

The facial challenge alleging that the civil-investigation statute violates Fifth Amendment (Count 2) fails because there are circumstances in which the statute can be constitutionally applied.

The Fourth Amendment claim (Count 3) fails because McKamey has not established that contemplated fire-safety inspections of his property would constitute a “search” under the Fourth Amendment, let alone a search in violation of that amendment.

The First and Fourth Amendment retaliation claims (Counts 4, 5) fail because the alleged facts and material underlying communications do not meet any of the elements required to show retaliation.

Finally, the declaratory judgment claims (Counts 6, 7, and 8) fail because McKamey does not have a viable, independent cause of action. Thus, the motion to dismiss should be granted.

JONATHAN SKRMETTI
Attorney General and Reporter

s/ Miranda Jones

MIRANDA JONES (BPR 036070)
Senior Assistant Attorney General

BRIAN ENRIGHT (BPR 041724)
Assistant Attorney General

Law Enforcement and
Special Prosecutions Division
Office of the Attorney General
P.O. Box 20207
Nashville, Tennessee 37202-0207
Phone: (615) 521-0417
Fax: (615) 532-4892
Miranda.Jones@ag.tn.gov
Brian.Enright@ag.tn.gov
*Counsel for Defendants Skrmetti and
Lawrence*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was filed and served by operation of the Court's ECF/PACER system on this the 25th day of April 2024, upon:

Davis Fordham Griffin, Esq.
Northstar Litigation, P.C.
209 10th Avenue South, Suite 560
Nashville, Tennessee 37203
davis@northstarpc.com
Counsel for Plaintiff McKamey

s/ Miranda Jones _____
MIRANDA JONES
Senior Assistant Attorney General

EXHIBIT 2

CASE SUMMARY

[CASE No. 23-1492-IV](#)

Russ McKamey vs. Attorney General for the State of Tennessee

11/25/2023

Case Type: Appeal From Administrative Hearing
Date Filed: 11/25/2023
Location: - Part IV
Judicial Officer: Perkins, Russell T

PARTY INFORMATION

Defendant
Attorney General for the State of Tennessee
P.O. Box 20207
Nashville, TN 37202

Attorneys

Plaintiff
McKamey, Russ
5141 Virginia Way
Suite 320
Brentwood, TN 37027

Davis F. Griffin
Retained
615-866-1156(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

- 11/25/2023 [Complaint/Petition](#)
Petition of Russ McKamey for Protective Order to Extend Deadline to Respond with Two Exhibits
- 01/11/2024 [Notice of Appearance](#)
Notice of Substitution of Counsel for McKamey
- 03/29/2024 [Notice of Dismissal](#)
Petitioner's Notice of Voluntary Nonsuit and Dismissal
- 04/01/2024 [Final Order](#)
Order of Dismissal

Unofficial Record

EXHIBIT 1

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

IN RE
INVESTIGATION OF MCKAMEY
MANOR

CASE NO. _____

PETITION OF RUSS MCKAMEY FOR PROTECTIVE ORDER TO EXTEND
DEADLINE TO RESPOND

Russ McKamey (“Mr. McKamey”), having received a Request for Information from the Office of the Attorney General for the State of Tennessee (“the RFI”), and through undersigned counsel hereby petitions this Honorable Court, pursuant to Tenn. Code Ann. § 47-18-106(b), for an Order extending Mr. McKamey’s time to respond to the RFI to February 15, 2024. Mr. McKamey further petitions the court to extend the date for providing a witness knowledgeable of McKamey Manor’s practices for sworn testimony, currently set for February 6, 2024, to April 8, 2024. Mr. McKamey would show the following good cause:

1. Mr. McKamey received the RFI on November 15, 2023. *See Exhibit A*, Declaration of Russ McKamey. The RFI included a response deadline of December 15, 2023. *See Exhibit B*, Request for Information, at p. 1.

2. The RFI alleges that “[t]he State has reason to believe” Mr. McKamey or McKamey Manor are engaging or have engaged in “unfair and deceptive acts or practices.” The RFI does not specify what those acts may be, or what reason the State may have. *See Exhibit B* at p. 2.

3. The RFI defines “Participant” broadly, to include any person who even “expressed interest” in a tour of McKamey Manor. *Id.* at p. 4.

4. The RFI requests documents and other information covering a seven (7)-year period. *Id.* at p. 5.

5. The RFI requests production of all documents “in accordance with and as they are kept in the usual course of business,” without defining the term “usual course of business,” and regardless of whether and how McKamey Manor kept such documents or had a usual course of business. *Id.* at p. 5.

6. The RFI requests all documents be produced electronically, regardless of whether such documents were kept electronically or otherwise. *Id.* at p. 6.

7. The RFI requests all documents that “show the business structure” or “show changes to the business structure” of McKamey Manor, without defining the term “business structure” and regardless of whether McKamey Manor was operated as a “business.”

8. The RFI requests “an electronically searchable list of the names and contact information for all former participants,” regardless of whether any such list has ever been created, or whether McKamey Manor ever possessed such information. *Id.* at p. 7.

9. Mr. McKamey is a private individual without the resources of a business or organization to compile the necessary documents. *See Exhibit A* at p. 1. McKamey Manor does not have dedicated personnel and formal databases for retaining, organizing, and retrieving the requested information. *Id.*

10. Given their incredibly broad scope, complying with the RFI will necessitate a thorough and time-consuming review process. *Id.* at p. 1-2.

11. The RFI are too onerous and burdensome for Mr. McKamey to respond accurately and completely within the thirty (30)-day timeline allowed.

12. The RFI, and the expected scope of questioning during the knowledgeable witness's live testimony, likewise are too onerous and burdensome for said witness to be prepared to testify by the currently scheduled date of February 6, 2024.

13. Tenn. Code Ann. § 47-18-106 (b) states:

At any time prior to the return date specified in the attorney general's request for information pursuant to subsection (a), or within ten (10) days following notice of such a request, whichever is shorter, any person from whom information has been requested may petition the circuit or chancery court of Davidson County, stating good cause, for a protective order to extend the return date for a reasonable time, or to modify or set aside the request. The attorney general shall receive at least one (1) day's notice of such a petition and shall be given an opportunity to respond.

14. Mr. McKamey has provided the Office of the Attorney General one day's notice of the instant Petition.

15. Based upon the good cause shown above and in the attached Declaration of Russ McKamey, Mr. McKamey hereby requests the Court issue a Protective Order granting the following relief:

- a) That the deadline for Mr. McKamey to respond to the RFI be extended to February 15, 2024, or to such reasonable time as the Court shall set; and
- b) That the date for Mr. McKamey or another knowledgeable witness to appear for live testimony be extended to April 8, 2024, or to such reasonable time as the Court shall set.

Respectfully submitted,



By: /s/ Tanner C. Gibson

Tanner C. Gibson (#034910)

Colton L. Adams (#038084)

5141 Virginia Way, Suite 320
Brentwood, TN 37027

Ph.: 615-229-7499

Fax: 615-229-7498

tanner.gibson@meridian.law

colton.adams@meridian.law

Counsel for Investigated Party

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **Petition** has been served by

Email and Facsimile on:

Kristine Knowles
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202
Ph.: 615-741-3491
Fax: 615-741-2009
kristine.knowles@ag.tn.gov
Counsel for Petitioner, State of Tennessee

on this 25th day of November 2023.

