

# LARAMIE COUNTY CLERK BOARD OF COUNTY COMMISSIONERS AGENDA ITEM PROCESSING FORM

1. DATE OF PROPOSED ACTION: May 2, 2017

2. AGENDA ITEM: ☐ Appointments ☐ Bids/Purchases ☐ Claims  
☐ Contracts/agreements/leases ☐ Grants ☐ Land Use: Variances/Board App/Plats  
☐ Proclamations ☐ Public Hearings/Rules & Reg's ☐ Reports & Public Petitions  
☐ Resolutions Other

3. DEPARTMENT: County Clerk

APPLICANT: Phantom Fireworks

AGENT: Debra K. Lee

4. DESCRIPTION: Public hearing regarding a yearly fireworks permit application.

Amount \$ From To

5. DOCUMENTATION: Originals

<u>Commissioner</u>		<u>Clerks Use Only:</u>	<u>Signatures</u>
Ash	_____		County Attorney _____
Holmes	_____		Deputy Attorney _____
Thompson	_____		
Heath	_____		
Kailey	_____		Grants Manager _____
Action	_____		Outside Agency _____
Postponed	_____		

**Laramie County**  
**Fireworks Stand Inspection**

Date: 4/25/2017

Planning / Zoning  
310 West 19<sup>th</sup> St.  
633-4303

Fire Warden  
3962 Archer Parkway  
633-4335

Environmental Health  
100 Central Ave.  
633-4090

Business name: Phantom Fireworks Showrooms, LLC  
Owner: Bruce J. Zoldan, Serry Bostock, Alan L. Zoldan  
Address: 239 I-25 Service Rd. Cheyenne WY 82007  
Phone: 307-775-9954  
Permit #: \_\_\_\_\_ Yearly: X Seasonal: \_\_\_\_\_ / \_\_\_\_\_  
Open Close

A. Zoning Requirements:

CB zone: \_\_\_\_\_ Site plan: on file Site plan changes: \_\_\_\_\_  
Admin approval: \_\_\_\_\_ Compliance Cert.: \_\_\_\_\_  
Outside zoned boundaries: \_\_\_\_\_

B. Retail Sales permit #: 02011670

C. Sanitary Facilities:

1. Portable Toilets

- a) Pumped and cleaned
  - b) Licensed pumper
  - c) Removed within 2 weeks of closing
- Permanent Facilities

✓  
✓  
✓  
✓

B+B Pump

D. Trash Containment

- 1. (1) metal trash container
- 2. No fire danger or litter problem

✓  
✓

WDS

E. Stand / Storage Location

- 1. 60 feet from property boundary  
(Grandfathered)
- 2. 150 feet from petroleum storage/gas pumps

✓  
N/A

F. Entry / Exit Doors

- 1. Two (2) public access doors –  
Size – 3.0 feet wide by 6 feet 8 inches tall
- 2. Separated from each other
- 3. Doors swing to outside
- 4. Clear of supplies / materials /etc
- 5. Exit signs clearly visible above exit on interior

✓  
✓  
✓  
✓  
✓

G. Fire Extinguishers:

1. Two (2) 5lb. 2-A, 10 BC dry Chemical type
2. Displays current/dated inspection tag

X  
X

H. Fluorescent bulb covers in place

X

I. Signage

1. No Smoking – displayed correctly
2. No Discharge – displayed correctly
3. Sale under age – displayed correctly
4. Extreme Danger – (if applicable)
5. No spray painted retail / safety signs

X  
X  
X  
X  
X

J. Storage units

1. Two (2) fire extinguishers
2. Locked when not occupied
3. 5<sup>th</sup> wheel pinned or tires removed
4. 75 feet from stand  
(Grandfathered distance)

X  
X  
N/A  
X  
—

K. Grounds

1. Grass trimmed to height of 2" for 75 feet from stand
2. Clear of debris / trash
3. Defined parking

X  
X  
X

Comments:

