Mark, don't you guys have to get
 22 letter of clearances for all your people?
 23 MR. GREGA: Yes.
 24 MR. MUZZY: Brian, I thought there was certain

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1 products that handle that line.
 2 MR. PANTHER: There are certain products that
 3 are exempt, but the vast majority of the material
 4 that we work with is regulated, by the nature it
 5 hasn't ignited.
 6 MR. AUGUST: Especially now, more so since
 7 9-11.
 8 MR. MUZZY: Is there product that can be
 9 handled that would not require the letter of
 10 clearance or the certificate?
 11 MR. AUGUST: If it is, we're probably not
 12 regulating it.
 13 MR. PANTHER: Most likely not regulated. There
 14 are very few items.
 15 MR. AUGUST: It is nothing we would care about.
 16 CHAIRMAN McMULLIN: You need the letter of
 17 clearance, Taylor.
 18 MR. KENT: Let me point out, Taylor, the three
 19 individuals that I have registered as the assistants
 20 to Hi-Tech do have letters of clearance.
 21 MR. PANTHER: And they ended up, in his
 22 situation, having their own ATF licenses.
 23 MR. KENT: One did. Let me point out to the
 24 committee I have a fire inspection at the United

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1 Center at 1:30. So, I'm going to recommend that we
 2 vote on some language.
 3 CHAIRMAN McMULLIN: Okay.
 4 MR. KENT: You have a quorum without me, I
 5 might add.
 6 MR. BARNES: No. I think for appearances or
 7 propriety, we want to have as many people here.
 8 This is why it's good you got here. Brian, I know
 9 you drove for a long way.
 10 I think having everyone here and hashing
 11 this out, we're all in agreement. It is just a
 12 matter of hammering the language out. Why don't you
 13 start.
 14 CHAIRMAN McMULLIN: The Cover License plan as
 15 proposed?
 16 MR. BARNES: Which would include the production
 17 company, the addition of the production company in
 18 the Cover Licensure language, in addition to all
 19 this text of the Cover License provision.
 20 Does somebody want to move to vote on
 21 that?
 22 MR. PANTHER: I thought we already did. I
 23 believe we already did vote on that.
 24 MR. BARNES: Did you?

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1 MR. PANTHER: Yes. I'm sorry.
 2 MR. KENT: Do we need to have a vote on the
 3 entire recommendation No. 1, all definitions?
 4 MR. BARNES: We're just going to do the
 5 definitions next.
 6 MR. KENT: Okay, fine. Let's move on.
 7 MR. BARNES: Why don't we start with the
 8 definitions, seeing we already voted on the Cover
 9 License.
 10 MR. PANTHER: I would move that we approve
 11 definitions as discussed and amended earlier in the
 12 meeting.
 13 MR. BARNES: Second?
 14 MR. GREGA: I second.
 15 CHAIRMAN McMULLIN: All in favor, say aye.
 16 (A chorus of ayes.)
 17 CHAIRMAN McMULLIN: Opposed?
 18 (No response.)
 19 CHAIRMAN McMULLIN: None.
 20 MR. PANTHER: I think with respect to the
 21 employment relation, we can't really act on that at
 22 this point.
 23 I think we need to go out and get the
 24 other information from the insurance providers and

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1 try to establish -- I mean, I definitely see where
 2 you are coming from.
 3 If there was a way in the universe that
 4 you could have somebody helping you that is covered
 5 by their own insurance, that would be in that, you
 6 know, would satisfy those requirements as an
 7 employer, yeah, that would be great; but I have not
 8 ever found a configuration that will work and cover
 9 your butt, with respect to all those operations.
 10 MR. MUZZY: Maybe I'm just overly optimistic.
 11 MR. PANTHER: I like your rose-colored glasses.
 12 MR. GREGA: I would love to be able to not have
 13 to buy the insurance as well.
 14 MR. MUZZY: I know what I was just talking
 15 about, too, that is an issue, too. I really think
 16 we are working. It just needs to be filtered a
 17 little more.
 18 MR. PANTHER: If you can solve that employee
 19 insurance relationship, I'm sure you will be the
 20 biggest fan of everybody in the room.
 21 CHAIRMAN McMULLIN: Maybe when you guys are on
 22 a conference call with the insurance guys, you can
 23 ask them that question.
 24 MR. BARNES: We will. As for Kent's

