

**MINUTES**  
**South Carolina Liquefied Petroleum Gas Board**  
**Board Meeting**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Kingstree Building, Room 108**  
**Columbia, South Carolina**

**March 17, 2022 at 10:00 a.m.**

**Meeting Called to Order**

Chairman, Richard O'Sheal, called the scheduled meeting of the South Carolina Liquefied Petroleum Gas Board to order at 10:01 a.m.

Other board members participating in the meeting included: John D. Butcher, Anthony Segars, Jerry Tindal, Larry Lucas Jr., Robert Freeman III, and John 'Art' Irick.

Staff members participating in the meeting included: Molly Price, Board Administrator; Zahid Chinwalla, Program Assistant; Robert Elam, Assistant Disciplinary Counsel; Shawn Stickle, Chief Deputy State Fire Marshal; Hardwick Stuart, Advice Counsel.

Members of the public in attendance: Eric Taylor, Palmetto Propane; Corky Clark, Southeast Propane Alliance (SEPA); and David Donahue, SEPA.

Sean Cary was the Court Reporter for the meeting.

Mr. O'Sheal announced that public notice of this meeting was properly, Synergy Business Park, Kingstree Building and 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. The meeting was being conducted in person and notice was given to all parties.

**Approval of Agenda**

**MOTION:** Mr. Tindal made the motion to approve the agenda for the meeting. Mr. Butcher seconded the motion, which carried unanimously.

**Introduction of Board Members and Others**

Board members, Board staff, and members of the public introduced themselves.

**Approval of Meeting Minutes**

**MOTION:** Mr. Butcher made the motion to approve the minutes from the July 22, 2021, Board Meeting. Mr. Tindal seconded the motion, which carried unanimously.

**MOTION:** Mr. Tindal made the motion to approve the minutes from the November 5, 2021, Committee Meeting. Mr. Irick seconded the motion, which carried unanimously.

**MOTION:** Mr. Tindal made the motion to approve the minutes from the February 23, 2022, Committee Meeting. Mr. Irick seconded the motion, which carried unanimously.

### **Chairman's Remarks - Richard O'Sheal**

Mr. O'Sheal welcome everyone to the Board meeting. He also informed the Board that the South Carolina Propane Gas Association, along with the associations in Georgia and North Carolina, have dissolved and become a new organization known as Southeastern Propane Alliance (SEPA). He stated that the group has strong leadership with excellent training facilities.

Mr. O'Sheal requested a moment of silence to remember Randy Battle, who was a long time Board Member and Board Chair who passed away on February 24, 2022.

### **Staff Reports**

#### Administrative Report – Molly F. Price

Ms. Price stated that the Board currently has 247 licensed dealers, 884 permitted employees, 43 licensed installers, 464 licensed resellers, 10 licensed transporters, 18 licensed cylinder exchange companies, and 5 licensed utility plants. She also mentioned that the renewal cycle will begin the first week of April and end on June 30, 2022. Ms. Price provided an update on the PSI examinations and the pass/fail report that was provided in the Board member packet. Ms. Price also reminded the Board Members to submit their Statement of Economic Interest reports by March 30, 2022. There was no report from the State Fire Marshal's Office.

#### Office of Investigations and Enforcement (OIE) Report – Molly Price

Ms. Price reported that Mr. Bond had a conflict with the board meeting and she did not have an updated report to provide.

#### Investigative Review Committee (IRC) Report – Molly Price

Ms. Price presented the Board with the IRC report from the committee's meeting on February 16, 2022. She stated that the IRC recommended 1 case for formal complaint and 1 case for letter of caution.

**MOTION:** Mr. Segars made a motion to approve the IRC Report from February 16, 2022. Mr. Irick seconded the motion, which carried unanimously.

#### Office of Disciplinary Counsel (ODC) report – Robert Elam

Mr. Elam reported that there are currently 3 open cases, 2 of which are pending hearings and agreements. There were 2 cases closed since the last the last report in October 1, 2021.

### **Disciplinary Hearing**

#### **Case No. 2020-1**

The hearing was conducted in closed session and Robert Elam represented the State. All persons testifying were sworn in by the court reporter. Hearings are recorded by a certified court reporter

in the event a verbatim transcript is necessary. Mr. Freeman recused himself from the hearing. The respondent did not attend the hearing; however, signed a consent agreement.

**MOTION:** Mr. Tindal made a motion accept the consent agreement as presented to the Board. Mr. Segars seconded the motion, which carried unanimously.

**MOTION:** Mr. Butcher made a motion to come out of closed session. Mr. Segars seconded the motion, which carried unanimously.

Mr. Freeman rejoined the Board Meeting after the hearing was completed and joined the Board in regular session.

