

Alabama Liquefied Petroleum Gas Board
Minutes
October 8, 2015

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting and a public hearing on October 8, 2015, 10:00 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Chairman Wayne Caylor, Vice Chairman Bob Reed, Benny Gay, Scott Lybarger, Bill Montgomery, State Fire Marshal Designee Scott Pilgreen, Public Safety Designee Lt. Will Wright, Consumer Advocate Elizabeth Barnett, Board Attorney Matt Bledsoe.

(Board Attorney Matt Bledsoe arrived at 10:05 a.m. and Board member Bill Montgomery arrived at 10:06 a.m.)

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

The Chairman called for a motion to adopt the agenda.

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

Copies of board 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 2, 2015 meeting.

- 2) Mr. Gay moved to approve the minutes of the July 2, 2015 meeting. Seconded by Mr. Lybarger, the ayes were unanimous.

OLD BUSINESS

The Sunset Committee report contained two significant issues. Issue 2015-01 is that the Board has not adopted the latest edition of NFPA safety codes and issue 2015-02 is the concern about the qualifications and training for industry employees.

Rules and Regulation Committee Chairman Scott Lybarger updated the board on the committee's ongoing efforts to develop an employee training / qualification program. Certificate of competency, on-the-job training, and proctored testing were among the items discussed.

Act 2015-441 allows Boards to increase fees based on the consumer price index but it is not applicable to the LP Gas Board at this time.

PUBLIC HEARING

The Chairman called for a motion to recess from the regular meeting to conduct a public hearing for the purpose of considering:

- **Amendment** of *Alabama Administrative Code 530-X-2-.04 Procedures for Liquefied Petroleum Gas Filling Stations*
- **Repeal & Replace** *Alabama Administrative Code 530-X-2-.05 Procedures for Reporting Incidents*
- **Repeal of Alabama** *Administrative Code 530-X-2-.17 Flame Effects Before a Proximate Audience.*

- 3) Mr. Gay moved to recess from the regular meeting for a public hearing. Seconded by Mr. Reed, the ayes were unanimous.

The Chairman declared the board in a public hearing related to the proposed amendment of *Alabama Administrative Codes*.

The Administrator presented an explanation of the proposed regulation changes. No oral or written comments related to the proposed code amendments were submitted.

The Chairman called for a motion to end the public hearing on the proposed amendment(s) to the *Alabama LP-Gas Board Administrative Codes* and reconvene the regular quarterly board meeting.

- 4) Mr. Lybarger moved to end the public hearing and reconvene the regular quarterly board meeting. Seconded by Mrs. Barnett, the ayes were unanimous.

NEW BUSINESS

The Chairman called for a motion to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.04 Procedures for Liquefied Petroleum Gas Filling Stations* as petitioned.

- 5) Mr. Reed moved to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.04 Procedures for Liquefied Petroleum Gas Filling Stations*. Seconded by Mr. Montgomery, the ayes were unanimous.

The Chairman called for a motion to repeal and replace by adoption *Alabama Administrative Code 530-X-2-.05 Procedures for Reporting Incidents* as petitioned.

- 6) Mr. Gay moved to repeal and replace by adoption *Alabama Administrative Code 530-X-2-.05 Procedures for Reporting Incidents* as petitioned. Seconded by Mr. Lybarger, the ayes were unanimous.

The Chairman called for a motion to adopt the proposed repeal of *Alabama Administrative Code 530-X-2-.17 Flame Effects Before a Proximate Audience* as petitioned.

- 7) Mr. Montgomery moved to repeal *Alabama Administrative Code 530-X-2-.17 Flame Effects Before a Proximate Audience* as petitioned. Seconded by Mr. Gay, the ayes were unanimous.

Southwest Board Member Election Update

The Administrator advised the board that the ballots had been counted and the results of the election were sent to the Governor for his consideration in the appointment of a member to represent the Southwest area of the state. The results of the election for a board member from the Southwest were as follows:

- Larry Parden, Parden LP Gas & Service, Inc. / Grove Hill, AL – 9 votes
- Egan Ritch, South Alabama Gas District / Butler, AL – 5 votes

In relation to the vacant position, the Administrator presented Chairman Wayne Caylor a plaque for his twelve years of service as the Southwest member of the LP-Gas Board.

Permit Applications

A Class B permit application for Heritage Transport Service, Inc., Highlands, NC was presented.

