

**Liquefied Petroleum Gas Board**  
**Minutes**  
**April 13, 2017**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on April 13, 2017 at 10:00 a.m. at the Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Benny Gay, Vice-Chairman Bill Montgomery, Larry Parden, Dickie Ferguson, State Fire Marshal Scott Pilgreen, Public Safety Designee Lt. Will Wright, Consumer Advocate Elizabeth Barnett and Attorney Jack Wallace of the Attorney General's Office.

Members absent: Public Service Commission Designee Wallace Jones and Board Attorney Matt Bledsoe.

With a quorum present, the Chairman called the meeting to order and gave the invocation.

The Chairman called for a motion to adopt the agenda.

(1) Mr. Parden moved to adopt the agenda. Seconded by Montgomery, the ayes were unanimous.

*Copies of meeting packages supplied to board members 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 12, 2017 meeting.

(2) Mr. Montgomery moved to approve the minutes of the January 12, 2017 meeting. Seconded by Mr. Parden, the ayes were unanimous.

**OLD BUSINESS**

The Administrator gave an update on *Administrative Code 530-X-2-.11 Employee Competency Requirements* that went into effect April 3, 2017.

**NEW BUSINESS**

Three Class B Permit applications were presented.

- Robert Roark dba Robert Trucking, Carmi IL
- Shell Trading (US) Company, Houston, TX
- Willingham Welding Solutions, Inc. dba Gas Innovations, La Porte, TX

(3) Mr. Parden moved to approve the three Class B Permit applications. Seconded by Mrs. Barnett, the ayes were unanimous.

Three Class C Permit applications were presented.

- Malloy Auto Supply, Inc., dba Runaway RV, Dothan, AL
- R & R Plumbing Services, LLC, Tallassee, AL
- Strickler Imports LLC dba RV's Unlimited, Robertsdale AL

(4) Mr. Ferguson moved to approve the three Class C Permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

A Class D Permit application for Willingham Welding Solutions, Inc., dba Gas Innovations, La Porte, TX was presented.

(5) Mr. Montgomery moved to approve the Class D Permit application for Willingham Welding Solutions, Inc., dba Gas Innovations. Seconded by Mr. Pilgreen, the ayes were unanimous.

Nine Class F Permit applications were presented.

- Adair Filling Service LLC, Gardendale, AL
- Capital City Ace Hardware LLC, Montgomery, AL
- Country Feed & Seed LLC, Scottsboro, AL
- Creola Hardware & Lumber LLC, Creola, AL
- Fiddlesticks LLC, Birmingham, AL
- Love's Travel Stop 381, Falkville, AL
- Loxley Auto Parts, Inc., Loxley, AL
- Russell Super Market, Inc., dba Curry Ace Hardware, Jasper, AL
- Taleecon Farmers Co-Op dba Elmore County Farmers Co-Op, Wetumpka, AL

(6) Mr. Montgomery moved to approve the nine Class F Permit applications. Seconded by Mrs. Barnett, the ayes were unanimous.

A Class F-1 Permit application for Southern Gas & Supply of Birmingham, LLC, Anniston, AL was presented.

(7) Mr. Parden moved to approve the Class F-1 Permit application for Southern Gas & Supply of Birmingham, LLC. Seconded by Mr. Ferguson, the ayes were unanimous.

### **CODE VIOLATION SETTLEMENT AGREEMENTS**

Settlement Agreement 2017-03 for code violations was presented for approval.

(8) Mrs. Barnett moved to accept Settlement Agreement 2017-03. Seconded by Mr. Parden, the ayes were unanimous.

Settlement Agreement 2017-06 for code violations was presented for approval.

(9) Mr. Montgomery moved to accept Settlement Agreement 2017-06. Seconded by Mrs. Barnett, the ayes were unanimous.

Settlement Agreement 2017-07 for code violations was presented for approval.

(10) Mr. Montgomery moved to accept Settlement Agreement 2017-07. Seconded by Mr. Ferguson, the ayes were unanimous.

Settlement Agreement 2017-08 for code violations was presented for approval.

(11) Mrs. Barnett moved to accept Settlement Agreement 2017-08. Seconded by Mr. Ferguson, the ayes were unanimous.

Settlement Agreement 2017-10 for code violations was presented for approval.

(12) Mr. Montgomery moved to accept Settlement Agreement 2017-10. Seconded by Mr. Parden, the ayes were unanimous.

Settlement Agreement 2017-12 for code violations was presented for approval.

