

**Liquefied Petroleum Gas Board
Minutes
October 11, 2018**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on October 11, 2018 at 10:04 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Bill Montgomery, Vice-Chairman Larry Parden, Benny Gay, Dickie Ferguson, Public Safety Designee Lt. Ronni Fetty, Public Service Commission Designee Wallace Jones, and Consumer Advocate Elizabeth Barnett.

Member(s) Absent: State Fire Marshal Scott Pilgreen, Board Attorney Matt Bledsoe.

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

The Chairman called for a motion to adopt the agenda.

(1) Mr. Gay moved to adopt the agenda. Seconded by Mrs. Barnett, 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 July 3, 2018 meeting.

(2) Mr. Parden moved to approve the minutes of the July 3, 2018 meeting. Seconded by Mr. Ferguson, the ayes were unanimous.

NEW BUSINESS

PERMIT APPLICATIONS

Six Class B-1 permit applications were presented.

1. Paladin Propane Partners LLC dba Vaughan Gas Company, Tuscumbia AL
2. Thompson Gas LLC, Carbon Hill, AL
3. Thompson Gas LLC, Detroit AL
4. Thompson Gas LLC, Florence, AL
5. Thompson Gas LLC, Hazel Green, AL
6. Thompson Gas LLC, Jones Chapel/Cullman, AL

(3) Mr. Parden moved to approve the six Class B-1 permit applications. Seconded by Mr. Ferguson, there four were ayes. (Parden, Ferguson, Barnett, Jones, Fetty voted aye.) Mr. Gay abstained.

Four Class C permit applications were presented.

1. Kyle Laney LLC, Falkville, AL
2. One Call Services of Alabama LLC, Tuscaloosa, AL
3. Plumbing Contractors LLC, Valley Grande, AL
4. Thompson Construction & Plumbing, New Hope, AL

(4) Mr. Parden moved to approve the four Class C permit applications. Seconded by Mr. Ferguson, the ayes were unanimous.

Eight Class F permit applications were presented.

1. AL-RV Parks LLC dba Birmingham South RV Park, Pelham, AL
2. Barron Ventures LLC, Helena AL
3. Central Network Retail Group LLC, Cullman, AL
4. Hunter Property's LLC dba Poppy's Propane, Addison, AL
5. Love's Travel Stop # 368, Clanton, AL
6. Tractor Supply Co # 1630, Brewton, AL
7. Tractor Supply Co # 1453, Eufaula, AL
8. Tractor Supply Co # 1719, Phenix City, AL

- (5) Mr. Gay moved to approve the eight Class F permit applications. Seconded by Mr. Parden, the ayes were unanimous.

SETTLEMENT AGREEMENTS

Settlement Agreement 2018-09 for code violations was presented for approval as recommended by recusing Board Member Wallace Jones.

- (6) Mr. Parden moved to approve Settlement Agreement 2018-09. Seconded by Mr. Ferguson, there were five ayes and one recusal. (Barnett, Ferguson, Parden, Gay, Fetty voted aye. Mr. Jones recused.)

Settlement Agreement 2018-11 for code violations was presented for approval as recommended by recusing Board Member Bill Montgomery.

- (7) Mr. Parden moved to approve Settlement Agreement 2018-11. Seconded by Mr. Gay, there were six ayes and one recusal. (Barnett, Ferguson, Parden, Gay, Fetty, and Jones voted aye. Mr. Montgomery recused.)

Settlement Agreement 2018-13 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

- (8) Mr. Gay moved to approve Settlement Agreement 2018-13. Seconded by Mr. Parden, the ayes were unanimous.

FY 2020 BUDGET REQUEST

The FY 2020 budget request for LP Gas Board Regulatory Services in the amount of \$1,753,931 was presented to the Board.

- (9) Mr. Gay moved to approve the FY 2020 budget request for LP Gas Board Regulatory Services in the amount of \$1,753,931. Seconded by Mr. Ferguson, the ayes were unanimous.

The FY 2020 for LP Gas Board Research Education Advisory Committee (REAC) in the amount of \$200,000.00 was presented to the Board.

- (10) Mr. Parden moved to approve the FY 2020 budget request for LP Gas Research Education Advisory Committee (REAC) in the amount of \$200,000. Seconded by Mr. Ferguson, the ayes were unanimous.

ADMINISTRATOR'S REPORT

The Administrator presented the following permits for cancellation:

- Airgas USA LLC, Monroeville, AL, Class F-1 Permit No. 278 cancelled at the request of owner.

- Andalusia Farmers' Cooperative, Inc., Andalusia, AL, Class F Permit No. 260 cancelled at the request of the owner.
- Chickasaw Corner Stop LLC, Chickasaw, AL, Class F Permit No. 598 cancelled due to non-renewal of permit and insurance.
- Consolidated Ace of Dothan, Inn., Dothan, AL, Class F Permit No. 290 cancelled at the request of the owner.
- Consolidated Ace of Dothan dba Consolidated Ace of Ozark, Inc., Ozark, AL, Class F Permit No. 643 cancelled at the request of the owner.
- National Tank, Inc., Hernando, MS, Class G-2 Permit No 417 cancelled due to non-renewal of permit and insurance.
- National Tank, Inc., Hernando, MS, Class E Permit No. 13 cancelled due to non-renewal of permit and insurance.
- Nexair LLC, Andalusia, AL, Class F-1 Permit No. 322 cancelled at the request of the owner
- Oakes Oil Co., Lacey's Springs, AL, Class F Permit No. 470 cancelled at the request of the owner.
- Paul's Plumbing & Gas, Hanceville, AL, Class C Permit No. 988 cancelled due to non-renewal of permit and insurance.
- Pelham Campgrounds LLC dba Birmingham South Campground, Class F Permit No. 265 cancelled at the request of the owner.
- Phoenix Energy Corp., Pell City, AL, Class G-1 Permit No. 423 cancelled due to non-renewal of permit and insurance.
- PND Enterprise, Inc., Opelika, AL, Class F Permit No. 605 cancelled at the request of the owner.
- River Country RV Park dba Crossroads, Inc., Gadsden, AL, Class F Permit No. 307 cancelled at the request of the owner.
- Russell Super Market, Inc. dba Piggly Wiggly # 296, Cullman, AL, Class F Permit No. 666 cancelled at the request of the owner.
- Southeast Propane Services, Fort Valley, GA, Class D Permit No. 273 cancelled due to non-renewal of permit and insurance.
- Southern Company Services, Inc., Wilsonville, AL, Class D Permit No. 230 cancelled at the request of the owner.
- Southern LP Gas Services LLC, Blakely, GA, Class D Permit No. 270 cancelled due to non-renewal of permit and insurance.
- Steel City Mechanical Contractors, Leeds, AL, Class C Permit No. 246 cancelled due to non-renewal of permit and insurance.

