

BROOKE ♦ MAWHORR

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November 5, 2008

The Crackerjacks, Inc.
c/o Peter S. Hengen
9131 Field Road
Pikesville, MD 21208

Re: Minors and Fireworks Activities

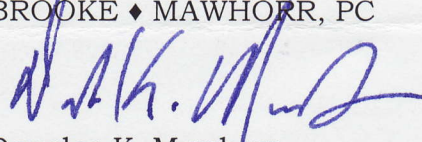
Dear President Hengen:

In response to your request, please allow this letter to a response to your inquiry. There are currently no legal barriers to a private association allowing its members to waive liability for incidents resulting from accidents or incidents involving minors manufacturing, using, or discharging fireworks. Only in commercial activities are minors absolutely precluded from fireworks manufacturing.

We have assisted the PGI in its undertaking to develop policies and waivers allowing minors to be involved in fireworks manufacturing. I have enclosed a waiver has been accepted by the PGI's insurer who also insures the Crackerjacks.

Therefore, whether you choose to allow minors to manufacture fireworks at Crackerjacks club activities or to engage in other fireworks related activities such as use and discharge of fireworks is entirely at your discretion. It is neither unlawful to do so nor is it prohibited by your insurer.

Respectfully,
BROOKE ♦ MAWHORR, PC



Douglas K. Mawhorr,
Attorney at Law

enclosures

Appointment of Guardian, Waiver of Liability and Assumption of Risk for Minors

I, _____, attest that I am the lawful custodial parent or legal guardian (temporary or permanent) for the minor child(ren) ("Minor(s)") listed below. I hereby grant my permission for the Minor(s) listed below to attend and participate in pyrotechnic related events at the Pyrotechnic Guild International, Inc. ("PGI") annual Convention ("Convention"). Said pyrotechnic activity includes but is not limited to: pyrotechnic manufacturing seminar(s), the discharging and/or shooting of pyrotechnic material, the observation of the manufacturing, discharging or shooting of pyrotechnic material and any other pyrotechnic related activity that occurs at and during a Convention.

- | | |
|----------------|----------------|
| 1. Name: _____ | 3. Name: _____ |
| DOB: _____ | DOB: _____ |
| 2. Name: _____ | 4. Name: _____ |
| DOB: _____ | DOB: _____ |

(Signature) _____
Parent or Legal Guardian

The undersigned approves and appoints _____ as the temporary and limited guardian and caretaker of the aforementioned Minor(s) ("Guardian"). The Guardian is appointed specifically and only for the oversight of the Minor(s) when the minor is participating in the manufacture or display/discharge of pyrotechnic material. The Guardian is to grant approval or disapproval for the Minor(s) to manufactures and/or to display/discharge pyrotechnic material and to be present when said activities occur.

The undersigned hereby waives any and all liability, for himself/herself and the aforementioned Minor(s), for injuries or damages from any use, misuse of pyrotechnics, or participation, directly or indirectly, in pyrotechnic related activities, with respect to: the Guardian, the owner of the land upon which said activities will take place, the PGI, its members, officers, agents, employees, licensees, operators, permit holders, event vendors, instructors, public display operators, demonstrators, competitors and assigns.

The undersigned states that he or she are the parents or legal guardian of any Minor(s) listed previously and agree on behalf of said Minor(s) to the forgoing waiver of liability.

The undersigned understands that pyrotechnic material is and will be used at the Convention and significant risk may be incurred in association with the use of pyrotechnic material. The undersigned understands that risk and voluntarily assumes said risk for himself and on behalf of the Minor(s) listed below.

The undersigned explicitly acknowledges that the risks posed by the manufacture, processing, and assembly of fireworks and pyrotechnic compositions, materials, and devices are greater than the risks associated with their use when already assembled and that such components, compositions, materials and devices are less predictable and less well characterized than fully assembled fireworks. The undersigned understands this particular increased risk and voluntarily assumes said risk for himself and on behalf of the Minor(s) listed below

Dated this _____ day of _____, 20_____.

