

MINUTES
South Carolina Liquefied Petroleum Gas Board
Synergy Business Park, Kingtree Building
110 Centerview Drive
Columbia, South Carolina
April 24, 2024 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 10:03 a.m.

Other board members participating in the meeting included: John 'Art' Irick, Larry Lucas, Anthony Segars, and Jerry Tindal.

Staff members participating in the meeting included: Molly Price, Program Director; Meronica W. Fulton, Board Executive; Zahid Chinwalla, Administrative Coordinator; Nathan Ellis, Assistant Chief Deputy State Fire Marshal; Curtis Smith, Senior Deputy State Fire Marshal; Scott Ensminger, Senior Deputy State Fire Marshal; Hardwick Stuart, Advice Counsel, Maurice Smith, Investigator IV, Office of Investigations and Enforcement; Donnell Jennings, Assistant Deputy Director, Office of Investigative and Enforcement, Jonathan Eversfield, Administrative Assistant.

Public members in attendance were: John D. Butcher, former board member; and Eric Taylor, Southeast Propane Alliance.

Cortney Glover was the Court Reporter for the meeting.

Mr. O'Sheal announced that public notice of this meeting was properly posted at the synergy Business Park, Kingtree 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 April 24, 2024, meeting agenda. Mr. Tindal seconded the motion, which carried unanimously.

Introduction of Board Members and Others

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

Approval of Excused Absences

Motion:

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

Approval of Meeting Minutes

Motion:

Mr. Tindal made the motion to approve the minutes from the March 16, 2023, Board Meeting. Mr. Irick seconded the motion, which carried unanimously.

Chairman's Remarks - Richard O'Sheal

Mr. O'Sheal welcomed everyone and thanked them for the meeting. Good to see some new faces at the meeting and some new positions, since the previous board meeting.

Recognition of Board Services for John D. Butcher

Mr. O'Sheal presented Mr. Butcher with a plaque for his service to the board since November of 2010. Mr. Butcher thanked Mr. O'Sheal and informed the board that it was his honor and privilege to serve on the Board.

Staff Reports

Board Executive Report – Meronica W. Fulton

Ms. Price, Program Director, introduced Ms. Fulton as the new Board Executive for the Board. She also introduced Mr. Eversfield, Administrative Assistant, to the Board members. Ms. Fulton went over the licensure statistics and PSI examination reports that were included in the board meeting materials. She stated that there are currently 14 pending inspections for LP Gas resellers and dealers for initial licensure.

Ms. Fulton thanked all the board members for completing the Statement of Economic Interest filing ahead of the March 30, 2024 deadline. She notified the board that she will be attending the Southeast Propane Alliance Propane Meeting from June 10, 2024, through June 12, 2024.

Ms. Fulton advised the board that the next scheduled meeting is July 25, 2024.

Program Director's Report – Molly Price

Ms. Price provided board members with an update about the renewal process online. She stated that renewals began the 1st week of April 2024 and will continue until June 30, 2024, without late penalties. There is a 60-day late renewal period after June 30, 2024, when licensees can renew their license with a \$100 late fee. She stated that there are currently 81 dealers have renewed their licenses and 150 dealers remaining as active in renewal. 197 employees have renewed their permits with 658 currently active in renewal. 15 installers have renewed their licenses with 41 currently active in renewal. 98 resellers have renewed their licenses with 157 currently active in renewal. 5 cylinder exchange licenses have been renewed with 12 currently active in renewal. 2 transporters have renewed their licenses with 9 currently active in renewal. One utility plant has renewed its license online with 3 still currently active in renewal.

Ms. Price praised Mr. Eversfield for his customer service with assisting licensees with the renewal process online. This includes answering queries that licensees have using the online software to making sure the information is accurate and also assisting them with retrieving their login information to access the online portal.

Ms. Price thought there might be an issue with the licensees adapting to the online renewal system since they completed renewals in the past by submitting paper renewal documents; however, 99 percent of licensees so far have utilized the online renewal software. Ms. Price will make updates as needed to the renewal software and will provide an update on the renewal process to the board members at the next board meeting.