/s/ Tanner C. Gibson

Tanner C. Gibson

EXHIBIT A

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

IN RE
INVESTIGATION OF MCKAMEY
MANOR

CASE NO. _____

DECLARATION OF RUSS MCKAMEY

I, Russ McKamey, state as follows:

1. I am over eighteen years of age. I am competent to testify in all respects, and I have personal knowledge of the matters set forth below.

2. I have received a Request for Information dated November 15, 2023 (the “RFI”), from the State of Tennessee, Office of the Attorney General and Reporter (the “Attorney General”). Although the Attorney General has not articulated a specific basis for its purported belief and requests, the RFI seeks the broad production of documents and information in connection with my personal hobby known as the “McKamey Manor.”

3. The deadline to provide a full and accurate response to the RFI is currently December 15, 2023, at 5:00 pm.

4. The requests are extremely broad, both in scope and timeframe, making it challenging for a private individual without the resources of a business or organization to locate and compile the necessary documents. As a private hobby, the absence of dedicated personnel and formal record databases adds a significant burden to the task of retrieving and organizing the requested information.

5. The scope of the RFI is extensive, covering a wide range of information and activity spanning a significant period of time from 2017 through the present. The broad nature of the RFI makes it challenging to pinpoint and gather all relevant documents within the specified timeframe.

6. The volume of documents, footage, and other information that may fall within the broad scope of the requests in the RFI is substantial. As a consequence, the number of files, both physical and electronic, necessitates a thorough and time-consuming review process to ensure compliance.

7. Given that the number of documents and related materials accumulated over the years is substantial, the exhaustive review required to ensure compliance with the requests demands more time than the initial deadline allows.

8. An extension would afford me the opportunity to thoroughly and accurately compile the requested documents and information, considering the additional challenges associated with being a private individual navigating the broad requests.

9. I therefore request an extension of time to respond to the RFI, from the current deadline of December 15, 2023, until February 15, 2024.

10. I furthermore request an extension of time to provide my testimony, or the testimony of another witness familiar with McKamey Manor's practices, from the current of February 6, 2024, until April 8, 2024.

I declare under penalty of perjury that the foregoing is true and accurate.

/s/ Russ McKamey

Russ McKamey

November 25, 2023

EXHIBIT B



STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL AND REPORTER

REQUEST FOR INFORMATION
Issued Pursuant to Tenn. Code Ann. § 47-18-106

PENALTIES FOR NON-COMPLIANCE

IN RE INVESTIGATION OF MCKAMEY MANOR

TO: RUSS MCKAMEY

SERVE: C/O Tanner C. Gibson
5141 Virginia Way, Suite 320
Brentwood, TN 37027

ISSUED: November 15, 2023

YOU ARE REQUIRED, pursuant to Tenn. Code Ann. § 47-18-106(a)(1), to respond in writing to the attached Requests for Production of Documents and Information and provide a Written Statement Under Oath. Your response must be made in accordance with the attached definitions and instructions and must be made under oath by completing the attached Affidavit of Compliance. Contact the attorney listed below with any questions. **Your response must be received on or before the deadline of December 15, 2023 at 5:00 pm CT.**

YOU ARE REQUIRED, pursuant to Tenn. Code Ann. § 47-18-106(a)(2), to provide one or more witnesses who are knowledgeable about McKamey Manor's practices in Tennessee, the responses to this Request for Information, and the defined subject areas for the purposes of **providing testimony under oath on February 6, 2023 at 10:00 am CT**. The sworn testimony shall continue as necessary until completion. The witness(es) shall appear for this sworn testimony at the Office of the Tennessee Attorney General, UBS Tower, 315 Deaderick Street, Nashville, Tennessee 37243, or at a time and place mutually agreed upon by the parties prior to the date set forth above.

Unless otherwise agreed, your response must be either hand delivered or mailed to:

Kristine Knowles
Assistant Attorney General
Telephone: 615-741-1341
Email: Kristine.Knowles@ag.tn.gov

Kelley Groover
Senior Assistant Attorney General
Telephone: 615-532-2591
Email: Kelley.Groover@ag.tn.gov

Hand Delivery or Courier:
Office of the Tennessee Attorney General
Consumer Protection Division
UBS Tower, 20th Floor
315 Deaderick Street
Nashville, Tennessee 37243

U.S. Mail:
Office of the Tennessee Attorney General
Consumer Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0207

This Request for Information is made pursuant to Tenn. Code Ann. § 47-18-106 in connection with an investigation by the State of Tennessee, through Jonathan Skrmetti, Attorney General and Reporter (the State). The State has reason to believe that Russ McKamey and McKamey Manor are engaging in, have engaged in, or are about to engage in unfair or deceptive acts or practices in violation of the Tennessee Consumer Protection Act of 1977 (TCPA), Tenn. Code Ann. § 47-18-101 *et seq.*, in connection with McKamey Manor's unfair and deceptive practices towards consumers.

Please read Tenn. Code Ann. § 47-18-106 carefully, which is attached for your review. Any petitions filed pursuant to Tenn. Code Ann. § 47-18-106(b) must be filed within 10 days of receipt of this Request for Information and served in accordance with state law. Responses to this Request for Information are confidential pursuant to Tenn. Code Ann. § 47-18-106(g).

NOTICE OF PRESERVATION DUTY: This Request for Information shall serve as notice to you that documents and information that may be relevant to this investigation, including the documents and information requested below, should be preserved during the pendency of this investigation and during any resulting enforcement action. Failure to preserve relevant documents may result in penalties under Tenn. Code Ann. § 47-18-106(e), sanctions for spoliation, including an adverse inference, a default judgment, the disallowance of a defense, or other remedies otherwise allowed by law.

Please take notice that under Tenn. Code Ann. § 47-18-106(a), you are required to produce your written response and the requested documents, and to appear and testify on the date specified and any subsequent day if necessary.

Failure to comply with this Request for Information may result in a court action against you.


JONATHAN SKRMETTI
Attorney General and Reporter

I. DEFINITIONS

For the purpose of this Request for Information, the following words or terms have the following definitions:

1. "You," "Your," "Russ McKamey" and/or "McKamey Manor" means and includes Russ McKamey, McKamey Manor LLC, and all of its officers, directors, owners, members, partners, affiliates, predecessors, successors, parents, subsidiaries, divisions, and all of his or its agents, consultants, attorneys, employees, and representatives.

2. "Advertisement" means any written, oral, graphic, or electronic statement, illustration, or depiction that is designed to create interest in the purchasing of, impart information about the attributes of, publicize the availability of, or affect the sale or use of, goods, services, or other offerings.

3. "Agent" includes all current and former employees and/or volunteers of McKamey Manor.

4. "Communication(s)" means any of the following: letter; email; posts or direct messages on any social media platform or other Internet platform; memorandum; record or recording of a meeting, conversation, or discussion; or note or other transmittal of information or message. The definition refers to all such communications, whether transmitted in writing, orally, electronically or by any other means.

5. "Custodian" means any person that, as of the date of this Request for Information, maintained, possessed, or otherwise kept or controlled such communication or document.

6. "Document" means all records and other tangible media of expression of whatever nature however and wherever created, produced, or stored (manually, mechanically, electronically, or otherwise), including all versions whether draft or final, and all annotated, nonconforming, or other copies. Any non-identical version of a document constitutes a separate document within this definition, including drafts or copies bearing any notation, edit, or any other alteration of any kind resulting in any difference between two or more otherwise identical documents.

7. "Goods" means any tangible chattels leased, bought, or otherwise obtained for use by an individual primarily for personal, family, or household purposes or a franchise, distributorship agreement, or similar business opportunity.