- 8) Mr. Montgomery moved to approve the Class B permit application for Heritage Transport Service, Inc., Highlands, NC. Seconded by Mr. Reed, the ayes were unanimous.

Nine Class B-1 Permit applications were presented:

- Amerigas Propane LP dba Blount County Propane, Oneonta, AL
- Amerigas Propane LP dba Coast Gas, Cullman, AL
- Amerigas Propane LP dba Heritage Propane, Albertville, AL
- Amerigas Propane LP dba Heritage Propane, Athens, AL
- Amerigas Propane LP dba Heritage Propane, Attalla, AL
- Amerigas Propane LP Gas dba Heritage Propane, Centre, AL
- Amerigas Propane LP dba Heritage Propane, Ft. Payne, AL
- Amerigas Propane LP dba Heritage Propane, Huntsville, AL
- Amerigas Propane LP dba Heritage Propane, Scottsboro, AL

- 9) Mr. Lybarger moved to approve the nine Class B-1 permit applications. Seconded by Mrs. Barnett, the ayes were unanimous.

Nine Class C permit applications were presented:

- Advanced Poultry Equipment & Supply, Inc., Albertville, AL
- Advanced Poultry Equipment & Supply, Inc., Elba, AL
- Andy's RV Service, LLC, Decatur, AL
- Emerald Coast RV Center, LLC dba Camping World RV Sales, Robertsdale AL
- GasPro, Pelham, AL
- Geneva County Gas District, Geneva, AL
- Reed's Plumbing, Inc., Hueytown, AL
- Trinity Contractors, Inc., Trussville, AL
- Watson Plumbing Co., Inc., Vandiver, AL

- 10) Mr. Gay moved to approve the nine Class C Permit applications, Seconded by Mrs. Barnett, the ayes were unanimous.

One hundred forty-two Class F permit applications were presented:

- Active Building Supply, LLC, Jemison, AL
- Alabama Mobile Homes, Cottondale, AL
- Alabama RV & Storage, LLC, Montgomery, AL
- Anchors Aweigh RV Resort, Foley, AL
- Andrews Hardware Co., Inc., Citronelle, AL
- Andy's RV Service, LLC, Decatur, AL
- Asbury Farm Supply, LLC, Albertville, AL
- Azalea Acres RV Park, LLC, Robertsdale, AL
- Bama Grocery, Alpine, AL
- Bay Shores Oil, Inc., Fairhope, AL
- Bay Shores Oil, Inc., Spanish Fort, AL
- Bragg's Ace Hardware, Inc., Guntersville, AL
- Builders Supply Co., Inc. of Dekalb County, Sylvania, AL
- BW Johnson, Inc. dba Autauga Home Supply, Prattville, AL
- C & C General Merchandise II, LLC, Lapine, AL

