

MINUTES
South Carolina Liquefied Petroleum Gas Board
Board Meeting
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina
March 16, 2023 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, Jerry Tindal, Palmer Keenan, and John 'Art' Irick.

Staff members participating in the meeting included: Molly Price, Board Administrator; Zahid Chinwalla, Administrative Coordinator; Robert Elam, Assistant Disciplinary Counsel; Shawn Stickle, Chief Deputy State Fire Marshal; Curtis Smith, Senior Deputy State Fire Marshal; Hardwick Stuart, Advice Counsel, Maurice Smith, Investigator IV; Clark Frady, Investigator III; Tracy Solet, Paralegal in the Office of Disciplinary Counsel.

There were no public members in attendance.

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. Butcher made the motion to approve the March 16, 2023, meeting agenda. Mr. Tindal seconded the motion, which carried unanimously.

Introduction of Board Members and Others

Board members, and Board staff introduced themselves.

Approval of Excused Absences

Motion:

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

Approval of Meeting Minutes

Motion:

Mr. Tindal made the motion to approve the minutes from the October 6, 2022, Board Meeting. Mr. Butcher seconded the motion, which carried unanimously.

Chairman's Remarks - Richard O'Sheal

Mr. O'Sheal thanked the board members for attending the meeting.

Staff Reports

Administrative Report – Molly Price

Ms. Price went over the licensure statistics and PSI examination reports that were included in the board meeting materials.

She thanked all the board members for completing the Statement of Economic Interest filing ahead of the March 30, 2023 deadline. She also advised the Board that the previously approved reseller audits have been delayed because of the current inspection load on deputies and staffing shortages. She mentioned to the Board that Ms. Christine Currie left her position recently with the agency and that she had hired another staff member who will begin in that position in April 2023.

She stated that since the Board's last meeting on October 6, 2022, there have been seventy-eight LP Gas inspections of reseller and dealer sites statewide for licensure.

Ms. Price also informed the Board members of the upcoming construction plans for the first floor of the Kingstree Building. She explained to the Board that they are remodeling the first floor with upgraded technology and new conference rooms for board meetings.

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. He stated that one complaint had been received so far in 2023 and there were currently two active investigations.

Investigative Review Committee (IRC) Report – Maurice Smith

Mr. Smith presented the Board with the IRC report from March 6, 2023.

He stated that there was 1 case recommended for formal complaint and 1 case recommended for letter of caution.

Motion:

Mr. Tindal made a motion to approve the IRC Report. 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 3 open cases in ODC, 1 of which is pending a hearing/agreement. He stated that 2 cases have been closed since November 28, 2022, and 1 case closed since January 1, 2023.

Disciplinary Hearings

Case No. 2021-10

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 respondents were present and not represented by an attorney.

Motion:

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

Motion:

Mr. Butcher 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. Tindal made a motion that the Board finds that the licensee violated statute sections 40-82-260 and 40-1-110(1)(F) for five violations each section for a total of ten violations. A fine should be paid for each violation at \$250.00 per violation due to respondent cooperation with the case and pay a total penalty of \$2,500.00, payable within 60 days of receipt of the Order and also a public reprimand. Mr. Butcher 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.

New Business

Review and Approval of Updated Dealer and Reseller Installation Guidelines

Ms. Price discussed with board members the revisions that were made to the Bulk Dealer and Reseller Installation Guidelines to incorporate the 2020 version of NFPA 58 and the newly adopted 2021 SC Fire Code. She stated that each board appointed committee member reviewed the document and changes, and there were very minor changes from the previous codes. She stated that once the revisions were approved, she would send them over to PSI Testing Services so that they can update their records and the impacted exam questions.

Motion:

Mr. Irick made a motion to approve the 2020 guidelines for the dealer and reseller installations as presented. Mr. Tindal seconded the motion, which carried unanimously.

Election of Officers

Ms. Price opened the nominations for Chairman for the Board for the year, 2023

Motion:

Mr. Tindal made a motion to nominate Mr. O'Sheal as Chairman for the Board. Mr. Butcher seconded the motion, which carried unanimously.

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

Motion:

Mr. Tindal made a motion to nominate Mr. Butcher as Vice Chairman for the Board. Mr. Irick seconded the motion, which carried unanimously.

Public Comments

Mr. Butcher made a comment about moving the next board meeting at the end of June 2023 instead of having a meeting in July, since he would like to travel and enjoy the weather. Ms. Price will find alternative dates at the end of June and send a notice of board members to check their availability.

Mr. Irick made a comment about looking into reducing the time from the complaint being filed to a C&D being issued for unlicensed practice. Ms. Price will add this as an agenda item to be discussed at the next board meeting.

Adjournment

Motion:

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

The meeting adjourned at 11:40 a.m.

The next Board Meeting is scheduled for July 13, 2023, in Room 108, Kingstree Building.