8. "Identify" means the following:

- a. With respect to a natural person, the complete name, any stage name or alias, social security number, date of birth, occupation, title(s), job responsibilities, street and mailing address for both home and business at the time in question and at the time of responding (if different), home, cellular, and business telephone numbers, and personal and business email addresses;

- b. With respect to an entity, its name(s), business address(es), legal address(es), state(s) of incorporation, registered or unregistered tradename(s), name(s) under which it does business, or any other affiliated name(s), electronic email domains and websites operated by the entity, tax identification number(s), and the identity of its agent(s) for the service of process; and
- c. With respect to a document, its Bates or other sequential notation, title, date, location, author(s), signatory, recipient(s), description (e.g., memorandum, letter, contract, form), the number of pages, and a summary of the contents.

9. "Participant" and any definition thereof means any natural person who has expressed interest in participating in a Tour of McKamey Manor, has been interviewed by Russ McKamey or anyone else affiliated with McKamey Manor for consideration for participating in taking a Tour, who has traveled to McKamey Manor's location in either Summertown, TN or Huntsville, AL for the purpose of participating in a Tour, and/ or anyone who has participated in challenges either on Your property or as a test before being allowed to participate in a Tour.

10. "Person" means a natural person, individual, governmental agency, partnership, corporation, trust, estate, incorporated or unincorporated association, and any other legal or commercial entity however organized.

11. "Product(s)" means something that is distributed commercially for use or consumption.

12. "Service(s)" means any work, labor, or service, including services furnished in connection with the sale or repair of goods or products.

13. "Tour" means any activity a Participant has done or been directed to do by either Russ McKamey or an Agent as part of McKamey Manor's "extreme haunted attraction", "survival horror theater", "survival horror challenge" and/or a similar experience. This includes activities Participants are directed to do outside McKamey Manor in order to qualify for or begin a Tour.

14. "Trade or commerce" means the advertising, offering for sale, lease or rental, or distribution of any goods, services, or property, tangible or intangible, real, personal, or mixed, and other article, commodities, or things of value wherever situated.

II. INSTRUCTIONS

1. **Time Period.** Unless otherwise indicated, documents to be produced pursuant to this Request include each and every document prepared, sent, dated, received, in effect, or that otherwise came into existence during the period from January 1, 2017 to the date of the production of the documents. Similarly, Your response to an information request should include information addressing the period from January 1, 2017 to the date of your response to the request.

2. **Maintaining Organization of Documents.** Produce all documents in accordance with and as they are kept in the usual course of business, keeping all document families together, and in accordance with Instruction No. 3 below.

3. **Identifying Responses.** When providing your responses, identify each Request to which the document or information is responsive. In addition to listing the information included under the definition of "identify," provide the Bates number or other sequential notation of the responsive document(s). If you believe that responsive documents or information have already been produced by you, specify by Bates number or other sequential notation which documents or information are responsive to which specific Requests.

4. **Providing All Document Versions.** For each document that you produce, produce the current version along with all earlier editions, versions, or predecessor documents during the relevant time period, even though the title of earlier documents may differ from current versions.

5. **Possession, Custody, and Control.** This Request requires you to produce all responsive documents in your possession, custody, or control without regard to the physical location of those documents or the person or persons by whom or for whom the documents were prepared (*e.g.*, your employees, distributors or dealers, competitors, or others).

6. **Documents No Longer In Your Possession.** If any responsive documents or information requested are no longer in your possession, custody, or control, produce a description of each such document, including the following:

- a. The name of each author, sender, creator, and initiator of such document;
- b. The name of each recipient, addressee, or party for whom such document was intended;
- c. The date the document was created;
- d. The date(s) the document was in use;
- e. The title of the document;
- f. A detailed description of the content of the document;
- g. The reason it is no longer in your possession, custody, or control;

- h. The document's current location and custodian thereof;
- i. The date the document left your possession, if applicable; and
- j. The reason the document is no longer in your possession.

7. **Document No Longer Exists.** If the document is no longer in existence, in addition to providing the information indicated above, identify the person(s) responsible for such destruction, state the date and manner of the destruction, the reason for such destruction, and why such destruction does not violate Tenn. Code Ann. § 47-18-106(e).

8. **No Responsive Documents or Information.** If you do not have any documents or information responsive to a particular request, state this fact within your response.

9. **Privilege.** If you assert a privilege in response to a document request, you must state the privilege and the basis for the privilege. In addition, identify the communication or document or portion thereof to which the privilege is asserted. For any document to which a privilege is asserted, state:

- a. The type of document (*e.g.*, letter, memorandum, contract, etc.), the date of the document, and the subject matter of the same;
- b. The name, address, and position of the author of the document and of any person who assisted in its preparation;
- c. The name, address, and position of each addressee or recipient of the document or any copies of it; and
- d. The present location of the document and the identity of the person who has custody of it.

Such information must be supplied in sufficient detail to permit the State to assess the applicability of the privilege claimed. All responsive documents that are subject to an asserted privilege shall not be destroyed, mutilated, or otherwise altered, shall be maintained in their original format, and are subject to the provisions of Tenn. Code Ann. § 47-18-106(e).

10. **Continuing Obligation to Produce.** If you obtain documents or information responsive to any Request after you have submitted your written responses or production, you should supplement your responses and/or production with any new and/or different documents or information that become available to you.

11. **Document Production Format.** Produce all documents electronically, unless otherwise specified or agreed to by the Office of the Attorney General. Any questions regarding electronic document production should be directed to the attorneys whose contact information is listed on the second page of this Request for Information.

12. **Affidavit of Compliance.** All documents shall be produced along with the attached Affidavit of Compliance by the person(s) responsible for compiling your response.

III. REQUESTS FOR PRODUCTION OF DOCUMENTS AND INFORMATION

In accordance with the requirements set forth in the “Definitions” and “Instructions” sections of this Request for Information, you are specifically required to respond in writing to each of the following Requests and produce responsive documents and information within the time frame set forth above:

1. All documents that show the business structure of McKamey Manor, including but not limited to identifying all Agents and those persons’ job titles and job descriptions.
2. All documents that show any changes to the business structure of McKamey Manor since you began operating it in Tennessee.
3. All licenses, permits, and/or certifications issued to Russ McKamey, McKamey Manor, or any of its Agents from any Tennessee government entity.
4. All versions of any waiver You have required Participants to sign before participating in a Tour since you began operating McKamey Manor in Tennessee.
5. All versions of any non-disclosure agreement You have required Participants to sign concerning McKamey Manor since you began operating McKamey Manor in Tennessee.
6. All other documents You have provided to Participants before, during, or after a Tour.
7. Copies of all Advertisements or marketing materials, including social media posts, that were created, produced, sent, viewed by, or delivered on your behalf to Participants and/or the public about McKamey Manor. This includes Advertisements, marketing materials, scripts, or phone solicitations to people regarding a monetary prize for completing or participating in the McKamey Manor Tour.
8. For each year since you began operating McKamey Manor in Tennessee, identify the number of Tours McKamey Manor has operated.
9. An electronically searchable list of the names and contact information for all former Participants and those currently scheduled to participate in a Tour. Contact information should include postal address, email address(es), phone number(s), and social media handle(s).
10. All documents provided to and/or signed by the Participants identified in Request 9.
11. All current and former waitlists to participate in a McKamey Manor Tour since you began operating McKamey Manor in Tennessee.
12. All policies, procedures, or practices related to how you or Agents interact with Participants before, during, and after a Tour, including selection criteria for Participants, and how you or your Agents conduct a Tour.

13. All complaints, whether from Participants or members of the public, that You have received since you began operating McKamey Manor in Tennessee.