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1 recommendations, there were three of them, with
 2 respect to insurance policy, the pyrotechnics act,
 3 current liability and Illinois worker's compensation
 4 insurance rider requirements are appropriate and
 5 need not be changed.
 6 And then the production company licensing
 7 scheme should be extended to music entertainment
 8 industry. We dealt with that. Did we vote on the
 9 pyrotechnic expansion of pyrotechnics into music? I
 10 believe we did.
 11 MR. PANTHER: We kind of sort of did. We are
 12 all in agreement.
 13 MR. KENT: Bill, may I say if you turn to your
 14 recommendation No. 2, if you just amend the
 15 recommendation to include "the production
 16 company/music."
 17 MR. BARNES: I think I'm going to.
 18 MR. KENT: I think we can move ahead on that
 19 recommendation as well.
 20 CHAIRMAN McMULLIN: Okay. Some of the findings
 21 deal with employment underneath that, and those will
 22 have to be addressed at a later date.
 23 It looks like recommendation 1, to the
 24 extent that it's amended to reflect -- I mean, that

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1 just -- recommendation 1 deals with the adoption of
 2 all those definitions as amended, and the Cover
 3 License language as amended.
 4 Do we want to vote on recommendation 1?
 5 Would that be redundant?
 6 MR. KENT: I think it is redundant. We
 7 accepted the definitions.
 8 MR. BARNES: With regard to recommendation 2, I
 9 will amend that to say, "In the name of public
 10 safety and public policy, an Illinois licensed
 11 pyrotechnic distributors, production" -- it says,
 12 "Illinois licensed production company."
 13 It's already in there. Are there any
 14 issues with recommendation No. 2, as it is drafted?
 15 MR. GREGA: The only thing it doesn't reflect
 16 the third distributor or --
 17 MR. BARNES: Production company/music?
 18 MR. PANTHER: Yes.
 19 MR. BARNES: I'll amend that to add "production
 20 company."
 21 CHAIRMAN McMULLIN: Is that okay?
 22 MR. GREGA: I don't think we ever voted on
 23 whatever the name of the term it's going to be.
 24 MR. MUZZY: Just from a drafting standpoint, I

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1 don't know you need to distinguish.
 2 I think music entertainment gets lumped in
 3 with the current production company scenario. It is
 4 just the insurance requirements are different.
 5 CHAIRMAN McMULLIN: Another subsection in the
 6 definition.
 7 MR. MUZZY: Even that. I think it is the
 8 second requirement. Wherever it says "\$2,000,000 in
 9 commercial general."
 10 MR. BARNES: For everything except for music.
 11 MR. MUZZY: Right, which shall be X, 1,000,000
 12 in product liability and 1,000,000 general
 13 liability, that covers pyro.
 14 MR. BARNES: So, do we just leave
 15 recommendation No. 2 as drafted, because it has the
 16 Illinois license production company?
 17 MR. PANTHER: I would say so.
 18 MR. KENT: The language is going to appear with
 19 the production company as an addendum to the
 20 existing production company by definition as per the
 21 insurance profile.
 22 MR. BARNES: It is a production.
 23 MR. KENT: I don't see we need to include it in
 24 recommendation No. 2.

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1 MR. BARNES: Meaning "production
 2 company/music"?

3 MR. KENT: Correct.

4 MR. BARNES: Does anyone want to move to vote
 5 on recommendation No. 2 as drafted?

6 MR. PANTHER: So moved, with the changes as
 7 noted.

8 CHAIRMAN McMULLIN: Is there a second?

9 MR. RIORDAN: I'll second.

10 CHAIRMAN McMULLIN: All in favor say aye.
 11 (A chorus of ayes.)

12 CHAIRMAN McMULLIN: Opposed?

13 (No response.)

