

MINUTES
South Carolina Liquefied Petroleum Gas Board
Board Meeting
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina
October 6, 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 10:02 a.m.

Other board members participating in the meeting included: John D. Butcher, Jerry Tindal, Larry Lucas Jr., John 'Art' Irick, and Palmer Keenan.

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, Maurice Smith, Office of Investigations and Enforcement, Anthony Carter, Office of Investigations and Enforcement; Donnell Jennings, Office of Investigations and Enforcement; Tracy Solet, Office of Disciplinary Council.

Members of the public in attendance: Eric Taylor, Palmetto Propane Fuels and Ice; Corky Clark, Southeast Propane Alliance (SEPA); and Robert Freeman, Freeman Gas.

Cortney Glover 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. Irick made the motion to approve the October 6, 2022, meeting agenda with the removal of Item 9b. Mr. Tindal 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 Excused Absences

Motion:

Mr. Tindal, made a motion to approve the excused absence for Anthony Segars. Mr. Irick seconded the motion, which carried unanimously.

Approval of Meeting Minutes

Motion:

Mr. Irick made the motion to approve the minutes from the March 17, 2022, Board Meeting. Mr. Tindal seconded the motion, which carried unanimously.

Chairman's Remarks - Richard O'Sheal

Mr. O'Sheal welcome everyone to the Board meeting. He recognized Mr. Robert Freeman (former board member) with a plaque for his years of service to the Board. Mr. O'Sheal also recognized Corky Clark with the South Carolina LP Gas Association for his twenty-five years of service to the Association, and over fifty years of service to the propane industry.

Staff Reports

Administrative Report – Molly Price

Ms. Price welcome new Board Member, Palmer Keenan, and thanked everyone for being in attendance for the meeting. She stated that staff members have worked hard over the last six months to clean up the internal licensure database and hopefully taken significant steps to move the Board closer to online renewals and a more user friendly licensee lookup tool. She recognized Christine Currie, Program Assistant, for her work during renewals.

Ms. Price stated that renewals closed on June 30, 2022, and the late renewal period ended on August 31, 2022. She provided Board members with statistics about renewal compliance, licensure and PSI examinations.

She informed the Board members that the reseller inspection audit would take place soon, but it had been delayed due the time staff was currently spending cleaning up records and handling multiple ownership changes for dealers and resellers.

There was no report from the State Fire Marshal's Office.

Office of Investigations and Enforcement (OIE) Report – Maurice Smith

Mr. Smith provided the OIE Report on Mr. Bond's behalf.

Investigative Review Committee (IRC) Report – Maurice Smith

Mr. Smith presented the Board with the IRC report from June 30, 2022.

He stated that one case that was recommended for dismissal.

Motion:

Mr. Tindal made a motion to approve Case No. 2022-4 for dismissal. Mr. Irick seconded the motion, which carried unanimously.

Mr. Smith stated that Case No. 2021-15 was recommended for formal complaint.

Motion:

Mr. Tindal made a motion to approve Case No. 2021-15 for formal complaint. Mr. Irick seconded the motion, which carried unanimously.

Office of Disciplinary Counsel (ODC) report – Robert Elam

Mr. Elam provided the ODC report. He reported that there are currently 4 open cases and 2 cases that are pending hearings and agreements.

Disciplinary Hearings

Case No. 2020-12

The hearing was conducted in closed session with Robert Elam representing 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. The respondent was present and represented by Creighton B. Coleman, Esq.

Motion:

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

Motion:

Mr. Butcher made a motion to come out of Executive Session. Mr. Irick seconded the motion, which carried unanimously.

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

Motion:

Mr. Lucas made a motion that the Board finds that the licensee violated statute sections 40-82-120 and 40-1-110 and that the Respondent also violated Section 40-82-260 by failing to ascertain that the reseller had passed inspection and was properly licensed before servicing their tank. A fine should be paid for each violation at \$500.00 per violation and paid within 180 days after receipt of the Order. Mr. Tindal seconded the motion, which carried unanimously.

Motion:

Mr. Butcher made a motion to come back into public session. Mr. Lucas seconded the motion, which carried unanimously.

Case No. 2021-6

A Consent Agreement was submitted for this case. Therefore, this case was not heard.

New Business

2022 Regulatory Review

Ms. Price discussed with board members that it was time to submit the 2022 Regulatory Review Report to the Governor's Office, which states that the Board's regulations have been reviewed to identify regulations that may need to be revised, repealed, etc.

In the 2017 report, the main issue identified was the need to change the regulation section numbers and language to show that the Board's administrative functions are now handled by LLR through the Office of Board Services and not the State Fire Marshal's Office. The State Fire Marshal's Office completed updates to their statutes earlier this year to help with this process, so Ms. Price suggested that this Board move forward with updates to the regulations in the near future. In addition to those changes, she stated that the fees listed on the LLR website for the Board need to be moved into Chapter 10 of Regulation, which is the fee section for all LLR boards.

Ms. Price also stated that the statute and regulations really need a major overhaul, to be aligned with industry standards.

Motion:

Mr. Tindal made a motion to accept the 2017 Regulatory Review Report language and incorporate it to the 2022 Report with Advice Council's input and assistance. Mr. Irick seconded the motion, which carried unanimously.

Public Comments

None

Adjournment

Motion:

Mr. Tindal made a motion to adjourn. Mr. Lucas seconded the motion, which carried unanimously.

The meeting adjourned at 2:27 p.m.

The next Board Meeting is scheduled for March 2, 2023, in Room 108, Kingtree Building.