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Date: 4/25/2017 Time: 09:00

**Inspectors:**

\_\_\_\_\_  
Planning / Zoning (N/A)

[Signature]  
Fire Warden

[Signature]  
City / County Health



# FIREWORKS PERMIT APPLICATION

Type of Permit

☐ Seasonal (up to 5 consecutive months)

☒ Yearly (\$3800)

**Applicant has previously been issued a fireworks permit and intends to rely on site plans and application materials which were approved by the Planning and Development office and FireWarden. By signing below, Applicant swears that no changes or modifications have been or will be made to the site and structures during this permit period.**

☒ Please Check

Please Sign

Secretary

Applicant's Name: Phantom Fireworks Showrooms, LLC

Applicant's Permanent Business Address: 555 Martin Luther King, Jr., Blvd., Youngstown, Ohio 44502-1102

Local Telephone #: (307) 775-9954 Daytime Telephone #: 330-746-1064

Type of Business Ownership

☐ Sole Proprietor

☐ Partnership

☐ Corporation

☒ LLC

**If ownership is a partnership, corporation, or limited liability company, please list the names and addresses of all officers and owners. If ownership is a corporation, include the name and address of the registered agent: (Attach additional pages if necessary)**

Name: Bruce J. Zoldan Address: 555 Martin Luther King, Jr., Blvd., Youngstown, Ohio 44502-1102

Name: Jerry Bostocky Address: 555 Martin Luther King, Jr., Blvd., Youngstown, Ohio 44502-1102

Name: Alan L. Zoldan Address: 555 Martin Luther King, Jr., Blvd., Youngstown, Ohio 44502-1102

Registered Agent: Alexander K. Davison Address: 1920 Thomes Ave., Ste., 600, Cheyenne, WY 82001

Wyoming Sales Tax Permit#: 02011670

**(Attach Copy of Permit)**

Name of Fireworks Business: Phantom Fireworks

Street Address of Site: 239 I-25 Service Road East, Cheyenne, WY 82007

Legal Description of Site: R67W T12N Section 16

**(Please use an accurate legal description from the Laramie County Assessor or the City/County Development Office)**

Dimensions of Building: 30' x 156'

**Public Property and Liability Insurance Company Information:**

Name: Everest Indemnity through Britton-Gallagher and Associates

Address: One Cleveland Center, Floor 30, 1375 East 9th Street, Cleveland, OH 44114

Policy Number: SI8GL00643-161, EXC6025343-03

**Certificate of Insurance in a minimum amount of \$1,000,000 must accompany application and remain in effect during the term of the permit or permit shall be revoked.**

**All Permits shall become valid upon the date of the approval unless otherwise requested. Requests for specific effective dates must be approved by the Board of Commissioners. If you wish to request a specific effective date, please indicate the date below:**

I hereby request that my permit become effective on: Upon expiration of prior permit.

I hereby swear or affirm under penalty of perjury that ALL information on this application for is true and correct, that I am the applicant named herein, and that I have received, reviewed and understand the "Laramie County Fireworks Regulations" adopted July 16, 2002. I understand all approvals represent a commitment by me to carry out the operation of the fireworks operation as represented. I further understand the basis of the regulations and that the permit may be revoked. Any and all modifications to the "Approvals" must be coordinated through the Development Office at which time a determination will be made as to the need for an updated Site Plan map and/or additional Administrative or Board of County Commissioners review. I also understand the site will be examined during the final inspection for compliance with the "Approved Site Plan" and applicable regulations. NOTE: UNAPPROVED MODIFICATIONS TO THE SITE MAY PROHIBIT ISSUANCE OR RESULT IN REVOCATION OF FIREWORKS STAND PERMIT. I agree on behalf of myself, my partnership, my limited liability company, my corporation and all assigns, employees and affiliates, to at all times abide by and be in compliance with the Laramie County Fireworks Regulations as amended.