Signed: _____
Father

Printed: _____

Signed: _____
Mother

Printed: _____

Signed: _____
Legal Guardian

Printed: _____

Witness 1: _____

Printed: _____

Witness 2: _____

Printed: _____

PGI Policy related to the Presence of Minors in any Manufacturing Area:

I. The Responsible Person (the person responsible for the activity or seminar - e.g., Rocket Safety Chairman in the Rocket Manufacturing area or the designated Instructor of a manufacturing seminar) has full discretion and authority over whether or not to allow minors, both generally and individually, to participate in the seminar or activity for which he/she is responsible.

II. Minors 10 years old and older may be allowed to participate in manufacturing seminars and other PGI-sanctioned manufacturing activities during PGI Conventions provided that:

A. Written Permission of the Responsible Person for such participation is granted. It is the responsibility of the Minor and his Parent/Guardian to seek and secure this permission.

B. The parent or legal guardian of the minor must give explicit written permission for the minor's presence at and participation in the activity using the form adopted by the PGI for the purpose.

C. Unless written exemption is specifically granted by the Responsible Person, the parent or legal guardian of each minor must be in attendance at the seminar/activity at all times during which the minor is present.

III. While participating in any manufacturing seminar or activity, minors must be under close, direct supervision by a responsible adult knowledgeable in the materials and techniques in use.

IV. Proper safety gear, as determined by the Responsible Person for the manufacturing area or activity (e.g., safety glasses) must be worn at all times when in the manufacturing area, whether actively working on any composition or device or merely observing.

V. The number of minors in attendance at an activity or seminar at any given time may be limited by the Responsible Person or other higher authority to the number that can be closely, directly, and safely supervised.

VI. At the discretion of the Responsible Person, any minors whose behavior does not comport with safety will be asked to leave the area for the day.

VII. On a case by case basis, minors less than ten years of age may seek special, individual written permission from the appropriate Responsible Person to participate in a manufacturing activity. In all such cases, if permission is granted, the Responsible Person is required to notify a member of the Board of Directors, in writing, prior to allowing the presence of the minor at the activity.

Waiver of Liability and Assumption of Risk for Minors

I, _____, attest that I am the lawful custodial parent or legal guardian (temporary or permanent) for the minor child(ren) listed below. I hereby grant my permission for the minor child(ren) listed below to attend and participate in the manufacturing seminar(s) and activity (activities) listed below.

(Signature) _____

The undersigned hereby waives any and all liability, for himself/herself and the aforementioned minor child, for injuries or damages from any use, misuse of fireworks, or participation, directly or indirectly, in fireworks related activities, with respect to the owner of the land upon which said activities will take place, the Pyrotechnics Guild International, Incorporated, its members, officers, agents, employees, licensees, operators, permit holders, event vendors, instructors, public display operators, demonstrators, competitors and assigns.

The undersigned states that he or she are the parents or legal guardian of any minor listed below and agree on behalf of said minor(s) to the forgoing waiver of liability.

The undersigned understands that pyrotechnic material is and will be used at the Pyrotechnics Guild International, Inc. annual convention and significant risk may be incurred in association with the use of pyrotechnic material. The undersigned understands that risk and voluntarily assumes said risk for himself and on behalf of the minor(s) listed below.

The undersigned explicitly acknowledges that the risks posed by the manufacture, processing, and assembly of fireworks and pyrotechnic compositions, materials, and devices are greater than the risks associated with their use when already assembled and that such components, compositions, materials and devices are less predictable and less well characterized than fully assembled fireworks. The undersigned understands this particular increased risk and voluntarily assumes said risk for himself and on behalf of the minor(s) listed below

Dated this _____ day of _____, 20____.

Signed: _____

Signed: _____

Names of minors (less than 18 years of age):

Seminars and Activities covered by this agreement:
