

**Alabama Liquefied Petroleum Gas Board**  
**Minutes**  
**October 12, 2017**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on October 12, 2017 at 10:00 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Benny Gay, Vice-Chairman Bill Montgomery, Larry Parden, State Fire Marshal Scott Pilgreen, Dickie Ferguson, Public Safety Designee Lt. Will Wright, Public Service Commission Designee Wallace Jones, Attorney Matt Bledsoe of Attorney General's Office.

Member Absent: Consumer Advocate Elizabeth Barnett.

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) Mr. Montgomery moved to adopt the agenda. Seconded by Mr. Jones, 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 July 6, 2017 meeting.

- 2) Mr. Parden moved to approve the minutes of the July 6, 2017 meeting. Seconded by Mr. Ferguson, the ayes were unanimous.

**NEW BUSINESS**

A Class A Permit application for Fair Propane Gas Systems, Inc., Louisville MS was presented.

- 3) Mr. Parden moved to approve the Class A Permit application for Fair Propane Gas Systems, Inc., Louisville, MS. Seconded by Mr. Pilgreen, the ayes were unanimous.

A Class A Permit application for Jet Gas, Inc., dba Mighty Flame, Clyde, NY was presented.

- 4) Mr. Parden moved to approve the Class A Permit application for Jet Gas, Inc., dba Mighty Flame, Clyde, NY. Seconded by Mr. Ferguson, the ayes were unanimous.

Chairman Gay yielded the Chair to Vice-Chairman Montgomery who presented six Class B-1 Permit applications:(Chairman Gay yielded the Chair position due to conflict of interest. Suburban Gas Propane Partners LLC dba Thompson Gas is his employer.)

- Suburban Gas Propane Partners LLC dba Thompson Gas, Tuscumbia, AL
- Suburban Gas Propane Partners LLC dba Thompson Gas, Arley, AL
- Suburban Gas Propane Partners LLC dba Thompson Gas, Decatur, AL
- Suburban Gas Propane Partners LLC dba Thompson Gas, Hanceville, AL
- Suburban Gas Propane Partners LLC dba Thompson Gas, Moulton, AL
- Suburban Gas Propane Partners LLC dba Thompson Gas, Rogersville, AL

- 5) Mr. Parden moved to approve the six Class B-1 Permit applications. Seconded by Mr. Ferguson, there were five ayes. The ayes were unanimous. (Wright, Jones, Parden, Ferguson, Pilgreen voted aye. Chairman Gay abstained.)

After the vote Chairman Gay resumed the position of Chair.

Two Class B Permit applications were presented.

- Synergy Liquids, LLC, Katy, TX
- Thompson Carriers, Inc., Opelika, AL

6) Mr. Montgomery moved to approve the two Class B Permit applications. Seconded by Mr. Parden, the ayes were unanimous.

A Class C Permit application was presented.

- Hall & Sons Plumbing, Inc., Vance, AL

7) Mr. Jones moved to approve the Class C Permit application. Seconded by Mr. Montgomery, the ayes were unanimous.

A Class C-1 Permit application was presented.

- Dyna-Lift, Inc., Midland, GA

8) Mr. Montgomery moved to approved the Class C-1 Permit application. Seconded by Mr. Parden, the ayes were unanimous.

Two Class D Permit applications were presented.

- Parker & Sons, Inc., Atmore, AL
- Southeast Propane Services, Fort Valley, GA

9) Mr. Parden moved to approve the two Class D Permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

Two Class F Permit applications were presented.

- Bondurant Lumber & Hardware, Inc., Atmore, AL
- Yellowhammer RV LLC, Clanton, AL

10) Mr. Ferguson moved to approve the two Class F Permit applications. Seconded by Mr. Parden, the ayes were unanimous.

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

Four Settlement Agreements for code violations were presented.

- Settlement Agreement 2017-16
- Settlement Agreement 2017-20
- Settlement Agreement 2017-21
- Settlement Agreement 2017-22

11) Mr. Pilgreen moved to accept the four Settlement Agreements. Seconded by Mr. Ferguson, the ayes were unanimous.

#### **Leran Gas Products**

Mr. Tom Cheatham of Leran Gas Products and Mr. Curtis Dady of Viega LLC advised the Board that press-connect fittings for metallic piping have been approved by the NFPA 54 committee and will appear in

the 2018 edition. They provided additional information and requested acceptance in Alabama as permitted by current code under "Equivalency" standards.

