

**MINUTES**  
**SC Board of Pyrotechnic Safety**  
**January 7, 2016, Board Meeting**  
**Kingstree Building, Room 204**  
**110 Centerview Drive, Columbia, SC**

**Meeting Called to Order**

Chairman Wyndham called the meeting to order at 10:06 a.m. Other members attending the meeting included: Ann Graham, Vice Chairman, Kelly Campsen, Michael Solomon, Josh Spencer, and David Tafaoa.

Staff members attending the meeting included: Sherri Moorner, Sandra Dickert, Darra Coleman, Office of General Counsel; Gigi Lewis, Office of General Counsel; Hardwick Stewart, Office of General Counsel; Andrew Rogers, Office of Disciplinary Counsel; Bert Polk, Deputy Director, Office of Fire and Life Safety; and Ray Hoshall; Program Manager, Office of Fire and Life Safety.

**Public Notice**

Mr. Wyndham announced that public notice of this meeting was properly posted at the SC Board of Pyrotechnic Safety office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

Mr. Wyndham welcomed everyone to the meeting.

**Approval of Excused Absences**

All members were present.

**Approval of Agenda**

**MOTION**

Mr. Tafaoa made a motion, seconded by Mr. Spencer, and unanimously carried, the Board approve the agenda as written.

**Approval of the July 14, 2015 Meeting Minutes**

**MOTION**

Ms. Graham made a motion, seconded by Mr. Spencer, the Board approve the minutes of the July 14, 2015 meeting. Mr. Tafaoa noted on page five, paragraph two, he is in the process of resigning and is waiting on his replacement's appointment. The motion carried unanimously.

## **Introduction of Board Members and Guests**

The board members introduced themselves.

## **Administrator's Remarks**

Mr. Wyndham stated Molly Price is now the Board Administrator and noted she is currently dealing with medical needs.

## **New Business**

### a. Review and Approval of Revised Fireworks Facility Inspection Process and Forms

Mr. Wyndham stated the Board will be reviewing the fireworks facility inspection process and the forms. He noted the board would draft a proposal regarding the process and forms.

## **Executive Session**

### **MOTION**

Mr. Tafaoa made a motion, seconded by Mr. Spencer and unanimously carried, the Board enter executive session with Chief Polk and his administrator, in regards to the contractual relationship between the Board and the Fire Marshal's Office regarding the scope of inspections and the new forms.

## **Return to Public Session**

### **MOTION**

Mr. Solomon made a motion, seconded by Mr. Tafaoa and unanimously carried, the Board come out of closed session.

Mr. Wyndham noted for the record no votes were taken during executive session.

### **MOTION**

Ms. Graham made a motion, seconded by Mr. Solomon, the Board table item #6a on the agenda as far as reviewing and approving a draft inspection form and draft inspection process.

Ms. Lewis stated the Board would be provided with additional information on possible amendments to the inspection form which will be used by the Board of Pyrotechnic Safety as well as on the inspections for renewals and initial licensure..

The motion carried with a unanimous vote.

### b. Board Review of Petitions for Appearance

Mr. Wyndham stated the Board will review petitions based on violations noted on citations dated June 2015 through September 2015. The Board will determine if the petitions show just cause for a hearing during a future meeting.

Mr. Wyndham noted the petitions for review are as follows:

1. Fireworks Superstore (Hardeeville)
2. Showtime Fireworks

3. Fireworks Superstore (Dillon)
4. Pedros Pantry East
5. Pedros Pantry West
6. Fort Pedro
7. GL Smith, Inc.
8. Flashes Fireworks, LLC
9. Golfball Outlet & Fireworks
10. Dickerson's
11. Lake Wylie Fireworks
12. Newport Fireworks
13. Abbot Red Star Fireworks (Spartanburg)
14. Abbott Red Star Fireworks (Gaffney)
15. Red Star Fireworks
16. Abbott Fruit Markets
17. Red Star Fireworks (Bud Authur – Spartanburg)
18. Red Star Fireworks (109 Sloane Garden – Spartanburg)
19. Sparky's Pecan Outlet Store
20. Fireworks World
21. I-85 Fireworks dba Phantom Fireworks

Mr. Wyndham noted the Board would first review Fireworks Superstore (Hardeeville), Showtime Fireworks, and Fireworks Superstore (Dillon). Mr. Michael Ingram submitted a petition for each location.