14. All lawsuits, pleadings, memoranda, court orders, court opinions, Assurances of Voluntary Compliance, Assurances of Discontinuance, Consent Judgments, consent decrees, or similar documents to which you were a party that have been filed in any state, federal, local, or administrative tribunal.

15. All documents or records of communications related to any federal, state, or local investigation or inquiry into You or McKamey Manor.

16. All documents that show Your annual gross income derived from McKamey Manor. This includes donations, payments, deposits, income derived from live streaming Tours, posting Tours on social media (including, but not limited to: YouTube, TikTok, Facebook, and Twitter), and wagers on Tours.

17. For any charitable donations requested from Participants and accepted by McKamey Manor, documents sufficient to show said donations were forwarded to a nonprofit organization and the identity of any such nonprofit organization.

18. All video and audio footage of Tours filmed in the State of Tennessee, including all unedited footage and all edited recordings.

19. All other documents related to or relied upon for any of your Written Statements Under Oath in Part IV.

IV. WRITTEN STATEMENT UNDER OATH

1. Identify the person(s) answering or assisting in answering this Request on your behalf.

RESPONSE:

2. When did you begin operating McKamey Manor in Tennessee?

RESPONSE:

3. Why did you move McKamey Manor to Tennessee?

RESPONSE:

4. Identify in list form every person who has either worked for or volunteered at McKamey Manor since you began operating McKamey Manor in Tennessee. Include job titles, if applicable. Indicate which people were paid for their work versus those who were volunteers.

RESPONSE:

5. Describe Your selection and screening process for allowing people to work or volunteer at McKamey Manor.

RESPONSE:

6. How many people are on McKamey Manor's waitlist to participate in a Tour?

RESPONSE:

7. What is the average length of time a Tour lasts?

RESPONSE:

8. Identify everyone who is present during a typical Tour.

RESPONSE:

9. What are the most common activities that occur on a Tour?

RESPONSE:

10. Describe how you decide what will occur on each Participant's Tour.

RESPONSE:

11. Identify all persons responsible for directing or controlling McKamey Manor's policies and procedures, including the procedures of the Tour.

RESPONSE:

12. Describe the selection process to participate in a Tour. Identify all persons who have, or had, the authority to select Participants. What criteria do you or your Agents use to decide who is chosen to Participate in a Tour? What screening process, if any, is done before a Participant starts a Tour? Are there any factors that immediately disqualify a potential Participant? If so, identify them in list form.

RESPONSE:

13. Has McKamey Manor ever charged money for a Participant to do a Tour, whether characterized as a donation, deposit, or otherwise? If so, provide details on which Participants were required to pay and how much they were required to pay. What, if any, supplies are Participants required to purchase and bring for the Tour? Are Participants required to give you any goods in exchange for the opportunity to participate? If so, identify the goods.

RESPONSE:

14. Identify every disclosure you make to a Participant at any time before they begin a Tour, specifying what information is disclosed and at what point before a Tour begins.

RESPONSE:

15. When are Participants first given a waiver concerning participation in a Tour? Can Participants access the waiver before the day of the event?

RESPONSE:

16. When are Participants first given a non-disclosure agreement concerning McKamey Manor? Can Participants access the non-disclosure agreement before the day of the Tour?

RESPONSE:

17. What are the terms and conditions of receiving the \$20,000 prize, or any previously offered monetary prize, for completing the Tour?

RESPONSE:

18. Do You currently have the funds to pay out if a person were to win? If so, describe how those funds are currently held (e.g., cash, bank account, securities, other form of value).

RESPONSE:

19. Has a Participant ever won the prize?

RESPONSE:

20. Is it possible for a Participant to win the prize?

RESPONSE:

21. Identify in list form every person, along with their contact information, who has attempted to win the prize since you began operating McKamey Manor in Tennessee. How did each of those Tours end?

RESPONSE:

22. Identify any and all procedures you and/or Agents of McKamey Manor have to monitor the health and safety of Participants while they are participating in a Tour.

RESPONSE:

23. Has McKamey Manor ever facilitated medical treatment for a Participant?

RESPONSE:

24. To your knowledge have any Participants sought medical treatment soon after participating in a Tour? If so, identify in list form the name(s) of the Participant(s) and the injuries, if known.

RESPONSE:

25. Identify in list form all props and supplies you have used during a Tour.

RESPONSE:

26. Are all Tours filmed? Identify every Tour that was filmed since you began operating McKamey Manor in Tennessee. For each such Tour, if you no longer have possession, custody, or control of such film, explain why and include any information you have about the film's current custodian and location.

RESPONSE:

27. Explain how McKamey Manor is funded, identifying each funding source and the amount of funds from that source that has been spent in the operation of McKamey Manor.

RESPONSE:

28. List your total gross income by year since 2017. Identify how much of your income came from the operation of McKamey Manor.

RESPONSE:

V. SWORN TESTIMONY—AREAS OF WITNESS(ES) COMPETENCY

Pursuant to Tenn. Code Ann. § 47-18-106(a)(2) and the terms of this Request for Information, you are required to produce one or more witnesses at the above-designated place and time, or any agreed-upon place and time, who are competent to testify under oath as to the subject matters listed below. The sworn testimony shall last from day-to-day until completed and shall be audio- or video-recorded at the election of the Office of the Attorney General. Under this Request for Information, you have the duty to designate one or more witnesses and to undertake reasonable efforts to prepare them to respond to questions pertaining *at least* to the subject areas listed below:

1. The basic personal background, education, job history, and job duty(ies) of each individual You designated to testify pursuant to this Request for Information
2. All documents, information, and Written Statements Under Oath that are the subjects of this Request for Information.



STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL AND REPORTER

AFFIDAVIT OF COMPLIANCE

IN RE INVESTIGATION OF MCKAMEY MANOR

State of _____
County of _____

I, _____, being duly sworn, state as follows:

1. I am employed by _____ in the position of _____.
2. The enclosed production of documents and responses to the Request for Information of the Office of the Attorney General, dated _____, were prepared and assembled under my personal supervision.
3. I made or caused to be made a diligent, complete, and comprehensive search for all documents and information requested by the Request for Information, in full accordance with its definitions and instructions.
4. The enclosed responses and production of documents to the Request for Information are complete and correct to the best of my knowledge and belief, and they are in no way misleading or calculated to withhold information that is available to me and is requested.
5. No documents or information responsive to the Request for Information have been withheld from this production and response, other than responsive documents or information withheld on the basis of a legal privilege.
6. All responsive documents or information withheld on the basis of a legal privilege have been identified on a privilege log composed and produced in accordance with the instructions in the Request for Information.
7. The documents contained in these productions and responses to the Request for Information are authentic, genuine, and what they purport to be.

Initials _____

8. No documents or information in the possession, custody, or control of McKamey Manor have been concealed, withheld, mutilated, falsified, or by any other means altered.
9. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Request for Information, all persons under whose personal supervision the preparation and assembly of productions and responses to the Request for Information occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any documents produced are authentic, genuine, and what they purport to be.

Signature of Affiant

Date

Printed Name of Affiant

Street Address/City/State/Zip Code

Telephone

Email address

Subscribed and sworn to before me
on _____, 202__.

