

**Liquefied Petroleum Gas Board**  
**Minutes**  
**October 11<sup>th</sup>, 2012**

The Alabama Liquefied Petroleum Gas Board held its regular quarterly board meeting on October 11<sup>th</sup>, 2012 at 10:04 a.m. at 777 S. Lawrence Street, Montgomery, AL. Those in attendance were Chairman Wayne Caylor, Vice-Chairman Bob Reed, State Fire Marshal Ed Paulk, Benny Gay, Scott Lybarger, Board Members, Consumer Advocate Charlene Goolsby, Board Attorney Bill Garrett, Administrator Mark Nelson, Board Secretary Loretta V. Cook, Chief Inspector Tom Nuffer, and LPG Fees Secretary Rose Johnson. Guests present were Amber Bingham of Amerigas, Chuck Britton and Brian Yarmowich of NexAir, LLC, Janice Hamilton of Public Service Commission, Scott Fall of U-Haul, Chris Vines and Donnie Ridley of River City Propane, Mike Hafley of Blue Flame Sales & Service, Charlie Vawter of Automatic Gas, Ken Coker of Wan-Bon Gas, and Lisa Fountain of the Alabama Propane Gas Association. Board Member Darrel Calhoun and Public Safety Designee Lt. Todd Till were absent.

The Chairman called the meeting to order. The secretary called the roll confirming the presence of a quorum. Mr. Lybarger gave the invocation.

Chairman Caylor presented Administrator Mark Nelson a 15-year service pin in recognition of his service as a state employee.

The Chairman called for a motion to adopt the agenda.

(1) Mr. Paulk moved to adopt the agenda as presented. Seconded by Mr. Gay, the ayes were unanimous.

**MINUTES OF THE LAST MEETING**

The Chairman called for consideration of the minutes of the July 19<sup>th</sup>, 2012 meeting.

(2) Mr. Reed moved to approve the minutes of the July 19<sup>th</sup>, 2012 meeting as circulated. Seconded by Mr. Gay, the ayes were unanimous.

**OLD BUSINESS**

Administrator Nelson advised the Board that the Rules and Regulations committee continues to work on industry employee qualifications and testing. Industrial Training Service is developing potential examinations for the Board's review and will submit a proposal to the committee by November 15<sup>th</sup>.

**NEW BUSINESS**

The Administrator presented a request from Attorney Colbrook Baddour on behalf of Chiles Propane, Gas, LLC for a variance to Code 9-17-107(a) that requires a minimum 30,000 gallon storage capacity for Class A permit applicants. After a discussion, the following motion was made:

(3) Mr. Paulk moved to deny the request for variance to Code 9-17-107 (a). Seconded by Mr. Lybarger, the ayes were unanimous.

The Administrator presented a petition for adoption to amend *Alabama Administrative Code 530-X-2.06 Storage and Handling of Liquefied Petroleum Gas Codes*. After a discussion, the following motion was made:

- (4) Mr. Paulk moved to begin the rule-making process to amend *Alabama Administrative Code 530-X-2.-06 Storage and Handling of Liquefied Petroleum Gas Codes*. Seconded by Mr. Reed, the ayes were unanimous.

The Administrator presented the proposed legislative actions for the 2013 Regular Legislative Session of the Alabama Legislature. After a discussion the following motion was made:

- (5) Mr. Paulk moved to proceed with the legislative changes as amended. Seconded by Mr. Reed, the ayes were unanimous.

A Class B Permit application for Suburban Propane, L.P., Whippany, NJ was presented to the Board.

- (6) Mr. Paulk moved to approve the Class B Permit application for Suburban Propane, L.P., Whippany, NJ. Seconded by Mr. Gay, the ayes were unanimous.

Four Class B-1 Permit applications were presented to the Board:

- (a) Central Propane, LLC, Albertville, AL
- (b) Central Propane, LLC, Gurley, AL
- (c) Central Propane, LLC, Hazel Green, AL
- (d) Central Propane, LLC, Rainsville, AL

- (7) Mr. Reed moved to approve the four Class B-1 Permit applications as presented. Seconded by Mr. Paulk, the ayes were unanimous.

A Class B-1 Permit application for Parden Propane, LLC, Citronelle, AL was presented to the Board.

- (8) Mr. Paulk moved to approve the Class B-1 Permit application for Parden Propane, LLC, Citronelle, AL. Seconded by Mrs. Goolsby, the ayes were unanimous.

A Class B-1 Permit application for River City Propane, LLC, Centre, AL was presented to the Board.

- (9) Mr. Lybarger moved to approve the Class B-1 Permit application for River City Propane, LLC, Centre, AL. Seconded by Mr. Paulk, the ayes were unanimous.

A Class C Permit application for Blue Flame Sales & Service, Prattville, AL was presented to the Board.

- (10) Mr. Paulk moved to approve the Class C Permit application for Blue Flame Sales & Service, Prattville, AL. Seconded by Mr. Reed, there were four ayes and one abstention. (Paulk, Goolsby, Reed and Gay voted aye. Lybarger abstained)

A Class C Permit application for Diamond Plumbing & Remodeling, Arab, AL was presented to the Board.

- (11) Mr. Paulk moved to approve the Class C Permit application for Diamond Plumbing & Remodeling, Arab, AL. Seconded by Mr. Reed, the ayes were unanimous.

A Class F-1 Permit application for Nealco Products, Inc., Gadsden, AL was presented to the Board.

- (12) Mr. Reed moved to approve the Class F-1 Permit Application for Nealco Products, Inc., Gadsden, AL. Seconded by Mr. Paulk, the ayes were unanimous.

Four Class F-1 Permit applications were presented to the Board.

- (a) Wesco Gas & Welding Supply, Inc., Brewton, AL
- (b) Wesco Gas & Welding Supply, Inc., Foley, AL
- (c) Wesco Gas & Welding Supply, Inc., Theodore, AL
- (d) Wesco Gas & Welding Supply, Inc., Thomasville, AL

(13) Mr. Paulk moved to approve the four Class F-1 Permit Applications for Wesco Gas & Welding Supply, Inc. Seconded by Mr. Reed, the ayes were unanimous.

#### **CODE VIOLATION SETTLEMENT AGREEMENTS**

Settlement Agreement 2012-12 for code violations by a permit holder was presented by recusing board member Ed Paulk. After a discussion the following motion was made:

(14) Mr. Lybarger moved to accept Settlement Agreement 2012-12 for code violations as presented. Seconded by Mr. Reed, there were four ayes. (Lybarger, Reed, Goolsby, Gay voted aye. Mr. Paulk abstained.)

Settlement Agreement 2012-13 for code violations was presented by recusing board member Scott Lybarger. After a discussion the following motion was made:

(15) Mr. Paulk moved to accept Settlement Agreement 2012-13 for code violations as presented. Seconded by Mr. Reed, there were four ayes. (Paulk, Goolsby, Reed, Gay voted aye. Mr. Lybarger abstained.)

Settlement Agreement 2012-14 for code violations was presented by recusing board member Bob Reed. After a discussion the following motion was made:

(16) Mr. Paulk moved to accept Settlement Agreement 2012-14 for code violations as presented. Seconded by Mr. Lybarger, there were four ayes. (Paulk, Goolsby, Gay Lybarger voted aye. Mr. Reed abstained.)

Settlement Agreement 2012-15 for code violations was presented by recusing board member Bob Reed. After a discussion the following motion was made:

(17) Mr. Lybarger moved to accept Settlement Agreement 2012-15 for code violations as presented. Seconded by Mrs. Goolsby there were four ayes. (Paulk, Goolsby, Lybarger, Gay voted aye. Mr. Reed abstained.)

Settlement Agreement 2012-16 was presented by recusing board member Bob Reed. After a discussion the following motion was made:

(18) Mr. Paulk moved to accept Settlement Agreement 2012-16 as presented. Seconded by Mrs. Goolsby, there were four ayes. (Paulk, Goolsby, Gay, Lybarger voted aye. Mr. Reed abstained.)

Settlement Agreement 2012-17 was presented by recusing board member Scott Lybarger. After a discussion the following motion was made:

(19) Mr. Paulk moved to accept Settlement Agreement 2012-17 as presented. Seconded by Mrs. Goolsby, there were four ayes. (Paulk, Goolsby, Gay, Reed, voted aye. Mr. Lybarger abstained.)

Settlement Agree 2012-18 was presented by recusing board member Bob Reed. After a discussion the following motion was made:

(20) Mr. Paulk moved to accept Settlement Agreement 2012-18 as presented. Seconded by Mr. Lybarger, there were four ayes. (Paulk, Goolsby, Gay, Lybarger voted aye. Mr. Reed abstained.)

The FY 2014 budget request for LP Gas Board Regulatory Services in the amount of \$1,605,353 and Research Education Advisory Committee in the amount of \$250,000 was presented to the Board. After a discussion the following motion was made:

(21) Mr. Paulk moved to approve the LP Gas Board FY 2014 Budget request for \$1,605,353 and \$250,000 for REAC. Seconded by Mr. Reed, the ayes were unanimous.

### **ADMINISTRATOR'S REPORT**

The Administrator presented the following permits to the board for cancellation:

Fletcher Smith Butane, Citronelle, AL, Class A Permit No. 12, cancelled effective September 30, 2012. Parden LP Gas & Service Co., Inc., acquired company's assets August 1, 2012.

Fletcher Smith Butane, Mt. Vernon, AL, Class B-1 Permit No. 236 cancelled effective September 30, 2012. Parden LP Gas & Service Co., Inc., acquired company's assets August 1, 2012.

Conoco Phillips Company, Bartlesville, OK, Class B Permit No. 204 cancelled effective July 31, 2012 at the company's request.

Gateway Pump & Meter, Inc., Lake City, FL, Class C-2 Permit application cancelled effective July 30, 2012. Company failed to complete statutory requirements.

The Board's financial position was presented to the Board.

(22) Mr. Gay moved to accept the Administrator's Report as presented. Seconded by Mr. Paulk, the ayes were unanimous.

Date of the next board meeting is January 10<sup>th</sup>, 2013.

(23) Mr. Paulk moved to pay the board members' expenses. Seconded by Mr. Gay, the ayes were unanimous.

The meeting was adjourned at 11:20 a.m.



**ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

P.O. BOX 1742  
TELEPHONE (334) 242-5649  
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:

Suburban Gas Propane Partners, LLC dba Cooperative Propane / Ozark  
Code Violations

**SETTLEMENT AGREEMENT 2012-12**

Suburban Gas Propane Partners, LLC dba Cooperative Propane / Ozark (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. Coffee County Farmers' Cooperative, operator of a propane cylinder filling station under the Class "B-1" Permit #588 issued to Respondent (hereinafter "Coffee County") attempted to fill an out-of-date 40 lb. cylinder without using the scales to properly fill by weight.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits Coffee County attempted to fill an out-of-date cylinder in violation of *NFPA 58 (1998 Edition)* § 4-2.2.4.
2. Respondent admits Coffee County failed to use the provided scales to fill the cylinder by weight in violation of *Alabama Administrative Code 530-X-2-.04(a)*.

STIPULATED DISPOSITION

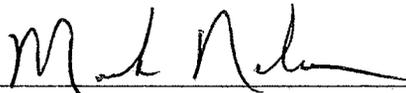
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 700 to the Board within 30 days of the Board's acceptance of this agreement (\$500 scales violation; \$200 out-of-date cylinder violation).
2. The Respondent shall be placed on probation under its Class "B-1" Permit # 588 which probation shall expire one (1) year from the date of this Agreement or upon the issuance by the Board of a Class F permit to Coffee County. During the period of probation, any violation of a Board statute, rule, or regulation will subject said permit to the Board's full pursuit of administrative remedies available under Alabama Law.
3. 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.
4. 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.
5. 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.
6. 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 8<sup>th</sup> day of August, 2012



Donald Tetreault, Regional Mgr.  
Suburban Gas Propane Partners, LLC  
Dba Cooperative Propane



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



**ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

P.O. BOX 1742  
TELEPHONE (334) 242-5649  
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:

Suburban Gas Propane Partners, LLC dba Thompson Gas Southeast/Gadsden  
Code Violations

---

**SETTLEMENT AGREEMENT 2012-13**

---

Suburban Gas Propane Partners, LLC dba Thompson Gas Southeast/Gadsden (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. Unlimited Mobile Home/Cullman, operator of a propane cylinder filling station under the Class "B-1" Permit #504 issued to Respondent (hereinafter "United Mobile Home/Cullman") attempted to fill an out-of-date 100 lb. cylinder.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits Unlimited Mobile Home/Cullman attempted to fill an out-of-date cylinder in violation of *NFPA 58 (1998 Edition)* § 4-2.2.4.

STIPULATED DISPOSITION

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

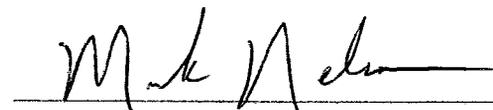
1. The Respondent agrees to remit a fine of \$ 175 to the Board within 30 days of the Board's acceptance of this agreement.

2. The Respondent shall be placed on probation under its Class "B-1" Permit # 504 which probation shall expire one (1) year from the date of this Agreement or upon the issuance by the Board of a Class F permit to Unlimited Mobile Home/Cullman. During the period of probation, any violation of a Board statute, rule, or regulation will subject said permit to the Board's full pursuit of administrative remedies available under Alabama Law.
3. 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.
4. 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.
5. 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.
6. 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 8<sup>th</sup> day of August, 2012



Donald Tetreault, Regional Mgr.  
Suburban Gas Propane Partners, LLC  
Dba Thompson Gas Southeast



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

P.O. BOX 1742  
TELEPHONE (334) 242-5649  
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:

Amerigas / New Brockton, AL B-1 Permit # 582

---

### **SETTLEMENT AGREEMENT 2012-14**

---

Amerigas / New Brockton, Alabama (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

Respondent's employee, Richie Bedsole, improperly re-qualified and filled two 100# cylinders.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits to improperly re-qualifying two 100# cylinders in violation of NFPA 58 (1998 Edition) § 2-2.1.5. (*2 offenses*)
2. Respondent admits to filling two 100# cylinders without verifying they complied with the design, fabrication, inspection, marking, and requalification provisions in violation of *NFPA 58 (1998 Edition) § 4-2.2.4. (2 Offenses)*

#### 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 \$1000 (*\$250 per offense*) to the Board within 30 days of the Board's acceptance of this agreement.

2. The Respondent agrees to serve a one-year probation of Class "B-1" Permit # 582, during which time any violation of a Board statute, rule, or regulation will subject said permit to the Board's full pursuit of administrative remedies available under Alabama Law.
3. 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.
4. 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.
5. 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.
6. 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 10<sup>th</sup> day of October, 2012



Joe Rosengrant  
Amerigas



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

P.O. BOX 1742  
TELEPHONE (334) 242-5649  
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:

Amerigas / Jasper, AL B-1 Permit # 283

---

#### **SETTLEMENT AGREEMENT 2012-15**

---

Amerigas / Jasper, Alabama (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

Respondent operated Bobtail Truck #8284 while under condemned status (Red Tag #6758 issued June 21, 2011). Respondent also operated a motor vehicle that is propelled by LP-Gas over the highways of this state without an Alabama LP-Gas Board Motor Fuel Decal.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits to operating a delivery truck that was "red-tagged" by the Board in violation of *Code of Alabama § 9-17-100(12)*.
2. Respondent admits failure to obtain an annual motor fuel decal from the Board in violation of *Code of Alabama § 40-17-161(a)*.

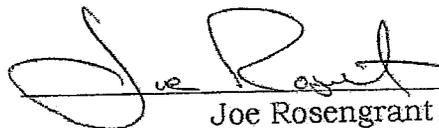
#### STIPULATED DISPOSITION

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 \$2000 (*\$1000 per offense*) to the Board within 30 days of the Board's acceptance of this agreement.

2. The Respondent agrees to serve a one-year probation of Class "B-1" Permit # 283, during which time any violation of a Board statute, rule, or regulation will subject said permit to the Board's full pursuit of administrative remedies available under Alabama Law.
3. 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.
4. 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.
5. 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.
6. 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 10<sup>th</sup> day of October, 2012



Joe Rosengrant  
Amerigas



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

P.O. BOX 1742  
TELEPHONE (334) 242-5649  
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:

Amerigas / Cullman, AL B-1 Permit # 294

---

### **SETTLEMENT AGREEMENT 2012-16**

---

Amerigas / Cullman, Alabama (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's agent, Manny's Propane Sales & Service (hereinafter referred to as Respondent Agent #1), attempted to fill an out-of-date 20 lb. cylinder.
2. Respondent's agent, Hopper's Building Supply (hereinafter referred to as Respondent Agent #2), attempted to fill an out-of-date 20 lb. cylinder.
3. Respondent's agent, Tractor Supply # 434 (hereinafter referred to as Respondent Agent #3), attempted to fill an out-of-date 100 lb. cylinder without using the scales.
4. Respondent's agent, Moore's Pure (hereinafter referred to as Respondent Agent #4), attempted to fill an out-of-date 100 lb. cylinder without properly using the scales.
5. Respondent's agent, Regal Marine LLC (hereinafter referred to as Respondent Agent #5), attempted to fill an out-of-date 100 lb. cylinder without using the scales.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits Respondent Agents #1, #2, #3, #4, & #5 attempted to fill an out-of-date cylinder in violation of *NFPA 58 (1998 Edition)* § 4-2.2.4. (5 Offenses)

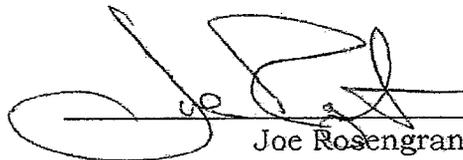
2. Respondent admits Respondent Agents #3, #4, & #5 failed to properly use the scales when attempting to fill cylinders in violation of *Alabama Administrative Code 530-X-2-.04(a)*. (3 Offenses)

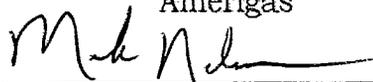
STIPULATED DISPOSITION

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 \$1900 to the Board within 30 days of the Board's acceptance of this agreement.
2. The Respondent agrees to serve a 6-month probation of Class "B-1" Permit # 294, during which time any violation of a Board statute, rule, or regulation will subject said permit to the Board's full pursuit of administrative remedies available under Alabama Law.
3. 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.
4. 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.
5. 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.
6. 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 10<sup>th</sup> day of October, 2012

  
\_\_\_\_\_  
Joe Rosengrant  
Amerigas

  
\_\_\_\_\_  
Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



**ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

P.O. BOX 1742  
TELEPHONE (334) 242-6849  
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:

Energy Propane LLC dba Dowdle Gas / Montgomery B-1 #486  
Code Violations

---

**SETTLEMENT AGREEMENT 2012-17**

---

Energy Propane LLC dba Dowdle Gas / Montgomery (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. The Pit Stop (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class B-1 permit #486 issued to Respondent, attempted to fill an out-of-date 100 lb. cylinder (Offense #1) while it was lying in the back of a pickup truck without the use of scales (Offense #2).

STIPULATED CONCLUSIONS OF LAW

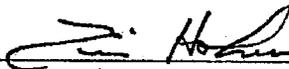
1. Respondent admits that Respondent's agent attempted to fill an out-of-date 100 lb. cylinder in violation of *NFPA 58 (1998 Edition) 4-2.2.4.*
2. Respondent admits that Respondent's agent attempted to fill a 100 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2.04(a).*

STIPULATED DISPOSITION

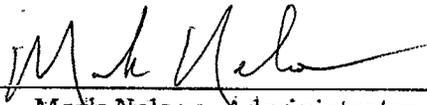
The Board and the Respondent agree that this action will be settled upon the following terms:

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. The Respondent agrees to serve a one-year probation of Class "B-1" Permit #486, during which time any violation of a Board statute, rule, or regulation will subject said permit to the Board's full pursuit of administrative remedies available under Alabama Law.
3. 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.
4. 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.
5. 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.
6. 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 24 day of September, 2012



\_\_\_\_\_  
 Tim Holmes, Respondent  
 Director of Fleet and Safety  
 Inergy Propane, LLC



\_\_\_\_\_  
 Mark Nelson, Administrator  
 Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

P.O. BOX 1742

TELEPHONE (334) 242-5649

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:

Heritage Operating LP dba Heritage Propane / Centre, AL  
Class "A" Permit # 68  
Code Violations

---

#### **SETTLEMENT AGREEMENT 2012-18**

---

Heritage Operating LP dba Heritage Propane / Centre (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. Coast Gas of Loretto, Tennessee (hereinafter referred to as Respondent's affiliate), an out-of-state affiliate of the Respondent, installed a tank in Alabama without a permit from the Board to operate in Alabama.
2. Respondent's affiliate replaced another company's container at a residential installation and failed to leave the other company's container on a firm masonry foundation.
3. Respondent's affiliate disconnected and replaced another company's container at a residential installation and failed to cap the outlet of the container belonging to the other company.
4. Respondent's affiliate extracted gas from another company's tank without their written authorization.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that Respondent's affiliate performed LP-Gas work in Alabama without a permit in violation of *Code of Alabama § 9-17-105(b)*.
2. Respondent admits that Respondent's affiliate replaced another company's container at a residential installation and failed to leave the other company's container on a firm masonry foundation in violation of *Alabama Administrative Code 530-X-2-.16(b)(2)*.

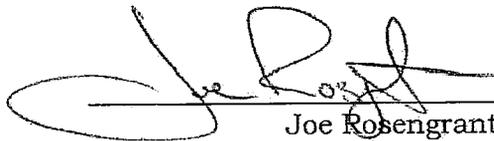
3. Respondent admits that Respondent's affiliate disconnected and replaced another company's container at a residential installation and failed to cap the outlet of the container belonging to the other company in violation of *Alabama Administrative Code 530-X-2-.16(b)(1)*.
4. Respondent admits that Respondent's affiliate extracted gas from another company's tank without their written authorization in violation of *Alabama Administrative Code 530-X-2-.16(c)*.

STIPULATED DISPOSITION

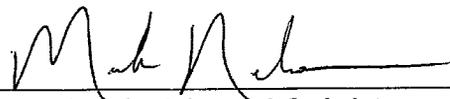
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 3,750 to the Board within 30 days of the Board's acceptance of this agreement
2. The Respondent agrees to serve a one-year probation of Class "A" Permit #68, during which time any violation of a Board statute, rule, or regulation will subject said permit to the Board's full pursuit of administrative remedies available under Alabama Law.
3. 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.
4. 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.
5. 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.
6. 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 10<sup>th</sup> day of October, 2012



Joe Rosengrant  
Heritage Operating LP dba  
Heritage Propane / Centre



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board