

MINUTES
South Carolina Liquefied Petroleum Gas Board
Board Meeting
10:00 a.m., March 22, 2018
Synergy Business Park, Kingstree Building, Room 202-02
110 Centerview Drive, Columbia, South Carolina

Meeting Called to Order

Chairman, Richard O'Sheal, of Leesville, called the regular scheduled meeting of the South Carolina Liquefied Petroleum Gas Board to order at 10:00 a.m. Other members participating in the meeting Included: John D. Butcher, of Columbia; Robert Freeman III, of Spartanburg; John A. Irick, of Orangeburg; Larry Lucas, Jr., of Irmo; and Jerry Tindal, of Pelion.

Staff members participating during the meeting included: Molly Price, Administrator; Meredith Buttler, Program Coordinator; and Hardwick Stuart, Office of Advice Counsel.

Mr. O'Sheal announced that public notice of this meeting was properly posted at the S.C. Liquefied Petroleum Gas Board Office, Synergy Business Park, Kingstree Building, and on the board website 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.

Invocation

Mr. O'Sheal gave the Invocation

Pledge of Allegiance

Introduction of Board Members and Others

Board members and Board staff introduced themselves.

Approval of Excused Absences

MOTION: To approve the absence of Board Member Anthony Segars due to work conflict
Freeman/Lucas/approved.

Approval of Minutes

MOTION: To approve the minutes of the October 4, 2017 Board meeting, February 2, 2018
Committee meeting, and March 7, 2018 Committee meeting.
Irick/Lucas/approved.

Chairman's Remarks - Richard O'Sheal

Mr. O'Sheal stated that he did not have any remarks.

Staff Reports

Mrs. Price reported that due to the extensive cleaning of files, there is no report on licensee numbers. After the renewal cycle has ended, Board staff will be able to pull accurate licensee number and report at the September meeting. Ms. Price notified the Board that the Program Assistant position for the Board is currently vacant but that interviews have taken place and the position should be filled in the next two weeks. At the present time, the remaining four staff members are hard at work, scanning in the files brought over from the Fire Marshal's Office. The goal is to have all files scanned and entered into ReLAES before renewals.

On April 4th renewals will open. All licensees will be sent a renewal notification with information on where to access the renewal application on the Board website. An email notification will also be sent to all email address we have on file. There will not be an online component to the renewals this cycle due to the need to understand renewals before bringing it online. A Board newsletter will be sent out in May with a section on renewals. Ms. Price also would like to include a "Meet the Board" section in the upcoming newsletter. Ms. Buttler will in touch to gather a short biography and photo from each of the board members.

Ms. Price reminded that Board members that the Statement of Economic Interest is due March 30, 2018. Failure to file by the deadline will result in a \$200 fine.

Working with Advise Council, Ms. Price said that the inspection reports currently being used are going to be updated. The update to the language will reflect the administrative move from the Fire Marshal's Office to LLR. The revised inspection report template will be presented to the Board at the next Board meeting in September.

Most of the Board's terms are either expired or will be expiring this year. Ms. Price stated that if the current members are interested in reappointment, they will need to submit a letter to the Governor's office. Board staff provide information on where to send the letter.

The next board meeting will be held on September 6, 2018 in room 105

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

On behalf of Todd Bond, Ms. Price reported that there was no report at this time.

Office of Disciplinary Counsel

Daniel Gourley with the Office of Disciplinary Council presented of the Investigative Process to the board. A breakdown of the complaint process will be included in the upcoming newsletter.

Committee Reports

Examination Review Committee Report and Recommendations

Ms. Price reported that the Committee has met twice since the October 2017 Board meeting. The first meeting on February 2, 2018, resulted in the structuring of the committees goals to produce exams that are reflective of real work situations and in keeping with current codes as well as moving the exam to a third party testing company. The committee decided to focus on the rewrite of the reseller examination first. During the second committee meeting on March 7th, the committee reviewed the current reseller exam, vetting a total of 38 questions from the current exam. The committee's goal is to develop a 100 multiple choice question bank to submit to a third party testing company. The committee would then like to have the testing company, review and assist in structuring the questions. In conjunction with the examination, the committee will develop study guides to best assist the employees/companies with how best to train/study.

Ms. Price stated that she would like to see all new exams in place by January 1, 2019. The reseller examination will be the first revised, with the committee evaluating and determining how many additional exams will be needed. The committee has identified the need of possibly developing two different leveled reseller exams, one for the company qualifier and another for any employee who engages in the distribution of lp gas.

New Business

- a) Examination Requirements for Reseller licensure, S.C. Code Ann. § 40-82-220(C)(3)

MOTION: To move into executive session to receive legal counsel, board staff to remain.
Butcher/Irick/approved.

Return to Public Session

MOTION: For the Board to return to public session.
Freeman/Irick/approved.

Board Chairman, Richard O'Sheal, noted for the record that no votes or actions were taken while in executive session.

- b) Interpretation and Application of S. C. Ann. § 40-82-270

Board staff have received an increasing number of calls regarding the legality of propane tanks being filled by a different company that was previously serviced by. Ms. Price requested the Board to provide clarification of the statute to determine if the issues being brought to the board were under the boards jurisdiction or if it is a contractual issue between propane company and its customer. After discussion, the board stated that if the tank is leased, then it's a contractual issue; however, if the tank is owned by the customer, then the statute would apply

c) Travel approval for the SCPGA Spring Meeting on April 18, 2018 in Clinton, SC

d) Travel approval for the SCPGA Annual Convention August 12-14, 2018

MOTION: To approve travel for Ms. Price to attend the SCPGA Spring Meeting and Annual Convention.
Butcher/Tindal/approved.

e) Approval of Board Investigative Review Committee (IRC) and public member appointment

Ms. Price stated that the IRC meets to review complaint cases and she would like to Board to appoint members from different aspects of the propane industry in order to cover any cases that arise. Members would be reimburse for their time and mileage, in exchange for their advice regarding cases. The IRC will meet two to three times a year, as needed.

MOTION: To approve the formation of the IRC committee for the LP Gas Board and for staff to work in conjunction with the SCPGA to develop a list of proposed member for the Board to vote on at a later meeting.
Butcher/Tindal/approved.

Discussion Topics

Mr. Lucas asked Ms. Price if it would be possible to have a meeting discuss the renewal and initial application forms. Ms. Price stated the meeting would take place March 26, 2018 pending room availability. If a room is unavailable, additional days will be sent out to the Board members.

Public Comments

There were no public comments at this meeting.

Adjournment

MOTION: To adjourn the meeting.

Butcher/Freeman/approved.

The March 22, 2018 meeting of the S.C. Liquefied Petroleum Gas Board adjourned at 12:23 p.m.

The next meeting of the S.C. Liquefied Petroleum Gas Board is scheduled for September 6, 2018, in room 105.