SIGNATURE OF APPLICANT William A. Weimer, Secretary

DATE 4-12-17

Print Name: William A. Weimer, Secretary

Witness: \_\_\_\_\_

For Office Use Only:

☒ Original Bond ☒ Sales Tax Permit ☒ Property Taxes Current

Receipt Number for Fees Paid: #

40780

## Inspection Certifications

The undersigned have inspected the applicant's site and found the same to be in compliance

Fire Warden: William A. Weimer

Date: 4-25-17

Environmental Health: Kay H. Weimer

Date: 4/25/17

For Office Use Only:

Place date and time stamp here at time application is received

**RECEIVED**

**APR 17 2017**

BY: William A. Weimer

Application is to be heard by the Board of Commissioners within 45 days. That date will be no later than: 10-1-17

Note: Before the Permit to Sell Fireworks can be issued, the Certificate of Compliance must be issued by the City/County Development. The Certificate of Compliance must be attached to this application or file with the County Clerk before the permit itself is issued.

*[Handwritten signature]*

1. The purpose of this document is to provide a comprehensive overview of the current status of the project and to identify the key areas that require further attention.

2. The project has been progressing well, with significant milestones achieved in the areas of research, development, and testing. However, there are still several challenges that need to be addressed.

3. The following table provides a summary of the project's progress and the key areas that require further attention.

4. The project has been progressing well, with significant milestones achieved in the areas of research, development, and testing. However, there are still several challenges that need to be addressed.

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7. The project has been progressing well, with significant milestones achieved in the areas of research, development, and testing. However, there are still several challenges that need to be addressed.

*[Handwritten signature]*

RECEIVED  
FEB 1 1964  
ET 7/1/64

*[Handwritten signature]*



**TRUDY L. EISELE**  
**LARAMIE COUNTY Treasurer**  
**MISCELLANEOUS RECEIPT**

\*\*\* ORIGINAL RECEIPT \*\*\*

Misc Receipt Nbr: 40780

Trans Date: 04/17/2017

Received from/Description:  
PHANTOM FIREWORKS

On Account Of:  
2017 YEARLY FIREWORKS PERMIT  
CK#531698 \$3800.00

Entered by: brandyc

Batch: 20170417-000424

Amount: 3,800.00

Payment Type	Doc#	Description	Amount
CHECK	531698	PHANTOM ADMINISTRATIVE LLC	3,800.00
TOTAL:			3,800.00



# PHANTOM FIREWORKS SHOWROOMS, LLC

Operators of Phantom® Fireworks Retail Showrooms Nationwide

*Corporate Office:*  
555 Martin Luther King, Jr. Blvd.  
Youngstown, Ohio 44502-1102  
Robyn R. Gallitto, Deputy General Counsel

*Phone: 330-746-1064*  
*Fax: 330-746-4410*  
*Web Site: [www.fireworks.com](http://www.fireworks.com)*  
*E-Mail: [Rgallitto@fireworks.com](mailto:Rgallitto@fireworks.com)*

April 12, 2017

Laramie County Clerk's Office  
Attn: Valerie Roybal  
309 West 20th Street  
Cheyenne, WY 82001

Re: Laramie County Fireworks Yearly Permit  
Phantom Fireworks - Located at 239 I-25 Service Road East, Cheyenne,  
WY 82007

Dear Ms. Roybal:

Enclosed herewith please find the "Fireworks Permit Application" for a Yearly permit that I am submitting to you on behalf of Phantom of Wyoming, Inc. dba Phantom Fireworks, 239 I-25 Service Road East, Cheyenne, WY 8200, together with the following supporting documentation and material:


1. A Certificate of Liability Insurance;
2. Our Sales/Use Tax License;
3. Our check in the amount of THREE THOUSAND EIGHT HUNDRED DOLLARS (\$3,800.00) payable to the County of Laramie representing the required filing fees.

This application is being submitted on behalf of Phantom Fireworks Showrooms, LLC (formerly known as Phantom of Wyoming, Inc.) I am also enclosing a copy of our letter to you dated December 28, 2016 requesting the name change.