(13) Mrs. Barnett moved to accept Settlement Agreement 2017-12. Seconded by Mr. Montgomery, the ayes were unanimous.

Settlement Agreement 2017-13 for code violations was presented by recusing board member Bill Montgomery.

(14) Mr. Parden moved to accept Settlement Agreement 2017-13. Seconded by Mr. Ferguson, there were five ayes. (Barnett, Ferguson, Parden, Pilgreen and Wright voted aye. Montgomery abstained.)

Settlement Agreement 2017-14 for code violations was presented for approval.

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

#### **ADMINISTRATOR'S REPORT**

The Administrator presented the following permits for cancellation:

- Compton Transport LLC, Demopolis, AL, Class B Permit No. 626 cancelled effective September 30, 2016. Failed to remit renewal fees.
- Connect Transport LLC, The Woodlands, TX, Class B Permit No. 647 cancelled effective September 30, 2016. Failed to remit renewal fees.
- Murphy Energy Corporation, The Woodlands, TX, Class B Permit No. 648 cancelled effective September 30, 2016. Failed to remit renewal fees
- Simple Service LLC, Trussville, AL, Class C Permit 915 cancelled effective December 31, 2016. Failed to remit renewal fees.
- Wallace Heating & Air Conditioning, Munford, AL, Class C Permit #936 cancelled effective December 31, 2016 at company's request.
- Beeswax Bait & Grocery, Inc., Columbiana, AL, Class F Permit #255 cancelled because business sold and new owner is no longer performing LP-Gas activities.
- CMAC Services of Alabama, Fairhope, AL, Class F Permit #450 cancelled effective February 27, 2017 at company's request.
- Durham Service Company, Inc., Owens Cross Roads, AL, Class F Permit No. 644 cancelled effective March 29, 2017 at company's request.
- Southern Grocers LLC, Geneva, AL, Class F Permit No. 631 cancelled effective June 2016. Failure to provide proof of current insurance and remit renewal fees.

- Tri County Properties dba Escambia Lawn Equipment, Atmore, AL, Class F Permit No. 646 cancelled effective March 15, 2017 at company's request.

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

Mr. Parden moved to accept the Administrator's Report as presented. Seconded by Mr. Montgomery, the ayes were unanimous.

A representative of Viega LLC, Mr. Russell Olive, addressed the board to provide product information on press-connect fittings for use with metallic piping. Press-connect fittings for metallic piping are currently being considered by the NFPA 54 national committee with a vote and final decision coming June 2017. Pending the decision of the national committee, the Alabama LP Gas Board will consider approval for use in Alabama at the July 6, 2017 quarterly meeting.

Date of the next board meeting is July 6, 2017.

(16) Mr. Parden moved to pay the board members' expenses. Seconded by Mr. Montgomery, the ayes were unanimous.

The meeting was adjourned at 11:00 a.m.



# ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

TELEPHONE (334) 241-8887

FAX (334) 240-3255

P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

LORETTA VEASLEY COOK  
EXECUTIVE ASSISTANT

## BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Petro Nation, Inc. / Lincoln  
Permit "F" # 610  
Code Violations

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### SETTLEMENT AGREEMENT 2017-03

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Petro Nation, Inc. / Lincoln, 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 attempted to fill an out-of-date propane forklift cylinder (Offense #1) without first removing a cylinder sleeve and performing a visual inspection (Offense #2) and without the use of scales (Offense #3). The offender had not been trained to fill cylinders (Offense #4) and had not passed the Alabama LP-Gas Board's *Code Familiarization Review Exam* prior to working unsupervised (Offense #5).

#### STIPULATED CONCLUSIONS OF LAW

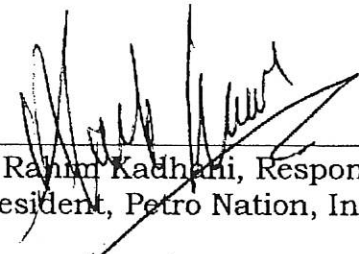
1. Respondent admits attempting to fill an out-of-date propane forklift cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent admits failing to remove a cylinder sleeve and performing a visual inspection on a propane forklift cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.
3. Respondent failed to use scales when attempting to fill a propane forklift cylinder in violation of *Alabama Administrative Code 530-X-2-.04*.
4. Respondent admits that the offending employee had not been trained to fill cylinders in violation of *NFPA 58 (2011 Edition) 7.2.2.1*.
5. Respondent admits that the offending employee had not completed and passed the Alabama LP-Gas Board's *Code Familiarization Review Exam* and a practical evaluation before working unsupervised 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 \$ 1825 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to remove sleeve and perform visual inspection \$250; Failure to use scales \$450; Untrained employee \$200; and Failure to complete board exam and practical before working unsupervised \$700*).
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 3 day of MARCH, 2017

  
\_\_\_\_\_  
Abdul Rahim Kadhani, Respondent  
President, Petro Nation, Inc.