Notary Public

My Commission Expires: _____

Initials _____

In re Investigation of McKamey Manor

Request for Information (Russ McKamey)

West's Tennessee Code Annotated
Title 47. Commercial Instruments and Transactions
Chapter 18. Consumer Protection (Refs & Annos)
Part 1. Consumer Protection Act of 1977 (Refs & Annos)

T. C. A. § 47-18-106

§ 47-18-106. Requests for information; violations; destruction of documentary materials; service of process

Effective: September 30, 2019
Currentness

(a) Whenever the attorney general has reason to believe that a person is engaging in, has engaged in, or, based upon information received from another law enforcement agency, is about to engage in any unlawful act or practice under this part, or has reason to believe it to be in the public interest to conduct an investigation to ascertain whether any person is engaging in, has engaged in, or is about to engage in such act or practice, the attorney general may:

(1) Require the person to file a statement or report in writing, under oath or otherwise, as to all the facts and circumstances concerning the alleged violation and to furnish and make available for examination all documentary material and information relevant to the subject matter of the investigation;

(2) Examine under oath any person connected to the alleged violation; and

(3) Examine any merchandise or any sample of merchandise deemed relevant to the subject matter of the investigation.

(b) At any time prior to the return date specified in the attorney general's request for information pursuant to subsection (a), or within ten (10) days following notice of such a request, whichever is shorter, any person from whom information has been requested may petition the circuit or chancery court of Davidson County, stating good cause, for a protective order to extend the return date for a reasonable time, or to modify or set aside the request. The attorney general shall receive at least one (1) day's notice of such a petition and shall be given an opportunity to respond.

(c) If no protective order from the court is secured and the written request by the attorney general is not complied with by its return date, the attorney general, upon notice to the person requested to provide information, may apply to a court of competent jurisdiction for an order compelling compliance with the request made pursuant to subsection (a).

(d) Any court of competent jurisdiction in this state, upon a showing by the attorney general that there are reasonable grounds to believe that this part is being, has been, or is about to be violated; that the persons who are committing, have committed, or are about to commit such acts or practices or who possess the relevant documentary material have left the state or are about to leave the state; and that such an order is necessary for the enforcement of this part, may order such persons to comply with subsection (a) whether the attorney general has made a prior request for information or not. The court may also, notwithstanding any provision to the contrary, immediately and without notice, forbid the removal from any place, concealment, withholding, destruction, mutilation, falsification, or alteration by any other means of any documentary material in the possession, custody, or control of any person believed by the attorney general to be connected with acts or practices which violate this part.

(e) Any person who has received notice of a request for information pursuant to subsection (a), or of an order pursuant to subsection (c) or (d), and with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation or order under this part, removes from any place, conceals, withholds, destroys, mutilates, falsifies or by any other means alters any documentary material in the possession, custody, or control of any person subject to such notice, shall be subject to a civil penalty of not more than one thousand dollars (\$1,000), recoverable by the state in addition to any other appropriate sanction.

(f) Documentary material or merchandise requested pursuant to this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person possessing such documentary material or merchandise, or at such other time and place as may be agreed upon by the possessor and the attorney general.

(g) No documentary material, merchandise, or other information, including trade secrets, obtained pursuant to a request under this section, unless otherwise ordered by the court for good cause shown, shall be produced for inspection, copied by, or its contents disclosed to, any person other than an authorized representative of the attorney general or other proper law enforcement official for the purpose of prosecution without the consent of the person who produced the material or information. The attorney general may use copies of the documentary material produced in accordance with this section and merchandise impounded under a court order as it determines necessary in the enforcement of this part, including the presentation before any court; provided, that none of the powers conferred upon the attorney general by this part shall be used for the purpose of compelling any natural person to furnish testimony or evidence which may be protected by such person's right against self-incrimination.

(h) In conducting an inquiry pursuant to this section, the attorney general, whenever such aid is determined to be necessary and desirable, may request the aid of any agency of the state; and any agency, as requested, shall give full aid, support, and cooperation to the attorney general in such investigation.

(i) Service of any notice, order, or request for information by the attorney general may be made in compliance with the Tennessee Rules of Civil Procedure or by:

(1) Delivering a duly executed copy of the notice, order, or request for information to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;

(2) Mailing by registered or certified mail a duly executed copy of the notice, order, or request for information addressed to the person, to be served at the person's principal place of business in this state, or if the person has no place of business within this state, to the person's principal office, place of business, home, or last known address; or

(3) Personal service, pursuant to §§ 20-2-214 -- 20-2-220.

Credits

1977 Pub.Acts, c. 438, § 7; 2019 Pub.Acts, c. 459, § 5, eff. Sept. 30, 2019.

T. C. A. § 47-18-106, TN ST § 47-18-106

Current with laws from the 2023 Regular Sess. and 1st Extraordinary Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee

Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 11th DAY OF April 2024
BY MARIA M. SALAS, CLERK & MASTER
Chelsea R. Taylor
DEPUTY

EXHIBIT 3

**SECTION 411
SPECIAL AMUSEMENT BUILDINGS**

411.1 General.

Special amusement buildings having an occupant load of 50 or more shall comply with the requirements for the appropriate Group A occupancy and Sections 411.1 through 411.8. Amusement buildings having an occupant load of less than 50 shall comply with the requirements for a Group B occupancy and Sections 411.1 through 411.8.

Exception: Amusement buildings or portions thereof that are without walls or a roof and constructed to prevent the accumulation of smoke need not comply with this section.

For flammable decorative materials, see the *International Fire Code*.

411.2 Definition.

The following term is defined in Chapter 2:

SPECIAL AMUSEMENT BUILDING.

[F] 411.3 Automatic fire detection.

Special amusement buildings shall be equipped with an automatic fire detection system in accordance with Section 907.

[F] 411.4 Automatic sprinkler system.

Special amusement buildings shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. Where the special amusement building is temporary, the sprinkler water supply shall be of an approved temporary means.

Exception: Automatic sprinklers are not required where the total floor area of a temporary special amusement building is less than 1,000 square feet (93 m²) and the travel distance from any point to an exit is less than 50 feet (15 240 mm).

[F] 411.5 Alarm.

Actuation of a single smoke detector, the automatic sprinkler system or other automatic fire detection device shall immediately sound an alarm at the building at a constantly attended location from which emergency action can be initiated including the capability of manual initiation of requirements in Section 907.2.12.2.

[F] 411.6 Emergency voice/alarm communications system.

An emergency voice/alarm communications system shall be provided in accordance with Sections 907.2.12 and 907.5.2.2, which is also permitted to serve as a public address system and shall be audible throughout the entire special amusement building.

411.7 Exit marking.

Exit signs shall be installed at the required exit or exit access doorways of amusement buildings in accordance with this section and Section 1011. Approved directional exit markings shall also be provided. Where mirrors, mazes or other designs are utilized that disguise the path of egress travel such that they are not apparent, approved and listed low-level exit signs that comply with Section 1011.5, and directional path markings listed in accordance with UL 1994, shall be provided and located not more than 8 inches (203 mm) above the walking surface and on or near the path of egress travel. Such markings shall become visible in an emergency. The directional exit marking shall be activated by the automatic fire detection system and the automatic sprinkler system in accordance with Section 907.2.12.2.

411.7.1 Photo luminescent exit signs.

Where photo luminescent exit signs are installed, activating light source and viewing distance shall be in accordance with the listing and markings of the signs.

411.8 Interior finish.

The interior finish shall be Class A in accordance with Section 803.1.

CHAPTER 9 FIRE PROTECTION SYSTEMS

[F] 907.2.12 Special amusement buildings.

An automatic smoke detection system shall be provided in *special amusement buildings* in accordance with [Sections 907.2.12.1](#) through [907.2.12.3](#).

[F] 907.2.12.1 Alarm.

