

MINUTES
South Carolina Board of Pyrotechnic Safety
Board Meeting
February 14, 2024, 10:00 a.m.

Meeting Called to Order

Chairman Rodney Wyndham called the meeting to order at 10:00 a.m.

Other members who attended the meeting in person included: Stewart Robertson, and David Dumm.

Board Members who attended the meeting virtually included: Kelly Campsen and Joshua Spencer.

Staff members who attended the meeting included: Meronica Fulton, Board Executive; Zahid Chinwalla, Administrative Coordinator; Jonathan Eversfield, Administrative Assistant, Marcie Greene, Office of Advice Counsel; Robert Elam, Office of Disciplinary Counsel; Nathan Ellis, Assistant Chief Deputy State Fire Marshal; Curtis Smith, State Fire Marshal; Scott Ensminger, State Fire Marshal; Donnell Jennings, Office of Investigations and Enforcement; Maurice Smith, Office of Investigations and Enforcement.

Members of the public included: Michael Hughes, South Carolina Fireworks Association, Kit Spires, Lobbyist for South Carolina Board Fireworks, Joel McGrady with Joeys Fireworks, and Jerry Wingard, American Fireworks Standard Laboratory.

The court reporter was Cortney Glover with Creel Court Reporting, Inc.

Public Notice

Mr. Wyndham announced that public notice of this meeting was properly posted at the Synergy Business Park, Kingtree 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 Freedom of Information Act.

Approval of Agenda

MOTION: To approve the agenda of the February 14, 2024, Board Meeting
Spencer/Campsen/approved.

Introduction of Board Members and Others

Board members and staff introduced themselves.

Approval of Excused Absences

All board members were present.

Approval of Meeting Minutes

MOTION: To approve the minutes of the May 24, 2023, Board Meeting.
Spencer/Robertson/approved

MOTION: To approve the minutes of the May 24, 2023, Committee Meeting.
Spencer/Robertson/approved

Board Chairman's Remarks – Rodney Wyndham

Mr. Wyndham likes the new facility for the meetings. He thanked the LLR agency for the new conference rooms.

Staff Reports

Program Director's Report – Meronica Fulton

Mrs. Fulton discussed the licensure statistics that were included in the Board meeting materials and provided the deadline date that each licensure will expire. She also informed board members that the Statement of Economic Interest had to be filed by March 30, 2023. Mr. Chinwalla has sent the e-mail with additional information related to the Statement of Economic Interest to the members and advised the board members to speak to him after the board meeting if they did not receive it.

The next Board Meeting is scheduled for August 21, 2024.

Mr. Eversfield left the Board meeting.

Office of State Fire Marshal – Nathan Ellis

Mr. Ellis introduced himself to the Board. He provided information to the Board members about the different programs that the South Carolina State Fire Marshal office regulates. He also informed them that Chief Stickle is no longer with the State Fire Marshal office and introduced the two senior deputies, Deputy Smith and Deputy Ensminger. These deputies will be primary point of contact for the Board until a new Chief Deputy will be assigned at a later date.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE)

OIE Reorganization – Donnell Jennings

Mr. Jennings introduced himself to the Board. He discussed the restructuring of that department and how it will make the process more efficient. Mr. Jennings informed the board that he is searching for training opportunities for Mr. Smith and his staff investigators on a federal and state level and to inform Mr. Smith if any training opportunities do arise in the future as it relates to this industry. He will make sure that they are able to attend the training sessions.

OIE Report – Maurice Smith

Mr. Smith presented the February 14, 2024, ODC report to the Board members.

Investigative Review Conference (IRC) Report – Maurice Smith

Mr. Smith presented the IRC Report from February 8, 2024, to the Board members.

MOTION: To approve the Letter of Caution for Case No. 2023-1 on the February 8, 2024, IRC Report.
Spencer/Dumm approved

Mr. Smith left the Board meeting.

Office of Disciplinary Counsel (ODC) Report – Robert Elam

Mr. Elam provided the January 30, 2024, ODC report to the Board members.

Consent Agreement – Case No. 2021-4

Robert Elam, Office of Disciplinary Counsel, represented the State. The Respondent was not present at the hearing. A quorum of the Board was present. All persons testifying were sworn in by the court reporter. In accordance with Board confidentiality statutes, the hearing was closed. Ms. Greene asked that any public members to exit the room, prior to the hearing.

MOTION: To approve the consent agreement for Case No. 2021-4 as presented
Spencer/Dumm/approved

The public members rejoined the meeting after the hearing.

NEW BUSINESS

Discussion and Action: Delegation of Authority to Board Chair to sign Consent Agreements

Ms. Greene and Mr. Elam explained the process of delegation the authority to the Board Chair to sign the Consent Agreements to the Board.

MOTION: To delegate the authority to the Board Chair to sign the Consent Agreements.
Spencer/Robertson/approved

Some board members had a brief discussion on who should have authority to sign consent agreements as presented, if the Board Chair is not available and what is the process if the Chair does not agree with the consent agreement.

AMMENDED MOTION: To delegate the authority to the Board Chair to sign the Consent Agreement and if there is a conflict with the Board Chair and/or is not available to delegate the authority to the Vice Chair.
Spencer/Robertson/approved

Election of Officers

Mrs. Fulton opened the floor for nominations for Chairman of the Board.

MOTION: To nominate Rodney Wyndham as Chairman for the Board
Spencer/Robertson approved

Mr. Wyndham opened the floor for nomination for Vice Chairman of the Board

MOTION: To nominate Joshua Spencer as Vice Chairman to the Board
Campsen/Dumm approved

Public Comments

Mr. Jerry Wingard with the American Fireworks Standard Laboratory (AFSL) introduced himself to the Board. He offered to provide a free presentation to Mr. Jennings and the investigators. One of the most common issues that he come across in this industry was illegal explosives disguised as consumer fireworks. He offered a one- or two-day training session for free. Mr. Jennings accepted his offer and will be in contact with Mr. Wingard.

Mr. Wyndham appreciated every coming to the meeting and appreciates the job that LLR and State Fire does and the support the Board receives. He believes in teamwork to help this industry and keep the public safe.

Adjournment

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

The meeting was adjourned at 10:47 a.m.