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



# ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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W. MARK NELSON  
ADMINISTRATOR

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Kenan Transport LLC / North Canton, OH  
Permit "B" # 664  
Code Violations

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## SETTLEMENT AGREEMENT 2017-06

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Kenan Transport LLC / North Canton, OH (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 overfilled a bulk storage container while unloading a propane transport and failed to ensure that excess product was removed from the overfilled container.

### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits overfilling a bulk storage container while unloading a propane transport and failing to ensure excess product was removed in violation of *NFPA 58 (2011 Edition) 7.4.2.3*.

### 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 \$ 500 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

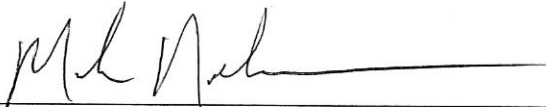
forego the pursuit of its administrative remedies available under Alabama Law.

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 27 day of January, 2017



Brian Wymer ~~Dennis Nash~~, Respondent  
~~CEO~~ Director, Risk Management  
Kenan Transport LLC / Canton, OH



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:

Bitco, Inc. / Columbiana, AL  
Permit "F" # 251  
Code Violations



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## SETTLEMENT AGREEMENT 2017-07

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Bitco, Inc. / Columbiana, 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 attempted to fill an out-of-date 5 lb. cylinder (Offense #1) without performing a visual inspection on the cylinder (Offense #2) and without having first passed the required board exam and practical evaluation (Offense #3).

### STIPULATED CONCLUSIONS OF LAW

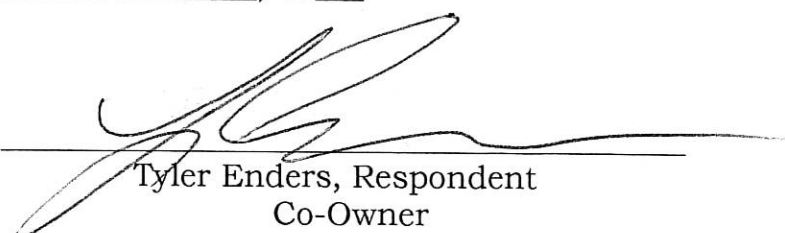
1. Respondent admits filling an out-of-date 5 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits failing to remove a sleeve to perform a visual inspection on a 5 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9.*
3. Respondent admits employee attempting to fill the cylinder unsupervised had not completed the board's examan practical evaluation in violation of *Alabama Administrative Code 530-X-2-.11.*

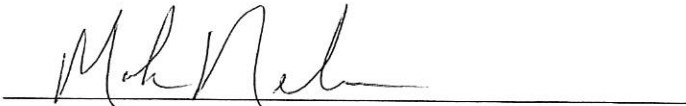
## STIPULATED DISPOSITION

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 \$ 1,175 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to perform visual inspection \$250; Employee filling cylinder unsupervised prior to passing board exam and practical evaluation \$700.*)
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 20 day of Jan., 2017

  
Tyler Enders, Respondent  
Co-Owner  
Bitco, Inc.

  
Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



# ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR



BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Robertsdale Feed, Seed & Supply, Inc./ Robertsdale, AL  
Permit "F" # 584  
Code Violations

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## SETTLEMENT AGREEMENT 2017-08

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Robertsdale Feed, Seed & 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 attempted to fill an out-of-date 33 lb. cylinder (Offense #1) without removing a sleeve to perform a visual inspection on the cylinder (Offense #2).

### STIPULATED CONCLUSIONS OF LAW

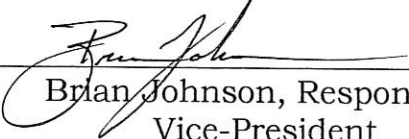
1. Respondent admits attempting to fill an out-of-date 33 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*. This was a repeat violation (See *Settlement Agreement 2015-01*)
2. Respondent admits failing to remove a sleeve to perform a visual inspection on a 33 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.

