

MINUTES
South Carolina Board of Pyrotechnic Safety
Board Meeting
May 26, 2021, 10:00 a.m.
Via Video/Teleconference

Meeting Called to Order

Chairman Rodney Wyndham called the meeting to order at 10:04 a.m.

Other members who attended the meeting included: Kelly Campsen, Chris Laundra, Stewart Robertson, Joshua Spencer.

Staff members who attended the meeting included: Molly Price, Board Administrator; Christine Shatzer, Administrative Assistant; Zahid Chinwalla, Program Assistant; Georgia Lewis, Office of Advice Counsel; Donnell Jennings, Office of Advice Counsel; Erin Baldwin, Office of Disciplinary Counsel; Tracy Solet, Office of Disciplinary Counsel, Robert Elam, Office of Disciplinary Counsel; Shaw Stickle, Office of the State Fire Marshal, John Farmer, Office of the State Fire Marshal, Sonya Morse, Office of Disciplinary Counsel, Allision Baker, Residential Builders Commission.

Members of the public included: David Dumm, Fireworks Over America; Dan Peart, Phantom Fireworks; John Casey, Jim Casey Fireworks, and Paul D. Abbott Jr., Esquire.

Court Reporter for the meeting was Nadine Garrett.

Public Notice

Mr. Wyndham announced that public notice of this meeting was properly posted at the Synergy Business Park, Kingstree Building, and on the Agency's website, and provided to all requesting persons, organizations, and news media in accordance with Section 30-4-80 of the South Carolina Free of Information Act. This meeting is being conducted via teleconferencing with notice given to all parties of this teleconferencing platform.

Approval of Agenda

MOTION: To approve the agenda of the May 26, 2021 Board Meeting
Laundra/Spencer/approved.

Introduction of Board Members and Others

Ms. Price introduced the Board members and the members of the public introduced themselves.

Approval of Excused Absences

There were no excused absences for this Board Meeting.

Approval of Meeting Minutes

MOTION: To approve the minutes of the December 2, 2020 Board Meeting.
Spencer/Laundra/approved

Board Chairman's Remarks – Rodney Wyndham

Mr. Wyndham stated that he would save his remarks until the end of the Board Meeting.

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Staff Reports

Administrative and Financial Report – Molly Price

Ms. Price reported that so far board staff has processed 370 applications for temporary fireworks retail permits for the July 4th season. She stated that last July 4th season (2020), approximately 750 temporary permits were issued. The cutoff date for submitting temporary applications for this season is Monday, June 21, 2021. Any applications that are received after June 21, 2021, will be subject to the \$200.00 special processing fee.

Ms. Price also reported that 319 Annual Fireworks licenses, 31 Display Fireworks Magazine licenses, 2 Jobber licenses, and 27 Wholesaler licenses have been issued and are valid through August 31, 2021. Ms. Price informed the Board that there have been a few minor issues with the roll out of the new permitting and inspection software, but that overall everything is working great. Ms. Price stated that there may be a learning curve for applicants the first time they use the software; however, it is user friendly and will start saving a lot of time with the application process. She also stated that there is a step by step guide on the website to help applicants with using the software.

Ms. Price also reported that the next Board Meeting is scheduled for August 25, 2021 at 10:00 a.m. at LLR.

Office of Disciplinary Counsel (ODC) Investigative Report – Erin Baldwin

Ms. Baldwin introduced Mr. Elam and stated that he will be the new ODC attorney assigned to the Board. She also stated that there were currently no board cases in ODC. Mr. Wyndham thanked Ms. Baldwin for her service to the Board over the last few years.

Application Hearing

Today's Smokin' Retailer LLC./ Robert Oggenfuss

Robert Oggenfuss, applicant, was present at this hearing. He was represented by Clarence Raunch Wise, Esquire. A quorum of the Board was present and Georgia Lewis, Esquire was Advice Counsel to the Board. The purpose of this hearing was to determine whether the applicant could be issued a 90-day temporary fireworks retailer permit for a stand. The permit application, received on May 6, 2021, could not be processed at staff level because the Applicant received a Board cease and desist order for unlicensed practice on December 31, 2019. Further, the submitted application was also incomplete.

The hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary. All persons testifying were sworn in by the court reporter.

MOTION: To go into Executive Session
Spencer/Laundra/approved

MOTION: To come out of Executive Session
Spencer/Campsen/Approved

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Mr. Wyndham stated that no action was taken while in Executive Session except to obtain legal advice.

MOTION: To approve the application for Mr. Oggenfuss for a 90 day temporary fireworks permit for a stand with certain conditions: pay the \$100 application fee, provide certificate insurance, comply with all inspection guidelines for the stand and that the stand must be inspected and pass inspection. If all the conditions are met, the confiscated fireworks could be returned to Mr. Oggenfuss upon issuance of his permit.
Spencer/Campsen

Mr. Campsen, Mr. Laundra, Mr. Spencer and Mr. Wyndham voted in favor of the motion. Mr. Robertson did not support the motion. The motion carried with a 4 to 1 vote.

Election of Officers

MOTION: To nominate Mr. Wyndham as Chair for 2021.
Spencer/Campsen/approved

MOTION: To nominate Mr. Spencer as Vice Chairman for 2021.
Campsen/Laundra/approved

Public Comments

Mr. Casey thanked the Board for conducting the meeting and for other members of the public who attended. Mr. Laundra, board member, stated that he will no longer be employed at TNT Fireworks in August or September 2021.

Board Chair Remarks

Mr. Wyndham reported that Ms. Lewis would be retiring and leaving LLR. He thanked her for her service to the Board and wished her well. Ms. Lewis thanked Mr. Wyndham for his comments and stated that it was a team effort. Mr. Wyndham stated that he appreciated the vote of confidence from the Board to continue as Chairman and he thanked Mr. Spencer for continuing to serve as Vice Chair.

Adjournment

MOTION: To adjourn the meeting.
Spencer/Campsen/approved

The meeting was adjourned at 11:17 a.m.