

**MINUTES**  
**SC Board of Pyrotechnic Safety**  
**August 29, 2018, Board Meeting**  
**Kingstree Building, Room 204**  
**110 Centerview Drive, Columbia, SC**

**Meeting Called to Order**

Chairman Rodney Wyndham called the meeting to order at 10:23 a.m. Other members attending the meeting included: Kelly Campsen, Ann Graham, Ricky Howell and Stewart Robertson.

Staff members attending the meeting included: Molly Price, Administrator; Meredith Buttler, Program Coordinator; Gigi Lewis, Office of Advice Counsel; Daniel Gourley, Office of Disciplinary Counsel; and Shawn Stickle, Chief Deputy State Fire Marshal, State Fire.

**Public Notice**

Mr. Wyndham announced that public notice of this meeting was properly posted at the SC Board of Pyrotechnic Safety 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.

**Introduction of Board Members and Others**

Board members and Board staff introduced themselves.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Approval of Excused Absences**

**MOTION:** To excuse Josh Spencer from the meeting due to work conflicts.  
Howell/Graham/approved.

**Approval of Meeting Minutes**

**MOTION:** To approve the minutes of the May 23, 2018, Board Meeting.  
Howell/Graham/approved.

**Chairman's Remarks**

Mr. Wyndham did not have any remarks.

**Staff Reports**

**Administrator's Remarks**

Ms. Price reported that to date 146 Annual Retail licenses have been processed for the 2018/2019 cycle, with a total of 336 Annuals set to expire on 8/31/18. The Board issued 619 Temporary Retail permits for the July 4<sup>th</sup> season. Wholesaler licenses are currently in renewal status with the Board receiving and processing 18 to date.

The inspection process for July 4th was mostly smooth and board staff would like to thank licensees for getting their information in on time and complying with the board checklist. Thank

you to the deputies from State Fire who worked long hours on behalf of the board and did a lot of inspections in a short period of time.

The Board sent renewal notices to all Wholesalers and Annual Retail license holders on July 13<sup>th</sup>. The notice contained the December 14, 2018 cutoff date for applications for the New Year's season. After that date, application will be subject to the \$200 special processing fee. During the July 4<sup>th</sup> season, 35 application were charged the special processing fee. This is up from last year.

Wholesalers are being issued new and improved paper license certificates for 2019. These certificates will be mailed after the inspection is complete. Magazines will still receive a sticker once they have passed inspection.

Ms. Price reminded the Board and public that the wholesaler seat remains vacant on the board. Anyone wishing to apply for the seat needs to contact the Governor's Office.

The 2019 proposed meeting dates were given to the Board. If no conflicts are found, the meeting dates will be posted to the website.

The next Board Meeting is scheduled for December 5, 2018, in room 204.

### **ODC Investigative Report**

Daniel Gourley stated that there is currently one case recommended for a Formal Complaint due to non-compliance.

**MOTION:** To approve the Investigative report.  
Robertson/Graham/approved

### **Application Review Hearing**

Mr. Wyndham recused himself from the hearing.

**Mr. Hoyt Graham, Jr., appeared before the Board on behalf of Atlas Importers, Inc. for an Application Hearing. Mr. Graham was not represented by 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.**

### **Executive Session**

**MOTION:** For the Board to enter into executive session to seek legal advice regarding the application hearing.  
Howell/Robertson/approved.

### **Return to Public Session**

**MOTION:** For the Board to return to public session.  
Howell/Robertson/approved.

Board member, Ann Graham, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** To approve Atlas Importers, Inc to be issued a 2019 Wholesaler license pending inspection.  
Howell/Robertson/approved

**MOTION:** To excuse Mr. Campsen from the rest of the meeting due to work demands.  
Graham/Howell/approved

### **Citation Appeal Hearings**

**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.**

#### **Case # 2018-17**

**MOTION:** To accept the state's motion to dismiss the case with the understanding that the panic hardware will be installed within ninety (90) days from the motion.  
Robertson/Howell/approved.