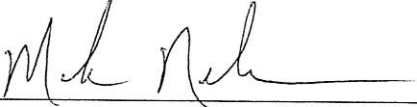
## STIPULATED DISPOSITION

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 \$ 550 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$300; 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 20<sup>th</sup> day of January, 2017

  
\_\_\_\_\_  
Brian Johnson, Respondent  
Vice-President  
Robertsdale Feed, Seed & Supply, Inc.

  
\_\_\_\_\_  
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:

River City Propane LLC / Piedmont, AL  
Permit "A" # 283  
Code Violations

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**SETTLEMENT AGREEMENT 2017-10**

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River City Propane LLC in Piedmont, 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 failed to report an incident involving fire and/or explosion at a consumer residence and subsequently repaired a portion of the gas system following the incident.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits failure reporting an incident in violation of *Alabama Administrative Code 530-X-2-.05(1)(a)*.

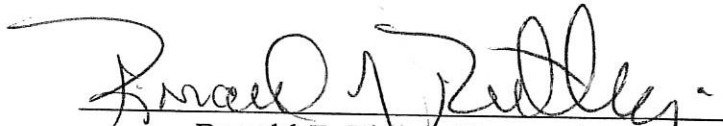
STIPULATED DISPOSITION

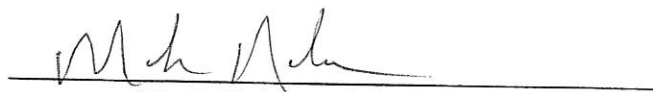
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 1000 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 3 day of April, 2017

  
\_\_\_\_\_  
Ronald T. Ridley, Respondent  
Owner  
River City Propane LLC

  
\_\_\_\_\_  
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:

Ala-Tenn Propane dba Bear Creek Propane Gas / Phil Campbell, AL  
Permit "B-1" # 434  
Code Violations

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### **SETTLEMENT AGREEMENT 2017-12**

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Ala-Tenn Propane dba Bear Creek Propane Gas in Phil Campbell, 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 extracted propane from three containers owned by another company without permission or written authorization (Offenses 1 – 3).

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits extracting propane from another company's tank without permission or 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 \$ 3000 (\$1000 for each offense) 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, including Ala. Code § 9-17-108(b).

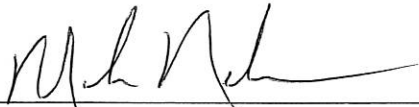
3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. 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 24<sup>th</sup> day of February, 2017



Eric Small, Respondent  
President

Ala-Tenn Propane dba Bear Creek Propane Gas



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board







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ADMINISTRATOR

LORETTA VEASLEY COOK  
EXECUTIVE ASSISTANT

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Consolidated Ace of Dothan, Inc. / Dothan, AL  
Permit "F" # 290  
Code Violations



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## SETTLEMENT AGREEMENT 2017-13

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Consolidated Ace of Dothan, Inc. / Dothan, 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's employee was filling propane cylinders prior to passing a practical evaluation by a Board inspector.

### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits an employee was filling cylinders prior to passing a practical evaluation by a Board inspector 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 \$ 250 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 20<sup>th</sup> day of March, 2017



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Willie Betts III, Respondent  
Vice-President  
Consolidated Ace of Dothan, Inc.



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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:

Shree Krishna Enterprises LLC / Bay Minette  
Permit "F" # 386  
Code Violations

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### SETTLEMENT AGREEMENT 2017-14

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Shree Krishna Enterprises LLC / Bay Minette, 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 attempted to fill an out-of-date 100 lb. propane cylinder (Offense #1) without first performing a visual inspection (Offense #2) and without the use of scales (Offense #3). The 100 lb. cylinder was also filled for horizontal transportation because the transport vehicle could not haul in a vertical position (Offense #4).

#### STIPULATED CONCLUSIONS OF LAW

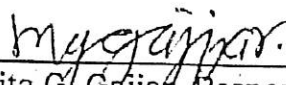
1. Respondent admits attempting to fill an out-of-date 100 lb. propane cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent admits failing to perform a visual inspection on a 100 lb. propane cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.
3. Respondent admits failing to use scales when attempting to fill a 100 lb. propane cylinder in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
4. Respondent admits that the vehicle used to transport the 100 lb. cylinder would not allow for upright transportation in violation of *NFPA 58 (2011 Edition) 9.3.2.9* and *Alabama Administrative Code 530-X-2-.04(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 \$ 1325 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to perform visual inspection \$250; Failure to use scales \$450; Horizontal transportation of 100 lb. cylinder \$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 27 day of March, 2017

  
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Mikita G. Gajjar, Respondent  
Owner  
Shree Krishna Enterprises LLC

  
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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board