#### **Executive Session**

##### **MOTION**

Mr. Tafaoa made a motion, seconded by Ms. Graham and unanimously carried, the Board enter executive session, to seek legal advice.

#### **Return to Public Session**

##### **MOTION**

Mr. Spencer made a motion, seconded by Mr. Campsen and unanimously carried, the Board come out of executive session.

Mrs. Coleman noted for the record Mr. Solomon identified a potential conflict of interest and recused himself from the discussion and vote on review Fireworks Superstore (Hardeeville), Showtime Fireworks, and Fireworks Superstore (Dillon). Mrs. Coleman presented a signed Statement of Recusal as Exhibit A.

Mr. Wyndham noted for the record no votes were taken during executive session.

#### **Showtime Fireworks (Hardeeville)**

##### **MOTION**

Mr. Spencer made a motion, seconded by Mr. Tafaoa, and unanimously carried, the Board hear the disputes as set out in the petition as provided by Fireworks Superstore (Hardeeville).

#### **Showtime Fireworks**

**MOTION**

Mr. Tafaoa made a motion, seconded by Mr. Spence and unanimously carried, the Board hear the disputes as presented in the petition as submitted from Showtime Fireworks..

**Fireworks Superstore (Dillon)**

**MOTION**

Mr. Spencer made a motion, seconded by Ms. Graham and unanimously carried, the Board hear this dispute as set out in the dispute letter.

Mr. Wyndham stated the Board would now review the petitions for Pedros Pantry East, Pedro Panty West, and Fort Pedro. Mr. Timmy Townsend submitted petitions for each location.

**Executive Session**

**MOTION**

Ms. Graham made a motion, seconded by Mr. Tafaoa and unanimously carried, the Board enter executive session to seek legal advice.

**Return to Public Session**

**MOTION**

Mr. Spencer made a motion, seconded by Mr. Solomon and unanimously carried, the Board enter executive session to seek legal advice.

Mr. Wyndham noted for the record no votes were taken during executive session.

**MOTION**

Mr. Tafaoa made a motion, seconded by Mr. Spencer and unanimously approved, based on the disputed items in the petitions that have been sent to the board hear each of the petitions of Pedros Pantry East, Pedros Pantry West, and Fort Pedro.

Mr. Wyndham stated the Board would next consider the petitions from GL Smith, Inc., Flashes Fireworks, LLC, Golfball Outlet & Fireworks Megastore, Dickerson's, Lake Wylie Fireworks, and Newport Fireworks.

**Executive Session**

**MOTION**

Ms. Graham made a motion, seconded by Mr. Tafaoa and unanimously carried, the Board enter executive session to seek legal advice.

**Return to Public Session**

**MOTION**

Mr. Solomon made a motion, seconded by Mr. Tafaoa and unanimously carried, the Board come out of executive session.

Mr. Wyndham noted for the record no votes were taken during executive session.

GL Smith, Inc., Flashes Fireworks, LLC, and Golfball Outlet & Fireworks Megastore

**MOTION**

Mr. Spencer made a motion, seconded by Ms. Graham and unanimously carried, to hear the dispute as to those matters and to the items as set out in the correspondence received.

Dickerson's, Lake Wylie Fireworks, and Newport Fireworks

**MOTION**

Mr. Spencer made a motion the administrator of the Board send a letter to each of those entities seeking clarification as to the nature of their dispute and ask them respond in writing within 15 days and then the matter would be heard as to whether it will be heard as a dispute at the next meeting. Mr. Solomon seconded the motion, which carried unanimously.

Mr. Wyndham stated the Board would consider the petitions from Abbot Red Star Fireworks (Spartanburg), Abbott Red Star Fireworks (Gaffney), Red Star Fireworks, Abbott Fruit Markets, Red Star Fireworks (Bud Authur – Spartanburg), and Red Star Fireworks (109 Sloane Garden – Spartanburg).

Mr. Campsen recused himself from the discussion and vote on the Abbott petitions as Paul Abbott is a personal friend of his.