- Water Valley RV & Camper LLC, Cullman, AL, Class F Permit No. 239 cancelled at the request of the owner.

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

The January 2019 and all future board meetings will be located at 770 S. McDonough Street, Montgomery, AL.

The Administrator will begin the process for the election of the Northwest Board member. The current Northwest board member's term will expire on February 25, 2019.

(11) Mr. Ferguson moved to accept the *Administrator's Report* as presented. Seconded by Mr. Parden, the ayes were unanimous.

Date of the next board meeting is January 10, 2019.

(12) Mrs. Barnett moved to pay the board members' expenses. Seconded by Mr. Ferguson, the ayes were unanimous.

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



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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MONTGOMERY, ALABAMA 36102-1742

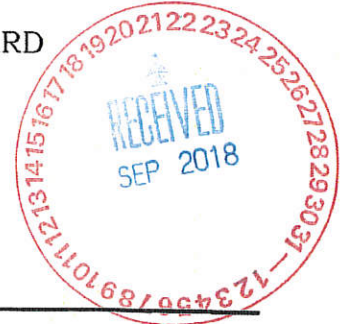
W MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Petro Nation, Inc. / Lincoln, AL
Permit "F" # 619
Code Violations



SETTLEMENT AGREEMENT 2018-09

Petro Nation, Inc. in 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 a 30 lb. cylinder prior to completing the board's *Employee Competency* requirements.
2. Respondent attempted to fill an out-of-date cylinder overdue for requalification.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits attempting to fill a 30 lb. cylinder prior to completing board requirements in violation of *Alabama Administrative Code 530-X-2-11*.
2. Respondent admits attempting to fill an out-of-date 30 lb. cylinder overdue for requalification in violation of *NFPA 58 (2011 edition) 5.2.2.2*

STIPULATED DISPOSITION

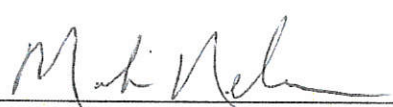
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 1750 (Employee Competency violation \$ 1000; out-of-date cylinder \$ 750) 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 20 day of SEPTEMBER, 2018



Mickey Ali, Respondent
Petro Nation, 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:

Amerigas Propane / Theodore, AL
Permit "A" # 202
Code Violations

SETTLEMENT AGREEMENT 2018-11

Amerigas Propane in Theodore, 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 supplied LP-gas to a cylinder filling station that did not possess the required Class F permit (Offense 1). This was a repeat offense by this specific office (see Settlement Agreement 2015-16).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits supplying LP-gas to a cylinder filling station that did not possess the required Class F permit in violation of *Code of Alabama 9-17-105 (b)(3)*.

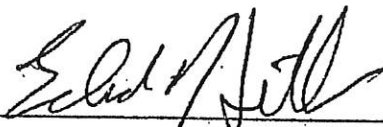
STIPULATED DISPOSITION

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

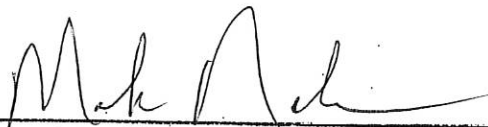
1. The Respondent agrees to remit a fine of \$ 1500 to the Board within 30 days of the Board's acceptance of this agreement.

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 16th day of August, 2018



Eddie Hillman Respondent
District General Manager
Amerigas Propane



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:

Camping World, Inc. / Robertsdale, AL
Permit "F" # 274
Code Violations

SETTLEMENT AGREEMENT 2018-13

Camping World, 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 5 lb. propane cylinder (Offense #1) without the use of scales (Offense #2) and without first removing a sleeve in order to perform a visual inspection (Offense #3).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits attempting to fill an out-of-date propane cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.3*.
2. Respondent admits attempting to fill a propane 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 propane cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.9*.

STIPULATED DISPOSITION

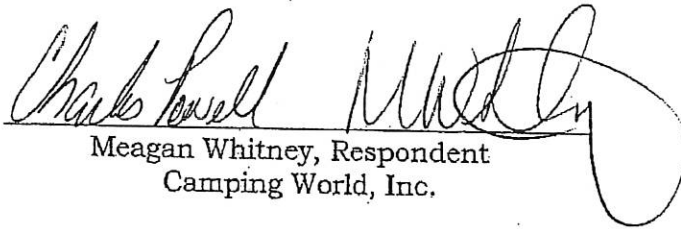
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 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 4 day of Sept, 2018



Meagan Whitney, Respondent
Camping World, Inc.



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board