#### **Case # 2018-26**

**Defendant, Mr. Ed Shuman, requested an open hearing on behalf of Superstore Sales. Mr. Shuman was not represented by counsel. Fire Marshal Curtis Smith and Shawn Stickle served as a witnesses.**

**MOTION:** To enter into executive session for the purposes of seeking legal advice.  
Robertson/Howell/approved.

**MOTION:** To return to public session.  
Howell/Robertson/approved.

Board Chair, Rodney Wyndham, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** The state has met its burden of proof. The July 2, 2018 citations and \$2,500 fine be upheld. Respondent must provide to board staff documentation proving all violations are corrected prior to next inspection and licensure. All fines and penalties must be paid in full on or prior to January 10, 2019.  
Robertson/Howell/Graham in favor  
Wyndam object  
Motion carries

### **Disciplinary Hearings**

**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**

#### **Case # 2018-18**

**Defendant, Hoyt Graham, Jr., requested an open hearing on behalf of Mr. Fireworks #3. Mr. Graham was not represented by counsel.**

**MOTION:** To dismiss the formal complaint issued and rescind the citations.  
Graham/Howell/approved.

**Case # 2018-20**

**Defendant, Hoyt Graham, requested an open hearing on behalf of Mr. Fireworks #1. Mr. Graham was not represented by counsel.**

**MOTION:** To dismiss the formal complaint issued and rescind the citations.  
Howell/Graham/approved.

**Case # 2018-23**

**Defendant, Hoyt Graham, requested an open hearing on behalf of Stateline Fireworks. Mr. Graham was not represented by counsel.**

**MOTION:** To dismiss the formal complaint issued and rescind the citations.  
Howell/Graham/approved.

**Case # 2018-19**

**Defendant, Tami Graham, requested an open hearing. Ms. Graham requested Mr. Hoyt Graham, brother, speak on her behalf. Ms. Graham was not represented by counsel.**

**MOTION:** The State has met its burden of proof and accepts the mitigation and payment of citation fines. The two outstanding citations to be corrected and documentation of the correction be submitted to Board staff within 45 days of this hearing, as well as payment be made within 45 days of hearing.  
Robertson/Howell/approved

**Case # 2018-21**

**Defendant, Ketel Patel, requested an open hearing on behalf of Hardeeville Maruti LLC. Mr. Patel was represented by counsel, Mr. Darryl Thomas Johnson Jr.**

**MOTION:** To enter into executive session for the purposes of seeking legal advice.  
Howell/Graham/approved.

**MOTION:** To return to public session.  
Graham/Robertson/approved

Board chair, Rodney Wyndham, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** The State has met its burden of proof and accepts the mitigation and payment of citation fines. The two outstanding citations be corrected and documentation of the correction be submitted to Board staff within 30 days of this hearing, as well as payment be made within 30 days of hearing.  
Robertson/Graham/approved.

**Case # 2018-22**

**Defendant was not present and elected to be represented by counsel, Shannon Phillips. Ms. Phillips requested an opening hearing on behalf of Dynamite Fireworks. State Fire Marshal Terry Porter served as a witness.**

**MOTION:** To enter into executive session for the purposes of seeking legal advice.  
Howell/Wyndham/approved.

**MOTION:** To return to public session.  
Howell/Graham/approved

Board chair, Rodney Wyndham, noted for the record that no votes or actions were taken while in executive session.

**Ms. Phillips made a pre-motion to have the case dismissed due to the citation not being properly served. Pre-motion denied.**

**Ms. Phillips made a pre-motion to have the case dismissed due to the Formal Complaint containing deficiencies within the document. Pre-motion denied.**

**Ms. Phillips made a pre-motion to have the case dismissed due to the citation penalties against the defendant. Pre-motion denied.**

**Ms. Phillips made a pre-motion to have the case continued till December so the defendant can be present. Pre-motion denied.**

**The State and defendant's counsel proposed a motion to the Board to accept mitigations and payment of citation fines. Documentation of the corrections be submitted to Board staff within 45 days of this hearing, as well as payment be made within 45 days of hearing. The motion extends to 2018-24 and 2018-25.**

**MOTION:** To enter into executive session for the purposes of seeking legal advice.  
Howell/Graham/approved.

**MOTION:** To return to public session.  
Howell/Graham/approved

Board Chair, Rodney Wyndham, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** The State has met its burden of proof and accepts the mitigation and payment of citation fines for case 2018-22. Documentation of the correction be submitted to Board staff within 45 days of this hearing, as well as payment be made within 45 days of hearing.

Robertson/Howell/approved.

**MOTION:** To continue cases 2018-24 and 2018-25 to the December 5, 2018, Board meeting.  
Graham/Howell/approved.

**Adjournment**

**MOTION:** To adjourn.  
Howell//Graham/approved.

The meeting adjourned at 4:45 p.m.