Mr. Spencer recused himself from the discussion and vote on the Abbott petitions as he has a business relationship with an entity in agreement with them. He also worked with them for 12 years.

Mr. Spencer's Statement of Recusal was presented as Exhibit B.

**Executive Session**

**MOTION**

Mr. Tafaoa made a motion, seconded by Mr. Solomon and unanimously carried, the Board enter executive session to seek legal advice.

**Return to Public Session**

**MOTION**

Mr. Solomon made a motion, seconded by Ms. Graham and unanimously carried, the Board come out of executive session.

Mr. Wyndham noted for the record no votes were taken during executive session.

Abbott Red Star Fireworks (Spartanburg), Abbott Red Star Fireworks (Gaffney), Red Star Fireworks, Abbot Fruit Markets Red Star Fireworks (Bud Authur – Spartanburg) Red Star Fireworks (109 Sloan Garden Spartanburg)

**MOTION**

Mr. Tafaoa made a motion, seconded by Mr. Solomon and unanimously carried, the administrator send a letter to the attorney requiring specificity on each dispute that they have so the Board is clear on what the Abbott Stores want the Board to do for each location; the attorney is to respond within 15 days of receipt of the letter.

Mr. Wyndham stated the Board would now consider Sparky's Pecan Outlet Store and I-85 Fireworks dba Phantom Fireworks.

**Executive Session**

**MOTION**

Ms. Graham made a motion, seconded by Mr. Solomon and unanimously carried, the Board enter executive session to seek legal advice.

**Return to Public Session**

**MOTION**

Mr. Tafaoa made a motion, seconded by Mr. Solomon and unanimously carried, the Board come out of executive session.

Mr. Wyndham noted for the record no votes were taken during executive session.

**Sparky's Pecan Outlet Store**

**MOTION**

Ms. Graham made a motion, seconded by Mr. Spencer and unanimously carried, the Board hear Sparky's Pecan Outlet Store dispute based on what has been put in writing.

**I-85 Fireworks dba Phantom Fireworks**

**MOTION**

Mr. Tafaoa made a motion the Board deny Phantom's based on not receiving the petition within the 15 day rule. Mr. Spencer seconded the motion.

Mr. Wyndham stated based on the rules and regulations they have another opportunity to appeal. He encouraged the Board to hear the appeal now.

Mr. Tafaoa stated others have followed the regulations and had their letters in within the 15 day limit; however, I-85 Fireworks dba Phantom Fireworks did not.

The motion carried with a majority vote. Mr. Wyndham voted nay.

Mr. Wyndham stated the Board would now consider Fireworks World.

Mr. Solomon recused himself from participating in discussion and vote in this matter.

Ms. Coleman stated Mr. Solomon had included Fireworks World on his Statement of Recusal presented as Exhibit A.

### **Executive Session**

#### **MOTION**

Ms. Graham made a motion, seconded by Mr. Tafaoa and unanimously carried, the Board enter executive session to seek legal advice.

### **Return to Public Session**

#### **MOTION**

Mr. Campsen made a motion, seconded by Mr. Tafaoa and unanimously carried, the Board come out of executive session.

Mr. Wyndham noted for the record no votes were taken during executive session.

#### **Fireworks World**

#### **MOTION**

Mr. Spencer made a motion, seconded by Mr. Tafaoa, the board hear the dispute; but the first issue to be addressed at that hearing will be the procedural issue of whether or not the dispute was filed with the Board in a timely manner.

Mr. Spencer stated the Board wants to ensure the dispute was delivered within a timely manner.

The motion carried unanimously.

### **Public Comments**

Mr. Wyndham stated the Board cannot provide feedback to any public comments. He asked that anyone who speaks limit their remarks to three minutes.

Mr. Tom Elliott, of the Fireworks Association, stated he is glad to see the Board is alive and functioning and recognizing the power they have.

### **Adjournment**

#### **MOTION**

Since there was no further business for discussion Mr. Tafaoa made a motion, seconded by Mr. Spencer and unanimously carried, the meeting be adjourned.

The January 7, 2016 meeting of the SC Board of Pyrotechnic Safety adjourned at 1:42 p.m.