

Alabama Liquefied Petroleum Gas Board
Minutes
April 14, 2016

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on April 14, 2016 at 10:00 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Benny Gay, Bill Montgomery, Larry Parden, State Fire Marshal Designee Scott Pilgreen, Public Safety Designee Sgt. Will Wright, Public Service Commission Designee Wallace Jones, Consumer Advocate Elizabeth Barnett, Board Attorney Matt Bledsoe.

Members Absent: Vice-Chairman Scott Lybarger and State Fire Marshal Ed Paulk.

With a quorum present, the Chairman called the meeting to order and guest attendee Mr. Ken Coker gave the invocation.

The Chairman called for a motion to adopt the agenda.

- 1) Mrs. Barnett moved to adopt the agenda as presented. Seconded by Mr. Parden, the ayes were unanimous.

Copies of board meeting packages supplied to board members prior to the meeting are retained on file at the Alabama LP-Gas Board office and are available for inspection upon request.

MINUTES OF THE LAST MEETING

The Chairman called for the approval of the minutes of the January 14, 2016 meeting.

- 2) Mr. Montgomery moved to approve the minutes of the January 14, 2016 meeting. Seconded by Mrs. Barnett, the ayes were unanimous.

OLD BUSINESS

Rules & Regulation Committee Update - The Administrator advised the board that the committee is focusing on training and testing requirements for the state, and a petition for consideration should be forthcoming in the near future.

AERC Representative - Governor Bentley appointed Assistant State Fire Marshal Scott Pilgreen as the Alabama LP-Gas Board representative on the Alabama Energy & Residential Codes Board (AERC). The appointment was effective February 15, 2016 and will expire on February 14, 2020.

NEW BUSINESS

APGA Request - The Alabama Propane Gas Association submitted a written request that the board review and consider each revision to the NFPA 54 and NFPA 58 within six (6) months after publication.

Property Audit Report - The Administrator advised the board of a letter of commendation from the State Auditor's Office for 100% accountability of property inventory.

Waiver Request - The Administrator presented a request for waiver of late penalties in the amount of \$409.62 and interest of \$61.44 from Escambia Operating Co., LLC. Escambia Operating explained that they were one day late filing their December 2015 LPG fee report due to challenges related to acquisition by Vanguard Natural Resources.

- 3) Mr. Montgomery moved to approve the request for waiver of late penalty of \$409.62 and interest of \$61.44 from Escambia Operating Co., LLC. Seconded by Mrs. Barnett, the ayes were unanimous.

Cease & Desist Order - The Administrator advised the Board of the issuance of a *Cease & Desist Order* to a Class C-2 permit holder that is currently being investigated by the United States Department of Transportation (USDOT) and the National Traffic Safety Board (NTSB). The Administrator advised the board that U.S. DOT has deactivated the permit holder's CT number.

Petition for Adoption of Rule - The Administrator presented a petition to amend *Alabama Administrative Code 530-X-2-.08 Liquefied Petroleum Gas Piping & Appliance Codes*.

- 4) Mrs. Barnett moved to initiate the rule-making process to amend *Alabama Administrative Code 530-X-2-.08 Liquefied Petroleum Gas Piping & Appliance Codes* as petitioned. Seconded by Mr. Montgomery, the ayes were unanimous.

Petition for Adoption of Rule - The Administrator presented a petition to amend *Alabama Administrative Code 530-X-2-.03 Metering Device Calibration Requirements*.

- 5) Mrs. Barnett moved to initiate the rule-making process to amend *Alabama Administrative Code 530-X-2-.03 Metering Device Calibration Requirements* as petitioned. Seconded by Mr. Pilgreen, the ayes were unanimous.

PERMIT APPLICATIONS

A Class B permit application for Hess Trading Corporation, New York, NY was presented.

- 6) Mr. Parden moved to approve the Class B Permit application for Hess Trading Corporation, New York, NY. Seconded by Mrs. Barnett, the ayes were unanimous.

Five Class C Permit applications were presented:

- Cobb & Son RV Repair LLC, Seale, AL
- Imperial Services, Birmingham, AL
- Johnston Sales LLC dba Johnson RV Center, Decatur, AL
- The Fireplace Service Center LLC, Fort Payne, AL
- Unlimited Mobile Home Services & Supplies, Inc., Cullman, AL

- 7) Mr. Montgomery moved to approve the five Class C permit applications. Seconded by Mr. Parden, the ayes were unanimous.

Two Class E Permit applications were presented.

- C & R Fleet Services, Inc., Griffin, GA
- Mississippi Tank Company, Inc., Hattiesburg, MS

- 8) Mr. Parden moved to approve the two Class E Permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

Twenty-one Class F Permit applications were presented.

- Andrews Hardware Co., Inc., Saraland, AL
- Blue Rents, Inc., Mobile, AL
- Calhoun Campers, Oxford, AL
- Carter's Hardware, Munford, AL
- Chavers RV LLC, Dothan, AL
- Cobb & Son RV & Truck Repair LLC, Seale, AL
- Credence, Inc., Vincent, AL
- Driftwood Creek LLC, Fairhope, AL
- Evans Hardware, Wilmer, AL
- Hampton Cove Self Storage, Inc., Owens Cross Roads, AL
- Hopper Building Supply LLC, Eva, AL
- Jerry's Mobile RV Repair, Tuscumbia, AL
- Kellam's Corner, Inc., Magnolia Springs, AL
- Lewter Hardware Company, Huntsville, AL
- Loftin's Bait Shop, Camden, AL (New Permit # 680)
- McBride Tire LLC, Aliceville, AL
- McKay Truck Repair Inc., Sulligent, AL
- Oak Mountain State Park, Pelham, AL
- Petro Nation, Inc., Lincoln, AL
- Tractor Supply Company # 1987, Gardendale, AL
- Tri County Properties LLC dba Escambia Lawn Equipment Center, Atmore, AL

- 9) Mr. Montgomery moved to approve the twenty-one Class F Permit applications. Seconded by Mr. Parden, the ayes were unanimous.

A Class F-1 Permit application for Metro Gas LLC/Auburn, AL, Lafayette, AL was presented.

- 10) Mrs. Barnett moved to approve the Class F-1 Permit application for Metro Gas LLC/Auburn, AL, Lafayette, AL. Seconded by Mr. Parden, the ayes were unanimous.

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2016-09 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts for first offenses.

- 11) Mr. Parden moved to accept Settlement Agreement 2016-09. Seconded by Mrs. Barnett, the ayes were unanimous.

Settlement Agreement 2016-10 was presented for approval. The settlement agreement was based on board pre-approved settlement amounts for first offenses.

12) Mr. Montgomery moved to accept Settlement Agreement 2016-10. Seconded by Mr. Pilgreen, the ayes were unanimous.

Settlement Agreement 2016-11 was presented for approval. The settlement agreement was based on board pre-approved settlement amounts for first offenses.

13) Mrs. Barnett moved to accept Settlement Agreement 2016-11. Seconded by Mr. Montgomery, the ayes were unanimous.

Settlement Agreement 2016-13 was presented for approval. The settlement agreement was based on board pre-approved settlement amounts for first offenses.

14) Mr. Parden moved to accept Settlement Agreement 2016-13. Seconded by Mrs. Barnett, the ayes were unanimous.

Settlement Agreement 2016-14 (repeat offense) was presented by recusing Board Member Bill Montgomery.

15) Mr. Parden moved to accept Settlement Agreement 2016-14 (repeat offense). Seconded by Mr. Pilgreen, there were five ayes. (Barnett, Wright, Jones, Pilgreen, Parden voted aye. Mr. Montgomery abstained).

ADMINISTRATOR'S REPORT

The Administrator presented the following permits for cancellation:

- AGS Installations, Navarre, FL, Class C permit # 892, cancelled at company's request.
- All Seasons Heating & Air Conditioning, Huntsville, AL, Class C Permit # 747 cancelled at company's request.
- The Armory Commission of Alabama, Montgomery, AL, Class C Permit # 85, cancelled at company's request.
- Grand Rental Station, Inc., Florence, AL, Class F Permit # 288, cancelled due to lapse in insurance (6 months plus).
- Loftin's Bait Shop, Camden, AL, Class F permit # 480, sold and new permit issued to new owner in same name.

The Board's financial position was presented by the Administrator.

16) Mr. Parden moved to accept the *Administrator's Report* as presented. Seconded by Mrs. Barnett, the ayes were unanimous.

Date of the next board meeting is July 7, 2016.

17) Mrs. Barnett moved to pay the board members' expenses. Seconded by Mr. Parden, the ayes were unanimous.

On a motion by Mr. Montgomery and seconded by Mrs. Barnett, the meeting was adjourned at 11:09 a.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

P.O. BOX 1742
TELEPHONE (334) 241-8887
FAX (334) 240-3255

777 S. Lawrence Street, Suite 100
MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Hall's Propane / New Site
Permit "B-1" # 50
Code Violations

SETTLEMENT AGREEMENT 2016-09

Hall's Propane / New Site, AL (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent allowed employee of approximately six months to perform unsupervised work tasks prior to passing the Alabama Liquefied Petroleum Gas Board's *Code Familiarization Review Exam*.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits employee was allowed to perform unsupervised work tasks prior to passing the Alabama Liquefied Petroleum Gas Board's *Code Familiarization Review Exam* in violation of *Alabama Administrative Code 530-X-2-11*.

STIPULATED DISPOSITION

The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 700 to the Board within 30 days of the Board's acceptance of this agreement.
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to

forego the pursuit of its administrative remedies available under Alabama Law.

3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 4 day of February, 2016



Randy Hall, Respondent
Hall's Propane / New Site



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT



BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Amerigas Propane / Northport
Permit "B-1" # 285
Code Violations

SETTLEMENT AGREEMENT 2016-10

Amerigas Propane / Northport, AL (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent disconnected and moved another company's container and failed to leave it on a masonry foundation.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits disconnecting and moving another company's container and failing to leave it on a masonry foundation in violation of *Alabama Administrative Code 530-X-2-.16(b)(2)*.

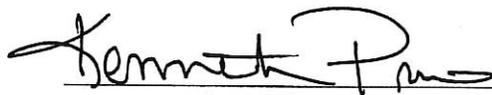
STIPULATED DISPOSITION

The Board and the Respondent agree that this action will be settled upon the following terms:

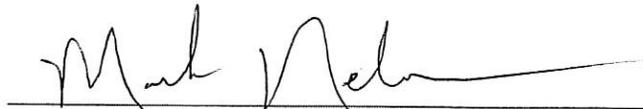
1. The Respondent agrees to remit a fine of \$ 325 to the Board within 30 days of the Board's acceptance of this agreement.
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its administrative remedies available under Alabama Law.

3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 28 day of JANUARY, 2016



Kenneth Prince, Respondent
Regional Manager
Amerigas Propane



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



W. MARK NELSON
ADMINISTRATOR

ALABAMA LIQUEFIED PETROLEUM GAS BOARD

P.O. BOX 1742
TELEPHONE (334) 241-8887
FAX (334) 240-3255
777 S. Lawrence Street, Suits 100
MONTGOMERY, ALABAMA 36102-1742



BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Atmore Appliance LLC / Atmore
Permit "F" # 332
Code Violations

SETTLEMENT AGREEMENT 2016-11

Atmore Appliance LLC / Atmore, AL (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent filled an out-of-date 20 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent failed to perform a visual inspection of the cylinder prior to filling (Offense #3).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits filling an out-of-date 20 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits filling a 20 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a).*
3. Respondent admits failing to perform a visual inspection on a 20 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.8.*

STIPULATED DISPOSITION

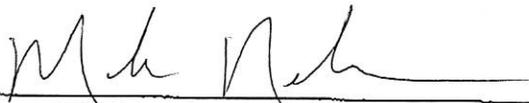
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 925 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to use scales \$450; Failure to perform visual inspection \$250*).
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its administrative remedies available under Alabama Law.
3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 9th day of February, 2016



Terrell H. Still, Sr., Respondent
Owner
Atmore Appliance LLC



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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MONTGOMERY, ALABAMA 36102-1742



W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Racine's Feed, Garden & Supply, Inc. / Robertsdale, AL
Permit "F" # 575
Code Violations

SETTLEMENT AGREEMENT 2016-13

Racine's Feed, Garden & Supply, Inc. / Robertsdale, AL (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent filled a 100 lb. cylinder without the use of scales (Offense #1). Respondent loaded the 100 lb. cylinder lying down in the customer's vehicle (Offense # 2).

STIPULATED CONCLUSIONS OF LAW

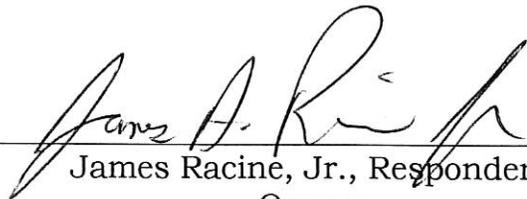
1. Respondent admits filling a 100 lb. cylinder without the proper use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
2. Respondent admits loading a 100 lb. cylinder in such a manner that the relief valve was not in communication with the vapor space in violation of *NFPA 58 (2011 Edition) 9.3.2.9*.

STIPULATED DISPOSITION

The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 850 to the Board within 30 days of the Board's acceptance of this agreement. (*Failure to use scales \$450; Failure to properly load a cylinder for transportation \$400*).
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its administrative remedies available under Alabama Law.
3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 7th day of MARCH, 2016



James Racine, Jr., Respondent
Owner
Racine's Feed, Garden & Supply, Inc.



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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P.O. BOX 1742
TELEPHONE (334) 241-8887
FAX (334) 240-3255
777 S. Lawrence Street, Suite 100
MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Camping World, Inc. / Calera, AL
Permit "F" # 246
Code Violations



SETTLEMENT AGREEMENT 2016-14

Camping World, Inc. / Calera, AL (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to ratification by the Alabama Liquefied Petroleum Gas Board (hereinafter referred to as "the Board") to the following:

STIPULATED FACTS

1. Respondent continued operation of a Class F propane dispenser even though none of the dispensing employees had completed the Alabama LP-Gas Board Cylinder & Motor Fuel Dispensing exam and practical evaluation. This was a repeat offense for this Class F permit holder.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits allowing employees to dispense propane that had not completed the required board exam and practical evaluation in violation of *Alabama Administrative Code 530-X-2-.11*.

STIPULATED DISPOSITION

The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 850 to the Board within 30 days of the Board's acceptance of this agreement.
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to

forego the pursuit of its administrative remedies available under Alabama Law.

3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 11th day of April, 2016



Melodie Waid, Respondent
General Manager
Camping World, Inc. / Calera



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board