Activation of any single smoke detector, the *automatic sprinkler system* or any other [automatic fire detection device](#) shall immediately activate an audible and visible alarm at the building at a constantly attended location from which emergency action can be initiated, including the capability of manual initiation of requirements in [Section 907.2.12.2](#).

[F] 907.2.12.2 System response.

The activation of two or more smoke detectors, a single smoke detector equipped with an alarm verification feature, the *automatic sprinkler system* or other *approved* fire detection device shall automatically:

1. Cause illumination of the *means of egress* with light of not less than 1 footcandle (11 lux) at the walking surface level;
2. Stop any conflicting or confusing sounds and visual distractions;
3. Activate an *approved* directional exit marking that will become apparent in an emergency; and
4. Activate a prerecorded message, audible throughout the *special amusement building*, instructing patrons to proceed to the nearest *exit*. Alarm signals used in conjunction with the prerecorded message shall produce a sound which is distinctive from other sounds used during normal operation.

[F] 907.2.12.3 Emergency voice/alarm communication system.

An emergency voice/alarm communication system, which is also allowed to serve as a public address system, shall be installed in accordance with [Section 907.5.2.2](#) and be audible throughout the entire *special amusement building*.

Copyright © 2024 International Code Council, Inc., or its licensors (ALL RIGHTS RESERVED).

Accessed by Christopher Bainbridge on 04/15/2024 pursuant to License Agreement with ICC. No further reproduction or distribution authorized. Any Unauthorized reproduction or distribution is a violation of the federal copyright, and subject to civil and criminal penalties thereunder.

EXHIBIT 4

**SECTION 906
PORTABLE FIRE EXTINGUISHERS**

906.1 Where required.

Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exception: In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each *dwelling unit* is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.

2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or *combustible liquids* are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the *fire code official*.

**TABLE 906.1
ADDITIONAL REQUIRED PORTABLE FIRE EXTINGUISHERS**

SECTION	SUBJECT
303.5	Asphalt kettles
307.5	Open burning
308.1.3	Open flames—torches
309.4	Powered industrial trucks
2005.2	Aircraft towing vehicles
2005.3	Aircraft welding apparatus
2005.4	Aircraft fuel-servicing tank vehicles
2005.5	Aircraft hydrant fuel-servicing vehicles
2005.6	Aircraft fuel-dispensing stations

SECTIONSUBJECT303.5 Asphalt kettles307.5 Open burning308.1.3 Open flames—torches309.4 Powered industrial trucks2005.2 Aircraft towing vehicles2005.3 Aircraft welding apparatus2005.4 Aircraft fuel-servicing tank vehicles2005.5 Aircraft hydrant fuel-servicing vehicles2005.6 Aircraft fuel-dispensing stations

(continued)

**TABLE 906.1—continued
ADDITIONAL REQUIRED PORTABLE FIRE EXTINGUISHERS**

IFC SECTION	SUBJECT
2007.7	Heliports and helistops
2108.4	Dry cleaning plants
2305.5	Motor fuel-dispensing facilities
2310.6.4	Marine motor fuel-dispensing facilities
2311.6	Repair garages
2404.4.1	Spray-finishing operations
2405.4.2	Dip-tank operations
2406.4.2	Powder-coating areas
2804.3	Lumberyards/woodworking facilities
2808.8	Recycling facilities
2809.5	Exterior lumber storage
2903.5	Organic-coating areas
3006.3	Industrial ovens
3104.12	Tents and membrane structures
3206.10	High-piled storage
3315.1	Buildings under construction or demolition
3317.3	Roofing operations
3408.2	Tire rebuilding/storage

Copyright © 2024 International Code Council, Inc., or its licensors (ALL RIGHTS RESERVED).

Accessed by Christopher Bainbridge on 04/25/2024 pursuant to License Agreement with ICC. No further reproduction or distribution authorized. Any Unauthorized reproduction or distribution is a violation of the federal copyright, and subject to civil and criminal penalties thereunder.

3504.2.6	Welding and other hot work
3604.4	Marinas
5203.6	Combustible fibers
5703.2.1	Flammable and combustible liquids, general
5704.3.3.1	Indoor storage of flammable and combustible liquids
5704.3.7.5.2	Liquid storage rooms for flammable and combustible liquids
5705.4.9	Solvent distillation units
5706.2.7	Farms and construction sites—flammable and combustible liquids storage
5706.4.10.1	Bulk plants and terminals for flammable and combustible liquids
5706.5.4.5	Commercial, industrial, governmental or manufacturing establishments—fuel dispensing
5706.6.4	Tank vehicles for flammable and combustible liquids
5906.5.7	Flammable solids
6108.2	LP-gas

IFC SECTIONS SUBJECT 2007.7 Heliports and helistops 2108.4 Dry cleaning plants 2305.5 Motor fuel-dispensing facilities 2310.6.4 Marine motor fuel-dispensing facilities 2311.6 Repair garages 2404.4.1 Spray-finishing operations 2405.4.2 Dip-tank operations 2406.4.2 Powder-coating areas 2804.3 Lumberyards/woodworking facilities 2808.8 Recycling facilities 2809.5 Exterior lumber storage 2903.5 Organic-coating areas 3006.3 Industrial ovens 3104.12 Tents and membrane structures 3206.10 High-piled storage 3315.1 Buildings under construction or demolition 3317.3 Roofing operations 3408.2 Tire rebuilding/storage 3504.2.6 Welding and other hot work 3604.4 Marinas 5203.6 Combustible fibers 5703.2.1 Flammable and combustible liquids, general 5704.3.3.1 Indoor storage of flammable and combustible liquids 5704.3.7.5.2 Liquid storage rooms for flammable and combustible liquids 5705.4.9 Solvent distillation units 5706.2.7 Farms and construction sites—flammable and combustible liquids storage 5706.4.10.1 Bulk plants and terminals for flammable and combustible liquids 5706.5.4.5 Commercial, industrial, governmental or manufacturing establishments—fuel dispensing 5706.6.4 Tank vehicles for flammable and combustible liquids 5906.5.7 Flammable solids 6108.2 LP-gas

906.2 General requirements.

Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

Exceptions:

1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.
2. Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a *listed* and *approved* electronic monitoring device, provided that all of the following conditions are met:
 - 2.1. Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 - 2.2. Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 - 2.3. The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
 - 2.4. Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
 - 2.5. A written log of required hydrostatic test dates for extinguishers shall be maintained by the *owner* to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations.

906.2.1 Certification of service personnel for portable fire extinguishers.

Service personnel providing or conducting maintenance on portable fire extinguishers shall possess a valid certificate issued by an *approved* governmental agency, or other *approved* organization for the type of work performed.

906.3 Size and distribution.

The size and distribution of portable fire extinguishers shall be in accordance with Sections 906.3.1 through 906.3.4.

906.3.1 Class A fire hazards.

Portable fire extinguishers for occupancies that involve primarily Class A fire hazards, the minimum sizes and

distribution shall comply with Table 906.3(1).

**TABLE 906.3(1)
FIRE EXTINGUISHERS FOR CLASS A FIRE HAZARDS**

	LIGHT (Low) HAZARD OCCUPANCY	ORDINARY (Moderate) HAZARD OCCUPANCY	EXTRA (High) HAZARD OCCUPANCY
Minimum rated single extinguisher	2-A ^c	2-A	4-A ^a
Maximum floor area per unit of A	3,000 square feet	1,500 square feet	1,000 square feet
Maximum floor area for extinguisher ^b	11,250 square feet	11,250 square feet	11,250 square feet
Maximum travel distance to extinguisher	75 feet	75 feet	75 feet

**LIGHT
(Low)
HAZARD
OCCUPANCY
ORDINARY
(Moderate)
HAZARD
OCCUPANCY
EXTRA
(High)
HAZARD
OCCUPANCY**

Minimum rated single extinguisher 2-A^c 2-A 4-A^a
Maximum floor area per unit of A 3,000 square feet 1,500 square feet 1,000 square feet
Maximum floor area for extinguisher^b 11,250 square feet 11,250 square feet 11,250 square feet
Maximum travel distance to extinguisher 75 feet 75 feet 75 feet

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 gallon = 3.785 L.