14 CHAIRMAN McMULLIN: None.

15 MR. BARNES: What about recommendation No. 3?

16 MR. KENT: This is basically saying that the
 17 road technician is functioning as the shooter, if
 18 you will, under the aegis of the Cover License and
 19 the Cover Licensor. That is at the bottom there
 20 recommendation 3.

21 With the language "Touring lead
 22 pyrotechnic operator," I have a bit of a problem
 23 with that, because they may be pulling the trigger;
 24 but many times, they are not the people that are

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1 actually on the permit as the shooter.
 2 I'm involved with this now with Feld, the
 3 kid who is on as their pyro guy happens to run the
 4 light board, and he has another member pulling the
 5 trigger; but again, I don't see that it's not
 6 tremendous of an issue, because touring the pyro
 7 operator has to have a Cover License.

8 CHAIRMAN McMULLIN: Correct.

9 MR. KENT: I think, again, we could move
 10 forward with this. As I heard, Taylor, I'll defer
 11 to you.

12 MR. BARNES: I think we would have to add a
 13 No. 3, "Lead pyrotechnic operators and assistants
 14 employed by the Illinois licensing music company or
 15 production company," excuse me.

16 MR. MUZZY: My only concern this comes back to
 17 the outstanding issue that we want to look into. I
 18 feel it is a little premature.

19 CHAIRMAN McMULLIN: We'll hold off on No. 3
 20 until we get the employee definition down.

21 MR. KENT: Yes, a little more discussion would
 22 put this to rest. I think coordinating the
 23 insurance underwriters is a terrific idea.
 24 Again, as it turns out, if that is the

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1 only way to go, and that looks seamless, we would
 2 certainly consider that.

3 MR. BARNES: Should we have another week?

4 MR. MUZZY: What does the schedule kind of look
 5 like?

6 MR. BARNES: The schedule is 11-17 -- today is
 7 the 17th. We were supposed to prepare and submit a
 8 report for consideration on Pearl Harbor day, the
 9 7th of December, and we're supposed to vote to
 10 ratify the report on the 15th.

11 Frankly, I would like to not wait until
 12 the 7th at the meeting next time, because I have a
 13 lot of writing to do.

14 MR. PANTHER: The trick is going to be changing
 15 schedules now that we knew what our timeline is.
 16 I've got production going on during that time, too.

17 MR. BARNES: I know.

18 MR. KENT: I would suggest pick a date and run
 19 it by us and let us check our schedules. Again, I
 20 have no issues because it's a 10:00 o'clock start.
 21 Today I have to leave immediately, but --

22 MR. BARNES: What about the Wednesday after
 23 turkey day?

24 CHAIRMAN McMULLIN: The 1st of December. I'll

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1 see if I can get the room here.

2 MR. PANTHER: I'll have to double check my
 3 calendar and get back to you.

4 MR. BARNES: That is all I can ask.

5 MR. KENT: I have a 2:00 p.m. call on the 1st,
 6 but I could make it here and make it there.

7 MR. BARNES: I don't think it's going to be
 8 that long of a meeting.

9 MR. KENT: So, without further ado, I will.

10 CHAIRMAN McMULLIN: Okay, Kent.

11 MR. BARNES: Thank you, Kent. For the 1st of
 12 December, we will present revised language, revised
 13 recommendations, to reflect Taylor's and my
 14 discussion with insurance. Taylor, I will work with
 15 you to get that scheduled ASAP.

16 One thing that Joe raised, Joe August
 17 raised, right now you can have a production company,
 18 Illinois license production company, you could have
 19 an Illinois license distributor.