I shall appreciate your receiving this material and processing it with your usual dispatch. If, during the processing of this permit application, you determine that there are any deficiencies or that you have any additional requirements, please do not hesitate to contact me at your convenience. If you prefer, you may communicate with me via e-mail directed to me at: [Rgallitto@fireworks.com](mailto:Rgallitto@fireworks.com).

Thanking you for your attention to this Fireworks Permit Application, I am

Very truly yours,



ROBYN R. GALLITTO  
Deputy General Counsel

RRG:ke  
encl.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/12/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C, No. Ext):</b> 216-658-7100	<b>FAX (A/C, No.):</b> 216-658-7101
<b>INSURED</b> Phantom Fireworks Showrooms, LLC 555 Martin Luther King Jr Blvd Youngstown OH 44502	<b>E-MAIL ADDRESS:</b> info@brittongallagher.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Everest Indemnity Insurance Co.	<b>NAIC #</b> 10851
	<b>INSURER B:</b> Maxum Indemnity Company	26743
	<b>INSURER C:</b> Axis Surplus Ins Company	26620
	<b>INSURER D:</b>	
<b>INSURER E:</b>		
<b>INSURER F:</b>		

**COVERAGES**

CERTIFICATE NUMBER: 1704304255

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Non-Owned Stand <input type="checkbox"/> End't Included GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	Y		SI8GL00643-161	10/30/2016	10/30/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/OP AGG \$2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$	Y		EXC6025343-03	10/30/2016	10/30/2017	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Excess Liability #2	Y		EAU784017	10/30/2016	10/30/2017	Each Occ/ Aggregate \$5,000,000 Total Limits \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement. PRODUCTS LIABILITY EXTENDS ONLY TO PRODUCTS PURCHASED FROM OR SUPPLIED BY THE INSURED.  
Group Code: Young, OH

**CERTIFICATE HOLDER****CANCELLATION**

Phantom of Wyoming, Inc.  
239 I-25 Service Road, East  
Cheyenne WY 82007

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

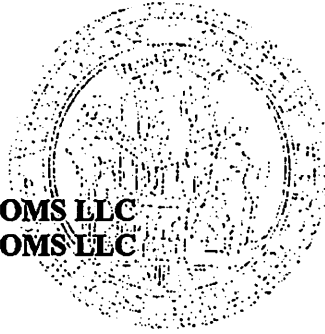


**Sales/Use Tax License No: 02011670 Business Start Date : 12/31/2016 Certificate Print Date: 02/02/2017**

**The vendor shown below has registered with the Department of Revenue and has been authorized to collect the sales/use tax imposed by the sales/use Tax Act of 1937, as amended and to furnish receipts therefore. This license shall be valid and effective until canceled or revoked and is not transferable.**

**Location: 239 I-25 SERVICE RD EAST  
CHEYENNE WY 82007-9749**

**Issued To: PHANTOM FIREWORKS SHOWROOMS LLC  
PHANTOM FIREWORKS SHOWROOMS LLC  
555 MARTIN LUTHER KING BLVD  
YOUNGSTOWN OH 44501-1102**



**Display Conspicuously at the Place of Business for Which Issued**

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**Cut along this line to separate license certificate. Please retain the information below for your reference.**

**WYOMING SALES/USE TAX REPORTING INFORMATION**

- 1. Your filing frequency is Monthly beginning: 12/31/2016. Quarterly filers will be setup on calendar quarter. If you are a quarterly filer, your first return may be for a portion of a calendar quarter.**
- 2. You will receive your return approximately the first week of the month in which it is due. Example: MONTHLY filers; January return will be received first half of February and it must be post marked on or before the last day of February. QUARTERLY filers; January, February, and March returns will be received first half of April and must be post marked on or before the last day of April.**
- 3. Failure to receive a return from the Department of Revenue does not relieve you from the responsibility of filing and paying the tax due on or before the due date. Returns must be filed even if no sales were made or any tax due.**
- 4. The postmark date determines the timeliness of your return. Returns with a late postmark are subject to penalty and interest.**
- 5. Please notify the Excise Tax Division at the Cheyenne Office in writing if there is a change of address or ownership. Be sure to include your Wyoming Sales/Use tax license number on any correspondence and/or remittance sent to the Department to ensure timely processing.**