Ms. Price also had a concern about the pass rate for the reseller exam. The pass rate for this exam went from forty percent a few years ago to seventy-five percent. Ms. Price is concerned that some of the questions on the exam may be compromised or there may need to be a larger pool of questions. She feels this is something the Board may need to revisit in the coming years.

Ms. Price also addressed the concern raised from one of the board members at the previous board meeting about the Cease and Desist (C&D) process for unlicensed practice. She mentioned to the board that we reviewed the process and are making better efforts to be more efficient to reduce the amount of time from when a complaint is filed to the time the order has been issued. It is a learning curve and they will make improvements as needed.

Mr. Eversfield left the meeting.

Office of State Fire Marshal Report – Nathan Ellis

Assistant Deputy Chief Ellis notified the board that Chief Stick is no longer with the State Fire Marshal Office. He notified the board that Mr. Curtis Smith would be the Interim Chief Deputy, until that position has been filled. He stated that Senior Deputy Scott Ensminger will also assist with board responsibilities.

Chief Ellis informed the board that 105 LP Gas inspections were conducted in the year 2023. 66 of the inspections had deficiencies. There were 33 inspections conducted in quarter 1 for the year 2024. He stated that some of the most common deficiencies were: signage and labeling under disconnects, emergency shutoffs, visible hazard identification of signs, placards on tanks, and fire extinguishers not being covered from the weather, and not seeking local permits for electrical and foundation work when permits are required from local jurisdiction.

Ms. Price informed the board members that she would soon work on updating the licensure applications that were last revised in 2020. The new applications would require the applicant to include all necessary approval paperwork for the electrical and foundation from the local jurisdiction. This will hopefully cut down on some issues with the deficiency.

Office of Investigations and Enforcement (OIE) Report – Donnell Jennings **OIE Reorganization**

Mr. Jennings, Assistant Deputy Director of OIE, explained the reorganization of OIE to the board and introduced Mr. Maurice Smith as the new lead investigator for the board. He stated that he will keep the board notified of any law changes impacting investigations.

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

Mr. Smith provided the OIE Report. He stated that 9 complaints had been received from January 1, 2024, through April 24, 2024, and there were 4 cases for active investigations and two closed cases.

Investigative Review Committee (IRC) Report – Maurice Smith

Mr. Smith presented the Board with the IRC report for April 24, 2024 board meeting.

He stated that there was 1 case recommended for dismissal, 1 case recommended for formal complaint, 2 cases recommended for letter of caution, and 1 case recommended for cease and desist.

Motion:

Mr. Segars made a motion to approve the IRC Report. Mr. Lucas seconded the motion, which carried unanimously.

Mr. Jennings and Mr. Smith left the meeting.

Office of Disciplinary Counsel (ODC) Report – Meronica W. Fulton

Ms. Fulton provided the ODC report on behalf of Mr. Robert Elam, Assistant Disciplinary Counsel. She reported that as of April 12, 2024, there are currently 0 open cases in ODC, 0 pending a hearing/agreement. She stated that 2 cases have closed since September 21, 2023, and 5 cases closed since January 1, 2024.

NEW BUSINESS

Reseller Inspections and Employee Training Audit

Ms. Price provided board members with background information on previous reseller audits and how the process was handled in the past. She stated that the last audit scheduled for 2022 did not take place due to the board being short staffed, but she would like to pick that process back up this year. Ms. Price suggested the start of conducting the reseller audits this year after the renewals have concluded. Mr. Taylor testified in support of inspections. He stated that it would help licensees to do them in the spring or summer months when things were not as hectic for dealers. Mr. Irick mentioned that there needs to be a consistency with the audit inspections, since consistency has been a problem in the past depending on the assigned deputy.

Motion:

Mr. Segars made a motion to conduct reseller inspections and employee training audits. Mr. Lucas seconded the motion, which carried unanimously.

Election of Officers

Ms. Fulton opened the nominations for Chairman for the Board for the year, 2024.

Motion:

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

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

Motion:

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

Public Comments

There were no public comments

Adjournment

Motion:

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

The meeting adjourned at 10:59 a.m.

The next Board Meeting is scheduled for July 25, 2024.