20 Should we create yet another niche for the
 21 super rich individual who wants to shoot pyro as a
 22 hobby, and he's independently wealthy and can get
 23 the insurance and get the necessary experiences and
 24 license himself as an individual as opposed to a

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1 company?
 2 MR. AUGUST: I wasn't thinking of that. I was
 3 thinking just modify it now in case the time ever
 4 comes, we find out an insurance company or Mark or
 5 somebody could come in to a situation, right, and
 6 actually provide the insurance for somebody who is
 7 not employed, kind of like what Taylor was saying,
 8 but it's broad; but it would be inclusive of
 9 somebody who is an individual who comes in and wants
 10 to do it, because he's going to have the requisite
 11 insurance.
 12 MR. BARNES: Maybe make them a production
 13 company.
 14 MR. PANTHER: Make them become a production
 15 company.
 16 CHAIRMAN McMULLIN: Yes, make this employee
 17 relationship become a production company. I think
 18 that's the safe way to go.
 19 MR. PANTHER: That is the way I would approach
 20 it, if that was my situation.
 21 CHAIRMAN McMULLIN: Public comment?
 22 MR. AUGUST: Except in that situation, though,
 23 he needs two licenses. He needs a production
 24 license and lead operator license.

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1 MR. PANTHER: Correct.
 2 MR. AUGUST: We're talking about one license,
 3 one means, if somebody comes in who is an
 4 individual, has insurance, or has somebody that
 5 provides him the insurance, right, be it some third
 6 party or production company, or somebody else, or
 7 the venue as he said has insurance, and it is, he's
 8 got a rider that covers everything for him to get
 9 the license and be able to shoot a show, even though
 10 he may not be the production.
 11 You don't have to do anything now.
 12 CHAIRMAN McMULLIN: Any other public comments?
 13 Taylor?
 14 MR. MUZZY: I'm trying to think what kind of
 15 scenario would that happen. You are talking like
 16 somebody doing for public performance?
 17 CHAIRMAN McMULLIN: It wouldn't be a music
 18 production they would be doing.
 19 MR. AUGUST: No, it could be. It could run a
 20 position like he does, the event has the proper
 21 requisite insurance, the shooter or the Local 2
 22 member, if that is your local number, is licensed or
 23 has a requisite experience.
 24 It's kind of the scenario. He's got the

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1 insurance, he's got the requisite insurance, we
 2 allow him to run the show, but he's not a production
 3 company or employed by a production company.
 4 CHAIRMAN McMULLIN: I would have to think about
 5 that.
 6 MR. AUGUST: Think about it.
 7 MR. PANTHER: I guess it really depends on what
 8 the insurance guys are saying. I am not an expert
 9 in insurance at all.
 10 CHAIRMAN McMULLIN: I think it all hinges on
 11 the insurance.
 12 MR. AUGUST: I think it is a stupid idea. If
 13 you need the money so badly, we could probably add
 14 another set of license and make everybody jump
 15 through anyway. You got the company license,
 16 Illinois license, and they shut up. Okay.
 17 CHAIRMAN McMULLIN: We'll adjourn the meeting.
 18 MR. BARNES: Does anyone want to move to
 19 adjourn the meeting?
 20 MR. GREGA: So moved.
 21 MR. PANTHER: Second.
 22 CHAIRMAN McMULLIN: All in favor, say aye.
 23 (A chorus of ayes.)
 24 CHAIRMAN McMULLIN: Opposed?

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1 (No response.)
 2 CHAIRMAN McMULLIN: None.
 3 MR. BARNES: Ayes have it.
 4 (WHICH WERE ALL THE PROCEEDINGS HAD.)
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1 STATE OF ILLINOIS)
 2 COUNTY OF C O O K) SS:
 3 Pamela A. Marzullo, C.S.R., being first duly sworn
 4 on oath, says that she is a court reporter doing business in
 5 the city of Chicago; that she reported in shorthand the
 6 proceedings had at the foregoing trial of the
 7 above-mentioned cause; that the foregoing is a true and
 8 correct transcript of her shorthand notes, so taken as
 9 aforesaid, and contains all the proceedings had at the said
 10 trial.

11
 12 PAMELA A. MARZULLO
 License No. 084-001624

13
 14 SUBSCRIBED AND SWORN TO
 before me this 29th day
 15 November, A.D. 2010.

16 Notary Public

17
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