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April 15, 2011

Via email: richard.baker@tdi.state.tx.us

Richard Baker
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

Re: Complaint against Ray Cammack Shows, Inc. and Houston Livestock Show and Rodeo;

Brian Greenhouse Death of March 20, 2011

Dear Mr. Baker:

Thanks for your letter dated April 5, 2011. I write in response, again asking for a major independent investigation be conducted with regard to the Brian Greenhouse tragedy.

Again, I remind you that I am writing as a concerned citizen, and not as a lawyer who has a financial interest in this matter. I only have the interest of the millions of children and patrons who attend the amusement parks around Texas. It is in that light that I must respectfully express my opinion that TDI has not done enough to protect the public from future catastrophes such as this one. First, the operator has shown a pattern of operating these rides in a dangerous manner which has resulted in serious injury or death. <http://www.houstonpress.com/content/printVersion/230373/>. Second, they also reportedly have a pattern of filing false reports so that nobody will discover the hazardous manner in which these rides are operated. <http://www.houstonpress.com/content/printVersion/230373/>.

Moreover, their insurance carrier, which is required to compensate victims injured by the operator's negligent and reckless operations, is allowed to hire the inspector to make the findings that you rely upon after a calamity like this one. I am sure that you realize that the insurance company's paid inspector is not independent by any stretch of the imagination. That is like allowing the fox to guard the hen-house. There is no way that the insurance company's

consultant can be trusted to provide objective findings. If they find fault, then the one who has hired them may be required to pay lots of money to compensate injured carnival victims. Do you really expect them to be objective? In fact, based on my prior involvement in another claim against this carnival operator, it is my opinion that their “authorized inspector,” RJ Coulter and Associates cannot be trusted. Their goal is to show that the ride operator is not at fault when someone is injured so that the ride operator’s insurance carrier owes no compensation to accident victims.

You state that you have no enforcement authority but must depend on local law enforcement over ride safety issues. I guess this means that the Houston Police Department is the responsible group. I feel quite certain that HPD has no expertise about how a roller coaster operates. HPD is in the business of solving crimes and car accidents, but is not involved in the amusement park accident business. That means that nobody is protecting the children and patrons who ride amusement park rides in this state. As I understand, there are over 150 carnival operators operating in this state, apparently without any real oversight.

You acknowledge that both you and the carnival operator knew about the Barbara Peterson report prior to this incident. Her incident report complained of the exact same defect from the exact same car almost resulted in the ejection and death of her and her four year old daughter. Yet, you diminish the seriousness of that incident by stating that there was “no reported injury.” And as we know, the carnival operator’s inspector RJ Coulter and Associates did the paperwork necessary to cover-up the fact that the latch bar on this ride had the propensity to fail.

Further, you fail to mention anything about the other incident that occurred a few days before the Greenhouse death where another mother, Myra Rock and her child reported a similar defect on the same ride that almost caused them to be ejected. I shared ABC News 13 report of this incident. (See, *attached written report, and the link to the ABC's video, <http://abclocal.go.com/ktrk/story?section=news/local&id=8027027>.*

The fact that this Myra Rock and her six (6) year old child were not ejected does not mean that the carnival gets a free pass, and did not need to shut the ride down. This near death incident should have required a “major investigation” immediately. Instead, it was swept under the carpet, and is treated as though it did not happen. It is no great surprise that neither the carnival nor the Rodeo claim they knew about the incident as their pattern of false reporting is quite consistent. But for Barbara Peterson’s independent report to TDI, there would have been no report of that near death incident either. Both of these near death incidents demanded the carnival operator, its inspectors, and TDI to do something to stop the predictable death that was certain to occur.

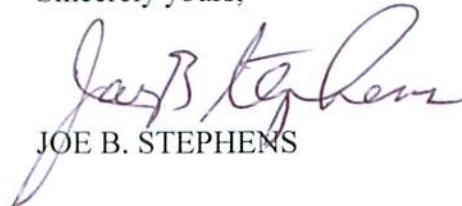
The bottom line is that TDI appears to have unjustifiably closed the book on this incident. Case closed. The carnival has now gone down the road exposing more children, and more unsuspecting patrons to death, and catastrophic injury. Their paid consultant RJ Coulter and Associates continues to give them a “clean bill of health.” All TDI has done is require that some paperwork be filled out without regard to whether it is true or not. Now that TDI knows

that the reports were false, all it requires is for the carnival to amend the reports, and that is the end of it. (*never mind that that TDI states on its website that it is a third degree felony for the carnival to falsely report these incidents; See <http://www.tdi.state.tx.us/bulletins/2010/cc24.html>.*) This type of oversight encourages the carnival operators of this state to continue their pattern of recklessness and false reporting.