- 12) Mr. Montgomery moved to accept press-connect fittings complying with ANSI LC-4 for use with metallic piping as permitted under sections 5.6.1.3 and 1.4 of NFPA 54 (2012 Edition). Seconded by Mr. Ferguson, the ayes were unanimous.

### **FY 2019 BUDGET REQUEST**

The FY 2019 budget request for LP Gas Board Regulatory Services in the amount of \$1,676,932 and Research Education Advisory Committee (REAC) in the amount of \$200,000 was presented to the Board.

- 13) Mr. Parden moved to approve the FY 2019 budget request for LP Gas Board Regulatory Services in the amount of \$1,676,932 and Research Education Advisory Committee (REAC) in the amount of \$200,000. Seconded by Mr. Montgomery, the ayes were unanimous.

### **ADMINISTRATOR'S REPORT**

The Administrator presented the following permits for cancellation:

- Baldwin County Board of Education, Bay Minette, AL, Class C Permit # 19 cancelled effective December 31, 2016. Failed to meet statute requirements.
- Barnett Service Company, Huntsville, AL, Class C Permit # 50 cancelled effective December 21, 2016. Failed to meet statute requirements.
- Butler County Board of Education, Greenville, AL, Class C Permit # 185 cancelled effective December 31, 2016. Failed to meet statute requirements.
- Central Propane LLC, Albertville, AL, Class B-1 Permit # 656 cancelled at the permit holder's request.
- Clark Gas Company, Arley, AL Class B-1 Permit # 554. Business sold.
- Clark Gas Company, Athens, AL, Class B-1 Permit # 555. Business sold.
- Clark Gas Company, Cherokee, AL, Class B-1 Permit # 524. Business sold.
- Clark Gas Company, Decatur, AL, Class B-1 Permit # 507. Business sold.
- Clark Gas Company, Hanceville, AL, Class B-1 Permit # 571. Business sold.
- Clark Gas Company, Moulton, AL, Class B-1 Permit # 574. Business sold.
- Clark Gas Company, Rogersville, AL, Class B-1 Permit # 269. Business sold.
- Clark Gas Company, Tuscumbia, AL, Class B-1 Permit # 553. Business sold.
- Cooleyco LLC dba Cooleys RVs, McCalla, AL, Class C Permit # 939, cancelled at the permit holder's request.
- Fleet Service & Repair Center, Sulligent, AL, Class C-1 Permit # 415. Business closed.
- Fleet Service & Repair Center, Sulligent, AL, Class C-2 Permit # 419. Business closed.

- Hill Heating & Air Conditioning, Lineville, AL, Class C Permit # 928 cancelled effective August 1, 2017 at the company's request.
- Howse Heating & Air LLC, Addison, AL Class C Permit # 840 cancelled effective December 31, 2016. Company failed to meet statute requirements.
- Joe East Heating & A/C, Huntsville AL, Class C Permit # 334 cancelled effective December 31, 2016. Failed to meet statute requirements.
- Melvin Burroughs Heating & Air Conditioning, Bessemer, AL, Class C Permit # 739 cancelled effective July 2017 at the company's request. Company has closed.
- QK Enterprises, Inc. dba Attalla Ace Hardware, Attalla, AL, Class F Permit # 309. Business closed.
- Rentals of Marshall County/Albertville, Albertville, AL, Class F Permit # 390 cancelled at the company's request.
- Rentals of Marshall County/Boaz, AL, Class F Permit # 324 cancelled at the company's request.
- STC, Inc., Paducah, KY, Class E Permit # 12 cancelled due to non-renewal of permit.
- The Fireplace Service Center LLC, Ft. Payne, AL, Class C Permit # 975. Company failed to meet statute requirements.
- Valley Plumbing Company, Phenix City, AL, Class C Permit # 165 cancelled effective December 31, 2016. Failed to meet statute requirements.

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

- 14) Mr. Montgomery moved to accept the *Administrator's Report* as presented. Seconded by Mr. Ferguson, the ayes were unanimous.

Date of the next board meeting is January 11, 2018.

- 15) Mr. Montgomery moved to pay the board members' expenses. Seconded by Mr. Jones, the ayes were unanimous.

On a motion by Mr. Parden and seconded by Mr. Montgomery, the meeting was adjourned at 11:06 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

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Tractor Supply Co. #1644 / Enterprise, AL  
Permit "F" # 499  
Code Violations

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### SETTLEMENT AGREEMENT 2017-16

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Tractor Supply Company #1644 / Enterprise, 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 performing a visual inspection (Offense #2) and without the use of scales (Offense # 3).

#### STIPULATED CONCLUSIONS OF LAW

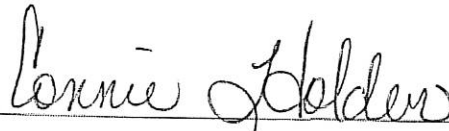
1. Respondent admits attempting to fill an out-of-date propane forklift cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits failing to perform a visual inspection on a propane forklift cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9.*
3. Respondent admits attempting to fill a forklift propane cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04.*

STIPULATED DISPOSITION

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

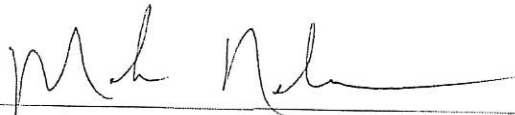
1. The Respondent agrees to remit a fine of \$ 925 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to perform visual inspection \$250; Failure to use scales \$450.*)
2. In consideration of Respondent's full and complete compliance with this 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 June, 2014



Connie Holden, District Manager

Tractor Supply Company #1644



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:

Superior Energy Systems LTD LLC / Columbia Station, OH  
Permit "D" # 267  
Code Violations

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### **SETTLEMENT AGREEMENT 2017-20**

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Superior Energy Systems LTD LLC of Columbia Station, 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 began construction on a bulk plant in Alabama without first obtaining the required installation permit from the Board.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits beginning construction on a bulk plant in Alabama prior to obtaining the required installation permit from the Board in violation of *Code of Alabama 9-17-105(b)(7)*.

#### STIPULATED DISPOSITION

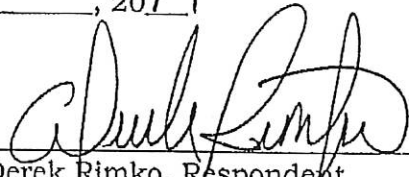
The Board and the Respondent agree that this action will be settled upon the following terms:


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 7 day of JULY, 2017

  
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Derek Rimko, Respondent  
Superior Energy Systems LTD LLC

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





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W. MARK NELSON  
ADMINISTRATOR



**BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

IN THE MATTER OF:

Costco Wholesale #1192 / Mobile, AL  
Permit "F" # 522  
Code Violations

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**SETTLEMENT AGREEMENT 2017-21**

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Costco Wholesale #1192 / Mobile, 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*.

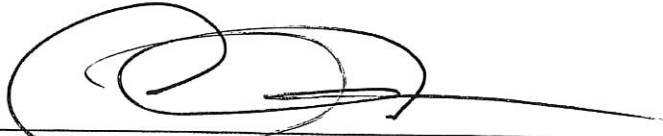
STIPULATED DISPOSITION

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 \$ 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 23 day of August, 2017



Chris Alvaro, Respondent  
Manager  
Costco Wholesale #1192



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:

Gilbertown Feed Corp. dba A+ Farm & Home / Gilbertown, AL  
Permit "F" # 529  
Code Violations

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### SETTLEMENT AGREEMENT 2017-22

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Gilbertown Feed Corp. dba A+ Farm & Home / Gilbertown, 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.
2. Respondent's employee attempted to fill a cylinder without the use of scales.
3. Respondent's employee attempted to fill an out-of-date cylinder that had not been requalified.

#### 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*.
2. Respondent admits attempting to fill a 5 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2.04(a)*.
3. Respondent admits attempting to fill an out-of-date 5 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.

STIPULATED DISPOSITION

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

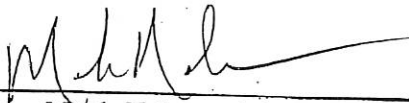
1. The Respondent agrees to remit a fine of \$ 1375 to the Board within 30 days of the Board's acceptance of this agreement (*Employee Competency Requirement Violation \$ 700; Failure to use scales \$ 450; Out-of-date cylinder \$ 225*).
2. In consideration of Respondent's full and complete compliance 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 10 day of October, 2017



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Riley Ezell, Respondent  
Owner  
Gilbertown Feed Corp. dba  
A+ Farm & Home / Gilbertown, AL



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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board