

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of John Cosgrove II
 Appeal No. 25-13

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On April 6, 2025, Master Displays Limited (MDL) applied for a fireworks display permit for a fireworks display on July 5, 2025 at 8736 Double Cabin Road, Hillsdale, Virginia. On June 24, 2025, the State Fire Marshal's Office (SFMO), the agency responsible for permitting fireworks display permits, in accordance with the 2021 Virginia Statewide Fire Prevention Code (VSFPC), issued a permit to MDL for a display on "July 4, 2025". On July 5, 2025, an inspection was conducted, and the following violations were cited:

a. *"5608.3 Approved fireworks displays.*

Approved fireworks displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G. The design, setup, conducting or direct on-site supervision of the design, setup and conducting of any fireworks display, either inside a building or outdoors, shall be performed only by persons certified by the SFMO in accordance with Section 5601.4.1 as a pyrotechnician (firework operator) and at least one person properly certified by the SFMO as a pyrotechnician shall be present at the site where the fireworks display is being conducted. The approved

fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Exception: Certification as a pyrotechnician is not required for the use or display of permissible fireworks when conducted on private property with the consent of the owner of such property.

Fireworks event setup space: Comments:

- *Master Displays owner John Cosgrove, II advised both Jeffery Allen Spicer, Jr. and Ricky Wayne Ingram shared being in charge of 1.4 G fireworks products until another Virginia Certified Fireworks Display Operator arrived onsite at 21:00 hours to fire the fireworks display at this event venue. Product arrived onsite at 16:00hours. Upon asking MR. Spicer, Jr. and Mr. Ingram for their driver's license and Virginia Certified Fireworks Display cards, they did not provide Virginia Certified Fireworks cards to date. Upon contacting manager, neither subject was listed on our fireworks operators database.*

It was found that Jeffery Allen Spicer, Jr. was in possession of and setup of illegal fireworks display without proper supervision of Virginia Certified Fireworks Operator being onsite from 16:00-21:00 hours. NOV sent by certified mail to Jeffery Allen Spicer, Jr.

b. *5601.1.3 Fireworks.*

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. *Storage and handling of fireworks as allowed in Section 5604.*
2. *Manufacture, assembly and testing of fireworks as allowed in Section 5605.*
3. *The use of fireworks for fireworks displays as allowed in Section 5608.*
4. *The possession, storage, sale, handling and use of permissible fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507 and DOTn 49 CFR, Parts 100-178 for consumer fireworks.*
5. *The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.*

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On August 13, 2025, SFMO convened a panel in accordance with VSFPC Section 5601.4.6 *Denial, suspension or revocation of a certificate* (Panel) to hear the details of the cited violations listed in the July 5, 2025 Fire Code Inspection Report. The Panel found that the violations existed and revoked John Cosgrove II's (Cosgrove II) Aerial Pyrotechnician License. SFMO upheld the Panel's decision and revoked Cosgrove II's Aerial Pyrotechnician License in a letter dated August 26, 2025 sent certified mail to and received by Cosgrove II on August 28, 2025. On September 5, 2025 Cosgrove II further appealed to the Review Board.

Appearing at the Review Board meeting for Cosgrove II were John Cosgrove Sr., Barbara Cosgrove, John Cosgrove II, and Tracy Cosgrove. Appearing at the Review Board meeting for the SFMO were Chief Fire Marshal Billy Hux, Deputy Fire Marshals Troy Bower, Clark Mitchell, and Matther Bright and William Wittenbrook, legal counsel for the State Fire Marshal's Office from the Attorney General's Office.

III. Findings of the Review Board

A. Whether to overturn the decision of SFMO and the Panel that a violation of VSFPC Section 5608.3 *Approved fireworks displays* exists.

B. Whether to overturn the decision of the SFMO and the Panel that a violation of VSFPC Section 5601.1.3 *Fireworks* exists.

During the hearing Cosgrove II acknowledged and accepted responsibility for the violations of VSFPC Sections 5608.3 *Approved fireworks* and 5601.1.3 *Fireworks* that occurred

because there was not a licensed pyrotechnician on site as required; therefore, neither consideration by the Review Board nor any granting of relief were necessary.

C. Whether to overturn the decision of SFMO and the Panel that a violation of VSFPC Section 5608.3 *Approved fireworks displays* exists.

Cosgrove II argued that the decision to revoke his Pyrotechnician Aerial license was extreme based on the cited violations related to the unreported changes to the permit and a couple of mistakes that were made related to the quantity and type of fireworks on site and licensure of the pyrotechnician responsible for the fireworks on site. Cosgrove II further argued that this was the first time in the 30+ year history of MDL that they had been cited for a violation(s) coupled with their extensive involvement in providing industry training to the SFMO should have been given more consideration in the decision. Cosgrove II further argued that citing the violations and including a warning rather than revoking his Pyrotechnician Aerial license was more appropriate considering all the facts of the case.

SFMO, through legal counsel, argued that the revocation of Cosgrove II's Pyrotechnician Aerial license was appropriate based on the facts of the case, the erroneous and/or untruthful information being provided by MDL, and that no factual basis to overturn the SFMO decision was presented or existed. SFMO further argued that MDL knew the two individuals on site at the time of the incident were not licensed pyrotechnicians because they had a third individual enroute to the site to set up and fire the show.

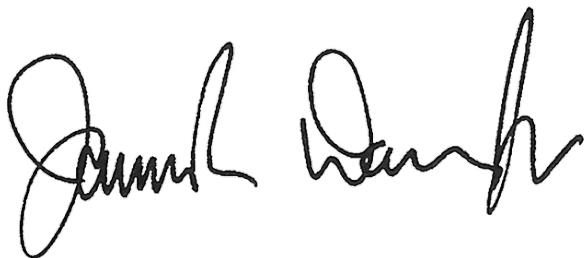
The Review Board found that the revocation of Cosgrove II's Pyrotechnician Aerial license was appropriate because Cosgrove II agreed that the two cited violations were accurate and did occur, and because the Chief State Fire Marshal properly applied his discretion by embodying a panel and by revoking Cosgrove II's license in accordance with the SFPC.

IV. Conclusion

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether to overturn the decision of SFMO and the Panel that a violation of VSFPC Section 5608.3 Approved fireworks displays exists.

The decision of the SMFO and Panel to revoke Cosgrove II's Pyrotechnician Aerial license was appropriate because Cosgrove II agreed that the two cited violations were accurate and did occur, and because the Chief State Fire Marshal properly applied his discretion by embodying a panel and by revoking Cosgrove II's license in accordance with the SFPC.

A handwritten signature in black ink, appearing to read "John L. Danaher".

Chair, State Building Code Technical Review Board

Date entered January 16, 2026

As required by VCC 119.9: "As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period."

As required by Rule 2A:2(C): "Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that

party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency." See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.