Come on man! Have you really done your job? Is this the best we can expect from TDI? What are you going to tell the next family who loses their child, or their father?

My lone voice is not enough. I respectfully request that you take the initiative, and hire an independent group of safety experts to help investigate the cause of this incident, as well as to take measures to “shore up” the safety of the carnival industry.

Sincerely yours,



Joe B. Stephens

JOE B. STEPHENS

HOUSTON (KTRK) -- As investigators look into what went wrong with a ride at the Houston Livestock Show and Rodeo that caused a rider to fall nearly 30 feet to his death, we've learned that a mother complained about the very same ride, just four days before the deadly accident.

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Myra Rock thought she told the appropriate person about her concern, but the Rodeo has no record of her complaint. The roller coaster in question, the Hi-Miler, has a good track record, only a few minor injuries in its 31-year history. But that changed over the weekend.

It wasn't the kind of thrill she was hoping for when she and her 6-year-old son climbed aboard the Hi-Miler last week.

"Really, I didn't know what was going to happen," she said.

Just a short time after taking off she says the safety bar malfunctioned and the fun was over.

"Every time we went down in a dip, it came up and I had to pull it back down and hold my son tighter," said Rock.

It is the same ride from which 47-year-old Brian Greenhouse fell nearly 30 feet to his death Sunday night. He hit a man below who broke his ankle from the impact.

The Hi-Miler and all the other carnival rides are inspected daily by both independent consultants hired by the rodeo as well as RCS, the company that owns and operates them. Right now, everyone is baffled by how this could have happened.

"This car was looked at from top to bottom. The restraint was still down," said HLSR Chief Operating Officer Leroy Shafer. "The lap strap was still down, the bar was still down."

Rock isn't surprised.

"It could have been us easily," she said.

She says she did report the failure to the ride operator, but felt dismissed.

"Before I could even explain what was wrong -- he said, 'Yeah, yeah, yeah, I know,'" said Rock.

On Monday as crews were tearing down the rides her children enjoyed just last week, she made a tough call.

"I'm not going back," she said.

Houston police officers are investigating whether the death was an accident or possibly criminal.

Eyewitness News learned another woman filed an official complaint with the Rodeo last Thursday, saying the ride needs a shoulder harness, but officials say it's not the kind of ride that requires one.

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April 5, 2011

Mr. Joe B. Stephens
23922 Cinco Village Center Blvd., Suite #200
Katy, TX 77494

RE: Complaint against Ray Cammack Shows, Inc. and Houston Livestock Show and Rodeo

Dear Mr. Stephens:

The Texas Department of Insurance (TDI) acknowledges receipt of your letter dated March 25, 2011 concerning the above captioned complaint. TDI is responsible for the administration of the Amusement Ride Safety Inspection and Insurance Act, Occupations Code Chapter 2151 (the Act).

The Ray Cammack Shows, Inc. (RCS) is an operator under the Act. In compliance with the requirements of the Act, RCS has filed the required bodily injury and property damage liability insurance policy, has filed the Hi Miler Roller Coaster amusement ride's certification of inspection performed by an authorized inspector for the insurer, and has paid the required state filing fees.

Regarding the recent fatality at the Houston Livestock Show and Rodeo, Occupations Code §2151.1526 required that the ride be closed and re-inspected by the insurer's authorized inspector. This re-inspection has been filed with TDI and based on the re-inspection the ride is in compliance. RCS has notified TDI and filed two injury reports on the March 20, 2011 accident. A follow-up letter from RCS to reflect a fatality of a rider and an ankle injury of a spectator has updated the two injury reports for this accident. TDI has been informed that the March 20, 2011 accident is still under investigation by the Houston Police Department and the U.S. Consumer Product Safety Commission.

As stated in your letter, Ms. Barbara Peterson did file a complaint with TDI concerning the Hi Miler Roller Coaster operated by RCS at the Houston Livestock Show and Rodeo in 2009. Although there was no reported injury, TDI requested that the ride be closed and re-inspected. The ride was closed pursuant to the request and the insurer's authorized inspector completed the re-inspection. Additionally, TDI has notified the Houston Livestock Show and Rodeo's representative to remind them of procedures to be followed in the event of an amusement ride patron's report of safety concerns. TDI does not have regulatory authority over an amusement ride event sponsor. The Act gives local law enforcement authority over amusement ride safety issues.

Thank you for contacting the Texas Department of Insurance.

Sincerely,

Richard Baker
Manager, Loss Control Regulation

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