### **Application Hearings**

#### **Sharpgas Inc. - DBA - Sharp Energy, Inc. (LPD.)**

The initial application could not be approved at staff level due to the applicant not having a storage capacity in state in accordance with S.C. Code Ann. § 40-82-240 (A)(2). Mr. Andy Daughtry was present on behalf of the company and was not represented by legal counsel. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary

**MOTION:** Mr. Tindal made a motion to go into Executive Session for legal advice. Mr. Segars seconded the motion, which carried unanimously.

**MOTION:** Mr. Segars made a motion to come out of Executive Session. Mr. Tindal seconded the motion, which carried unanimously.

It was noted for the record that no votes were taken while in executive session.

**MOTION:** Mr. Freeman made a motion to approve the dealer's license with a waiver granted for a minimum bulk storage facility requirement to work in the State of South Carolina. Mr. Segars seconded the motion, which carried unanimously.

The Board took a five-minute recess from the Board Meeting.

#### **Lowcountry Gas and Piping (LPI.) and Michael Brophy (LPE)**

The initial application could not be approved at staff level due to items appearing on the criminal background record for the applicant. Mr. Brophy was present and was not represented by legal counsel. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary

**MOTION:** Mr. Segars made a motion to go into Executive Session for legal advice. Mr. Lucas seconded the motion, which carried unanimously.

**MOTION:** Mr. Segars made a motion to come out of Executive Session. Mr. Tindal seconded the motion, which carried unanimously.

It was noted for the record that no votes were taken while in executive session.

**MOTION:** Mr. Segars made a motion to approve the application for Lowcountry Gas and Piping and Michael Brophy

### **New Business**

#### **Criminal History Guidelines for New Applicants and Delegation of Authority to the Board Administrator**

Ms. Price briefly discussed with Board Members the need to establish guidelines for review and approval of applications with criminal records at staff level and which criminal history issues would require an application hearing before the full board.

**MOTION:** Mr. Freeman made a motion that staff be authorized to review all applications which report a conviction and only bring those issues to the Board, cases that are less than five years from the date of application and only bring those cases that are in staff opinion impact the safety of the citizens of South Carolina, or the ability of the applicant to perform their job. Mr. Segars seconded the motion, which carried unanimously.

#### **Discussion and Action: Delegation of Authority to Board Chair to sign Consent Agreement**

Ms. Price briefly discussed with the board members the procedure of how other boards delegate consent agreement authority to the board chairs. She stated that the recommendations of the IRC are contained in the agreement and if the Chair approves, he would sign the consent agreement and it would become the final order of the Board. If the Chair does not agree with a consent agreement, he can ultimately request that the matter be brought before the full Board as a hearing.

**MOTION:** Mr. Freeman made a motion to delegate authority to the Chairperson to sign consent agreements that have been properly prepared when in their view does not need any further consideration or view by the Board, unless there is a conflict, then goes to Vice Chairperson. Mr. Tindal seconded the motion, which carried unanimously.

#### **2022 License Renewals and Reseller Audit**

Ms. Price briefly discussed the process of preparing for the 2022-2024 renewal cycle. She provided a draft copy of a dealer renewal application form for board members to review and provide feedback on. She stated that the renewal application requested more detailed information than it had in the past, but it was her hope that this was the final step to cleaning up board records and hopefully having license renewals online in 2024.

Ms. Price also discuss the reseller site audits that were last performed in 2018. She requested feedback from board members about performing reseller audits again this year and stated that the licensees would be notified in advance before the audit.

**MOTION:** Mr. Segars made a motion to conduct reseller audits at the conclusion of the renewals. Mr. Tindal seconded the motion, which carried unanimously.

## **Committee Reports**

### **LP Gas Bulk Site Installation Guidelines**

Ms. Price provided the board members with the most recent version of the Bulk Site Installation Guidelines. She thanked Mr. Irick and Chief Stickle for their input with the guidelines and stated that they were now available on the Board's website.

### **Election of Officers**

Ms. Price opened the nominations for Chairman of the Board.

**MOTION:** Mr. Tindal nominated Mr. O'Sheal as Chair to the Board. Mr. Segars seconded the motion, which carried unanimously.

Mr. O'Sheal opened the nominations for Vice Chairman to the Board.

**MOTION:** Mr. Tindal nominated Mr. Butcher as Vice Chairman to the Board. Mr. Lucas seconded the motion, which carried unanimously.

### **Public Comments**

Mr. Freeman stated his time on the Board was coming to an end and he thanked the board members, Ms. Price, Chief Stickle and staff for everything during his time serving.

### **Adjournment**

**MOTION:** Mr. Lucas made a motion to adjourn. Mr. Segars seconded the motion, which carried unanimously.

The meeting adjourned at 12:16 p.m.

The next Board Meeting is scheduled for July 21, 2022, in Room 108, Kingstree Building.