# PHANTOM FIREWORKS SHOWROOMS, LLC

Operator of Phantom® Fireworks Showrooms Nationwide

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**Corporate Office:**

555 Martin Luther King, Jr. Blvd.

Youngstown, Ohio 44502-1102

William A. Welmer, Vice President & General Counsel

Phone: 330-746-1064

Fax: 330-746-4410

Web Site: [www.fireworks.com](http://www.fireworks.com)

E-Mail: [Wawelmer@fireworks.com](mailto:Wawelmer@fireworks.com)

December 28, 2016

MS. VALERIE ROYBAL, Executive Assistant  
Laramie County Clerk's Office  
309 West 20th Street  
Cheyenne, WY 82001

Re: Re-registration of Laramie County Fireworks Yearly Permit  
Phantom of Wyoming, Inc. dba Phantom Fireworks, 239 I-25  
Service Road East, Cheyenne, WY 82007

Dear Ms. Roybal:

Please be advised that the Phantom Fireworks family of business organizations has reorganized from a geographically based structure to a functionally based structure.

Effective December 31, 2016, all showroom operations that were formerly operated in Wyoming by Phantom of Wyoming, Inc., as well as other regional Phantom Fireworks showrooms operated by regionally formed entities, will now be operated by Phantom Fireworks Showrooms, LLC, which will operate all Phantom Fireworks showroom locations across the country.

There will be no change in ownership, management, products, insurance or locations of the entities; the only change being the actual structure of the business organizations.

Phantom Fireworks Showrooms, LLC is a Delaware limited liability company, Delaware File No. 6185913, federal Employer Identification No. 81-4640871, and was filed in Wyoming as a foreign entity authorized to transact business on December 1, 2016.

All information submitted to your office in connection with the most recent renewal of the Phantom of Wyoming, Inc. Laramie County Fireworks Yearly Permit relative to address, contact information, insurance, management, products, training, and officers remains identical for Phantom Fireworks Showrooms, LLC.

We have not enclosed any fees to support this request for re-registration, because we cannot find a listing of re-registration fees on your website. If there are fees related to the re-registration of these licenses, please advise and we will immediately forward that to you.

**PHANTOM FIREWORKS SHOWROOMS, LLC**

Youngstown, Ohio 44502-1102

MS. VALERIE ROYBAL, Executive Assistant  
December 28, 2016

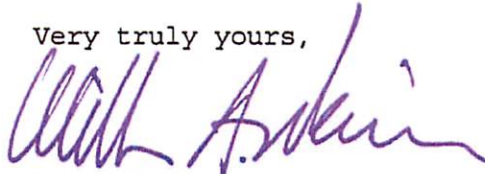
Page 2

In summary, we respectfully request that Laramie County Fireworks Yearly Permit issued to **Phantom of Wyoming, Inc.** dba Phantom Fireworks, 239 I-25 Service Road East, Cheyenne, WY 82007 be re-registered to **Phantom Fireworks Showrooms, LLC**.

We sincerely appreciate your attention to this request for re-registration of the Laramie County Fireworks Yearly Permit. If, during the processing of this request for re-registration, you determine that there are any deficiencies or that you require any further information, please do not hesitate to contact me at your convenience. Please feel free to communicate with me via email directed to me at [WAWeimer@fireworks.com](mailto:WAWeimer@fireworks.com).

Thanking you for your cooperation in the processing of this re-registration request, I am

Very truly yours,



WILLIAM A. WEIMER  
Vice President & General Counsel

WAW:ke