- a. Two 2¹/₂-gallon water-type extinguishers shall be deemed the equivalent of one 4-A rated extinguisher.
- b. Annex E.3.3 of NFPA 10 provides more details concerning application of the maximum floor area criteria.
- c. Two water-type extinguishers each with a 1-A rating shall be deemed the equivalent of one 2-A rated extinguisher for Light (Low) Hazard Occupancies.

**TABLE 906.3(2)
FLAMMABLE OR COMBUSTIBLE LIQUIDS WITH
DEPTHS OF LESS THAN OR EQUAL TO 0.25-INCH^a**

TYPE OF HAZARD	BASIC MINIMUM EXTINGUISHER RATING	MAXIMUM TRAVEL DISTANCE TO EXTINGUISHERS (feet)
Light (Low)	5-B	30
	10-B	50
Ordinary (Moderate)	10-B	30
	20-B	50
Extra (High)	40-B	30
	80-B	50

TYPE OF HAZARD BASIC MINIMUM

Copyright © 2024 International Code Council, Inc., or its licensors (ALL RIGHTS RESERVED).
Accessed by Christopher Bainbridge on 04/25/2024 pursuant to License Agreement with ICC. No further reproduction or distribution authorized. Any Unauthorized reproduction or distribution is a violation of the federal copyright, and subject to civil and criminal penalties thereunder.

**EXTINGUISHER
RATING MAXIMUM TRAVEL
DISTANCE TO
EXTINGUISHERS**

(feet) Light (Low) 5-B

10-B30

50 Ordinary (Moderate) 10-B

20-B30

50 Extra (High) 40-B

80-B30

50

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

a. For requirements on water-soluble flammable liquids and alternative sizing criteria, see Section 5.5 of NFPA 10.

906.3.2 Class B fire hazards.

Portable fire extinguishers for occupancies involving flammable or *combustible liquids* with depths of less than or equal to 0.25-inch (6.35 mm) shall be selected and placed in accordance with Table 906.3(2).

Portable fire extinguishers for occupancies involving flammable or *combustible liquids* with a depth of greater than 0.25-inch (6.35 mm) shall be selected and placed in accordance with NFPA 10.

906.3.3 Class C fire hazards.

Portable fire extinguishers for Class C fire hazards shall be selected and placed on the basis of the anticipated Class A or B hazard.

906.3.4 Class D fire hazards.

Portable fire extinguishers for occupancies involving combustible metals shall be selected and placed in accordance with NFPA 10.

906.4 Cooking grease fires.

Fire extinguishers provided for the protection of cooking grease fires shall be of an *approved* type compatible with the automatic fire-extinguishing system agent and in accordance with Section 904.11.5.

906.5 Conspicuous location.

Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. These locations shall be along normal paths of travel, unless the *fire code official* determines that the hazard posed indicates the need for placement away from normal paths of travel.

906.6 Unobstructed and unobscured.

Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

906.7 Hangers and brackets.

Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.

906.8 Cabinets.

Cabinets used to house portable fire extinguishers shall not be locked.

Exceptions:

1. Where portable fire extinguishers subject to malicious use or damage are provided with a means of ready access.
2. In Group I-3 occupancies and in mental health areas in Group I-2 occupancies, access to portable fire extinguishers shall be permitted to be locked or to be located in staff locations provided the staff has keys.

906.9 Extinguisher installation.

The installation of portable fire extinguishers shall be in accordance with Sections 906.9.1 through 906.9.3.

906.9.1 Extinguishers weighing 40 pounds or less.

Portable fire extinguishers having a gross weight not exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 5 feet (1524 mm) above the floor.

906.9.2 Extinguishers weighing more than 40 pounds.

Copyright © 2024 International Code Council, Inc., or its licensors (ALL RIGHTS RESERVED).

Accessed by Christopher Bainbridge on 04/25/2024 pursuant to License Agreement with ICC. No further reproduction or distribution authorized. Any Unauthorized reproduction or distribution is a violation of the federal copyright, and subject to civil and criminal penalties thereunder.

Hand-held portable fire extinguishers having a gross weight exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 3.5 feet (1067 mm) above the floor.

906.9.3 Floor clearance.

The clearance between the floor and the bottom of installed hand-held portable fire extinguishers shall not be less than 4 inches (102 mm).

906.10 Wheeled units.

Wheeled fire extinguishers shall be conspicuously located in a designated location.

CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

907.2.12 Special amusement buildings.

An automatic smoke detection system shall be provided in special amusement buildings in accordance with Sections 907.2.12.1 through 907.2.12.3.

907.2.12.1 Alarm.

Activation of any single smoke detector, the *automatic sprinkler system* or any other automatic fire detection device shall immediately activate an audible and visible alarm at the building at a constantly attended location from which emergency action can be initiated, including the capability of manual initiation of requirements in Section 907.2.12.2.

907.2.12.2 System response.

The activation of two or more smoke detectors, a single smoke detector equipped with an alarm verification feature, the *automatic sprinkler system* or other *approved* fire detection device shall automatically do all of the following:

1. Cause illumination of the *means of egress* with light of not less than 1 footcandle (11 lux) at the walking surface level.
2. Stop any conflicting or confusing sounds and visual distractions.
3. Activate an *approved* directional *exit* marking that will become apparent in an emergency.
4. Activate a prerecorded message, audible throughout the special amusement building, instructing patrons to proceed to the nearest *exit*. Alarm signals used in conjunction with the prerecorded message shall produce a sound that is distinctive from other sounds used during normal operation.

907.2.12.3 Emergency voice/alarm communication system.

An emergency voice/alarm communication system, which is allowed to serve as a public address system, shall be installed in accordance with Section 907.5.2.2 and be audible throughout the entire special amusement building.

Copyright © 2024 International Code Council, Inc., or its licensors (ALL RIGHTS RESERVED).

Accessed by Christopher Bainbridge on 04/15/2024 pursuant to License Agreement with ICC. No further reproduction or distribution authorized. Any Unauthorized reproduction or distribution is a violation of the federal copyright, and subject to civil and criminal penalties thereunder.

EXHIBIT 5

From: [Christopher Bainbridge](#)
To: musicaexcitementwithruss@yahoo.com
Cc: [George D. Smith](#); [Russell Schwahn](#); [Daniel G. Garrett](#)
Subject: McKamey Manor Plan of Corrective Action Affidavit
Attachments: [image001.png](#)
[McKamey Manor -- Affidavit.docx](#)
[McKamey Manor -- Letter - signed.pdf](#)

Mr. McKamey,

I'm the Director of the Codes Enforcement Section of the State Fire Marshal's Office. We adopt and enforce minimum building and fire codes for the state. I have attached a letter and an affidavit for you to review and complete. Once completed and sent back to me, we will approved your Plan of Corrective Action. Please let me know if you have any questions.



