

MINUTES
SC Board of Pyrotechnic Safety
May 23, 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 10:41 a.m. Other members attending the meeting included: Kelly Campsen, Josh Spencer and Ricky Howell.

Staff members attending the meeting included: Molly Price, Administrator; Meredith Buttler, Program Coordinator; Gigi Lewis, Office of General Counsel; Holly Beeson, Office of Communications and Governmental Affairs; Daniel Gourley, Office of Disciplinary Counsel; Shawn Stickle, Chief Deputy State Fire Marshal, State Fire; and Nathan Ellis, Assistant State Fire Marshal, State Fire.

Others attending the meeting included: Jerry Wingard, Aretus Jones, Keith Ramsey, Gordon Summey, John Casey, Joel McCrary, Steve Elliott, and Nadine Garrett of Creel Court Reporting.

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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of Excused Absences

MOTION: To excuse Ann Graham from the meeting due to being in Puerto Rico for hurricane relief efforts.
Spencer/Campsen/approved.

Approval of Meeting Minutes

MOTION: To approve the minutes of the October 3, 2017, Board Meeting.
Howell/Spencer/approved.

Introduction of Board Members and Others

Board members and Board staff introduced themselves.

Chairman's Remarks

Mr. Wyndham did not have any remarks.

Staff Reports

Administrator's Remarks

Ms. Price reported that at this time there are no financials to report since the Board's budget is tied in with the State Fire Marshal's Office.

Total numbers for annual licenses issued for 2018/2019 appear to be down, due to stores deciding only to sell for July 4th season. The Board issued 337 annual permits, 353 temporary permits for the New Year season, 31 wholesaler licenses and 4 jobber licenses. Ms. Price thanked the Fire Marshals for their hard work with completing roughly 700 inspections during November and December 2017.

For the upcoming July 4th season, notifications were mailed out to all businesses that held temporary permits for the last two years. The application cutoff date this year for July 4th season is June 15, 2018, after this date applications will be charged \$200 late processing fee. Ms. Price stated that the enforcement of the late processing fee has helped. The Board only received 12 late application during the New Year's season. Ms. Price wanted to thank the licensees that have already submitted applications for the July 4th season. As of May 22nd, the Board has received roughly half the expected applications and the 294 submitted applications have already been sent out for inspection.

The Wholesaler and Magazine inspections are currently underway and will be completed by July 4th season. Going into 2019 licensure cycle, the Board will be issuing certificates again instead of the inspection stickers, as many wholesalers have stated the need for the certificate document.

Ms. Price also informed that the Board currently has two vacant seats, one for a Wholesaler and the other for Law Enforcement. If interested, please contact the Governor's Office.

Ms. Price introduced Janene Medlin, Program Assistant for the Board. Ms. Medlin previously worked in another program area in LLR.

Ms. Lewis praised Board staff for the hard work they have put into the Board over the last two years.

The next Board Meeting will be August 29, 2018, in room 204.

ODC Investigative Report

Daniel Gourley stated that there are currently 8 cases pending. The pending cases are due to applicants not paying citation penalties, failing to comply with code violations, and failure to appeal the citations. A third inspection is being arranged for all cases, in order to confirm failure to comply with the Board citations. If inspection confirms compliance, then ODC would only move forward in processing the failure to pay the citation fines. Mr. Gourley stated that the result of the re-inspections should be reportable at the August Board Meeting.

MOTION: To approve the Investigative report.
Spencer/Howell/approved

Legislative Update

Holly Beeson provided an update to the Board. She stated that both bills filed during the current two year legislative cycle did not pass.

Rebecca Leech reported to the Board that current vacant seats on the Board do not require legislative approval. Now that the legislative session has ended, the Governor's office will turn their attention to appointing board members. Three names have been submitted for Board seats and are currently in the vetting process.

Mr. Elliot, lobbyist for the Fireworks Association, pushed for the bill to introduce new seats for industry members. He informed the board that at the last minute the bill was changed to include additional seats for law enforcement. Mr. Elliot stated that was not the intent of the bill and therefore had the bill killed.

Executive Session for legal advice on New Business and Citation Appeal Hearings

MOTION: For the Board to enter into executive session, with the inclusion of Molly Price, Board Administrator being allow to stay, to seek legal advice regarding new business and citation appeal hearings.
Spencer/Howell/approved.

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

New Business

ODC Disciplinary process and approval of Resolution Guidelines

Mr. Gourley presented the proposed Resolution Guidelines to the Board.

MOTION: To approve the proposed Resolution Guidelines.
Spencer/Howell/approved.

Amendment to South Carolina Board of Pyrotechnic Safety Inspection document and Citation documents

Mr. Spencer sited the need to change the wording from "shall be suspended" to "may be suspended."

MOTION: To approve, with the cited changes, the Citation form and Inspection form amendments
Spencer/Howell/approved.

Public Comments

Mr. Elliot stated that in his 60 years in the industry, this was the first time the Board has issued closed hearings and asked the Board when the rules changed. Mr. Wyndham responded that per 40-56-190, all citation hearings are to be kept confidential. As this is the first citation hearing the Board has conducted, all other hearings Mr. Elliot cited were not citation hearings.

Mr. Wingard stated it would be wise for the Board to come up with definition of covered fuses since not clearly defined in NFPA 2006.

Citation Appeal Hearings

Mr. Campsen recused himself from both cases.

Case # 2018-15

MOTION: To enter into closed session for Case # 2018-15.
Spencer/Howell/approved.

MOTION: To enter into executive session.
Spencer/Howell/approved.

MOTION: To return to public session.
Howell/Spencer/approved.

MOTION: That the citations 7.3.14.4.2 Doors and Doorways and 7.4.5.3 Public Notification be dismissed due to compliance. The remaining citations and penalties are approved. The Respondent shall have 90 days from the date of the Board order for compliance and re-inspection. If the remaining violations are corrected, the remaining citations and penalties shall be dismissed.
Spencer/Howell/approved.

Case # 2018-16

Defendant, Ms. Aretus Jones, requested an open hearing on behalf of Crazy Sam's #3. Ms. Jones was not represented by counsel. Ms. Dana Jones served as a witness. All persons testifying were sworn in by the court reporter. Citation hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

MOTION: To enter into executive session.
Spencer/Howell/approved.

MOTION: To return to public session.
Spencer/Howell/approved.

MOTION: That all citations be dismissed and penalties dropped.
Spencer/Howell/approved.

Election of Officers

MOTION: Rodney Wyndham to remain as Board Chairman.
Spencer/Howell/approved.

MOTION: Josh Spencer to become Vice-Chairman.
Campsen/Howell/approved.

Adjournment

MOTION: To adjourn. Spencer/Howell/approved.

The meeting adjourned at 2:47 p.m.