Chris Bainbridge | Director of Codes Enforcement
Department of Commerce and Insurance
Fire Prevention Division – TN State Fire Marshal's Office
Codes Enforcement and Plans Review Section
Davy Crockett Tower, 10th Floor
500 James Robertson Parkway
Nashville, TN 37243-0565
p. 615-741-7190 d. 615-741-6246
christopher.bainbridge@tn.gov | www.tn.gov/fire

Help us serve you better. Please take a few moments to let us know how we are doing and what we can do better by filling out the following survey https://www.research.net/r/SFMO_CodesEnforcement

December 15, 2023

VIA Electronic Mail

McKamey Manor
Attn: Russ McKamey
12 Stephenson Road
Summertown, TN 38483
musicaexcitementwithruss@yahoo.com

Mr. McKamey:

I serve as Director of Codes Enforcement at the State Fire Marshal's Office ("SFMO"). On December 1, 2023, our office received your Plan of Corrective Action ("POCA") stating the barn at McKamey Manor will not be used for anything besides personal storage.

Please complete an affidavit to that effect and return a notarized copy to my office by January 5, 2024. I have attached a draft of an affidavit that you may utilize or edit. If you do not wish to use the affidavit provided, please provide my office with an affidavit to support your POCA.

If you should have any questions concerning this matter, please do not hesitate to contact me at 615-741-6246 or Christopher.Bainbridge@TN.gov.

Sincerely,



Chris Bainbridge
Director, Fire Prevention Codes Enforcement



DEPARTMENT OF COMMERCE AND INSURANCE
FIRE PREVENTION DIVISION

MCKAMEY MANOR)
RUSS MCKAMEY, OWNER)
12 STEPHENSON ROAD)
SUMMERTOWN, TN 38483)

AFFIDAVIT OF RUSS MCKAMEY

I, Russ McKamey, based on personal knowledge, hereby state the following:

1. I am over eighteen (18) years of age, competent to provide testimony, and a citizen of Tennessee, with personal knowledge of the matters stated herein.
2. The statements contained herein are true, accurate, and correct to the best of my knowledge, information, and belief.
3. I am the owner of McKamey Manor, located at 12 Stephenson Road, Summertown, Tennessee, 38483.
5. On November 21, 2023, the State Fire Marshal's Office conducted an inspection at McKamey Manor after receiving a complaint.
6. At the time of the inspection, the State Fire Marshal's Office observed the following fire and building deficiencies:
 - a. Lack of automatic fire detection systems in the barn and Conex boxes in violation of 2012 IBC 411.3, 2012 IBC 411.5, IFC 907.2.12, and IFC 907.2.12.1;
 - b. Exit signs have not been installed as required in the barn and in the Conex boxes in violation of 2012 IBC 411.7 and Section 907.2.12.2;

- c. Lack of emergency voice/alarm communication system in the barn and Conex boxes in violation of 2012 IBC 411.6; and
 - d. A portable fire extinguisher has not been provided in violation of 2012 IFC 906.1.
9. On December 1, 2023, I submitted a Plan of Corrective Action to the State Fire Marshal's Office stating I will not use the barn for anything besides personal storage.
10. I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAITH NOT

Russ McKamey

Sworn to and subscribed on this ____ day of _____, 202_.

Notary Public

My Commission Expires: _____

EXHIBIT 6

From: [Davis Griffin](#)
To: [Elizabeth Lefler Schulenberg](#)
Subject: Re: [EXTERNAL] Re: McKamey Manor POCA
Date: Tuesday, January 30, 2024 3:39:14 PM
Attachments: [image001.png](#)
[affidavit_search.png](#)
[Tenn. Code Ann. 68-120-117.PDF](#)

I should be made point of contact on file.

I did not ask for your general authority. I asked for the authority to require an affidavit. Title 68, Chapter 120 does not even contain the word "affidavit" (*See* attached). Tenn. Comp. R. & Regs. 0780-02-02-.01 for the Division of Fire Prevention merely adopts the national standards for codes enforcement. Neither of the codes applicable here and cited in the inspection reports (IBC or IFC) mentions any affidavit.

The other, and different, question I asked is: given the absence of authority to require an affidavit, what authority does your office have to "monitor" my client's property in absence of a complaint and in response to his refusal to submit this affidavit, which, again, is not required? The answer is that no such authority exists.

I'll refer you to T.C.A. § 68-120-117 (attached) for the requisite process of "monitoring" my client's property. *Ultra vires* surveillance by your client/office will not be tolerated.

Thanks,
DFG

On Tue, Jan 30, 2024 at 2:38 PM Elizabeth Lefler Schulenberg
<Elizabeth.LeflerSchulenberg@tn.gov> wrote:

Good afternoon –

The Department's authority in this matter is in Tennessee Code Annotated Title 68, Chapter 120, and all rules promulgated thereunder.

The Department will utilize the contact information on file for inspection reports.

Thanks!



Beth Schulenberg | Associate Counsel for Fire Prevention

Office of Legal Counsel

Davy Crockett Tower, 12th Floor

500 James Robertson Parkway, Nashville, TN 37243

P: 615-532-7899

elizabeth.leflerschulenberg@tn.gov

tn.gov/commerce

NOTICE

This e-mail message and any attachment is for use by the recipient only, and contains information that may be legally privileged and confidential from the Tennessee Department of Commerce and Insurance, Legal Division. If you are not the intended recipient, DO NOT review, transmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you received this e-mail in error, please immediately notify us by return e-mail or telephone at 615-741-3388 and permanently delete this message. Receipt by anyone other than the intended recipient is not a waiver of any deliberative process privilege, joint prosecution privilege, attorney-client privilege, work product immunity or any other privilege or immunity.

From: Davis Griffin <davis@mockingbirdlaw.com>

Sent: Tuesday, January 30, 2024 12:01 PM

To: Elizabeth Lefler Schulenberg <Elizabeth.LeflerSchulenberg@tn.gov>

Subject: [EXTERNAL] Re: McKamey Manor POCA

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Beth,

When we spoke on January 8, I asked you to provide a rule, regulation, or other authority for the requirement that Mr. McKamey complete and submit this proposed affidavit. You stated that you did not know the answer to that but would get back to me. On January 9, you followed up by email stating that your client/office was "requesting" the affidavit but did not provide any authority for that requirement. On January 22, you followed up again with the same. Since it does not appear to be a requirement, we are not going to submit an affidavit at this time.

In your January 26 letter, you stated that if my client did not submit the affidavit, your client/office would "continue to monitor the property." Please elaborate on what you mean by that including authority for such surveillance in the absence of a new complaint.

Thanks,
DFG

On Fri, Jan 26, 2024 at 7:57 AM Elizabeth Lefler Schulenberg
<Elizabeth.LeflerSchulenberg@tn.gov> wrote:

Good morning –

Please see the attached letter regarding Mr. McKamey's Plan of Corrective Action.

Please let me know if you have any questions.

Thank you,

Beth Schulenberg



Beth Schulenberg | Associate Counsel for Fire Prevention

Office of Legal Counsel

Davy Crockett Tower, 12th Floor

500 James Robertson Parkway, Nashville, TN 37243

P: 615-532-7899

elizabeth.leflerschulenberg@tn.gov

tn.gov/commerce

NOTICE

This e-mail message and any attachment is for use by the recipient only, and contains information that may be legally privileged and confidential from the Tennessee Department of Commerce and Insurance, Legal Division. If you are not the intended recipient, DO NOT review, transmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you received this e-mail in error, please immediately notify us by return e-mail or telephone at 615-741-3388 and permanently delete this message. Receipt by anyone other than the intended recipient is not a waiver of any deliberative process privilege, joint prosecution privilege, attorney-client privilege, work product immunity or any other privilege or immunity.