- C & H Foods, LLC dba The Country Market, Salem, AL
- Chalkville Ace Hardware, Birmingham, AL
- Charlie's Place, Hartselle, AL
- Chickasaw Pride, Chickasaw, AL
- City of Decatur – Point Mallard Campground, Decatur, AL
- Clark's RV Center, Millbrook, AL
- CNRG dba Harvey Home Hardware, Phenix City, AL
- Coffee County Farmers' Coop, Elba, AL
- Collins Auto Parts, Guntersville, AL
- Consolidated Ace of Dothan, Inc., Dothan, AL
- Consolidated Ace of Dothan, Inc. dba Consolidated Ace of Ozark, Ozark, AL
- Costco Wholesale Corp. dba Costco Wholesale #356, Huntsville, AL
- Country Roads RV Sales & Service, LLC, Cottondale, AL
- Deer Run RV Park, Troy, AL
- Depot Gun & Pawn, Alexander City, AL
- Dixie Building Supply Co., Inc., Eight Mile, AL
- DRV Enterprises, Inc. dba Gulf Shores / Pensacola West KOA, Lillian, AL
- DUBYA 4 dba The Woods RV Park & Campground, Montgomery, AL
- E & J's One Stop, Dadeville, AL
- Edward's Grocery, Jacksonville, AL
- Elberta Farmers Co-Op, Elberta, AL
- Elliot True Value, Haleyville, AL
- English Auto & Truck Repair, Centreville, AL
- Farmtown, Inc., Sardis City, AL
- Fayette Branch of AFC – Fayette Farmers Cooperative, Fayette, AL
- Finchburg Grocery, Franklin, AL
- Fisherman's Service & Sales, Inc., Bay Minette, AL
- Flomaton Small Engines, Flomaton, AL
- Forestdale Home & Auto Supply, Inc., Birmingham, AL
- Gamble Auto Parts & Service, Bessemer, AL
- Gilbertown Feed Corporation, Butler, AL
- Gilbertown Feed Corporation dba A+ Farm & Home, Gilbertown, AL
- Glenda's at Cowan Creek, Centre, AL
- Heflin Texaco, Heflin, AL
- Hensley RV Sales, Killen, AL
- Heritage Properties, LLC dba Heritage Acres RV Park, Tuscumbia, AL
- Hueytown Hardware & Supply, Inc., Hueytown, AL
- Island Retreat RV Park, Gulf Shores, AL
- J F Julian Hardware, LLC, Sylvan Springs, AL
- Kowaliga Fireplace, LLC, Eclectic, AL
- Lake Martin RV Resort Property Owners' Association, Dadeville, AL
- Lawrence County Exchange, Inc., Courtland, AL
- Lawrence County Exchange, Inc., Moulton, AL
- Lock Tight, Inc. dba Safe & Secure Storage, Huntsville, AL
- Loftin's Bait Shop, Camden, AL
- Logan Landing, LLC dba Logan Landing RV Resort & Campground, Alpine, AL
- Love's Travel Stop #466, Jasper, AL
- Love's Travel Stop #530, Moody, AL
- Love's Travel Stop #577, Shorter, AL
- Mack Oil dba Slapout Bait & Tackle, Deatsville, AL
- Madison RV Center, Inc., Madison, AL
- Malloy Auto Supply, Inc. dba Runaway RV, Dothan, AL

- Marlin Ingram RV Center, LLC, Montgomery, AL
- Moundville Hardware & Building Supply, Inc., Moundville, AL
- Oakes Oil Co., Lacey's Spring, AL
- Orange Beach Hardware, Inc., Orange Beach, AL
- P & H Hardware, Muscle Shoals, AL
- Park Supply Company of Scottsboro, Inc., Scottsboro, AL
- Parnell Creek RV Park, Inc., Woodville, AL
- Parts & Co. of Uniontown, LLC, Uniontown, AL
- Pilot Travel Center #602, Birmingham, AL
- Pilot Travel Center #601, McCalla, AL
- Prattville Powersports, Prattville, AL
- Pro Parts Home & Auto Supply, Inc. dba Midfield Hardware Storage, Midfield, AL
- R & J Group, Inc. dba Pinch a Penny, Dothan, AL
- Racine's Feed, Garden & Supply, Inc., Robertsdale, AL
- Recherche LLC dba Doc's RV Park, Gulf Shores, AL
- Reynold's Ace Hardware, Inc., Foley, AL
- Richerson Oil, Bay Minette, AL
- Robertsdale Feed, Seed & Supply, Inc., Robertsdale, AL
- Robertsdale Rent-All, Inc., Robertsdale, AL
- Roebuck Landing Grocery, Akron, AL
- Rusty's Feed & Seed, LLC / Arifton, AL
- Rusty's Feed & Seed, LLC / Elba, AL
- Sam's Grocery, Selma, AL
- Service Star, LLC, Springville, AL
- Silver Eagle LTD, Inc. dba Eagle's Landing RV, Auburn, AL
- Slocomb Farm Supply, Slocomb, AL
- Smith's Parts & Service, Inc. dba True Value Hardware, Columbia, AL
- South Wind RV Park, LLC, Foley, AL
- Statesville Grocery, Selma, AL
- Sugar Beach Resorts, Robertsdale, AL
- Terry Bobbitt, Inc., Rogersville, AL
- The Landing, Shelby, AL
- Torch 85 Auto / Truck Plaza, Tuskegee, AL
- Tractor Supply Co. #772, Boaz, AL
- Tractor Supply Co. #1273, Chelsea, AL
- Tractor Supply Co. #1758, Clanton, AL
- Tractor Supply Co. #434, Cullman, AL
- Tractor Supply Co. #1314, Dothan, AL
- Tractor Supply Co. #1644, Enterprise, AL
- Tractor Supply Co. #556, Ft. Payne, AL
- Tractor Supply Co. #773, Huntsville, AL
- Tractor Supply Co. #1345, Montgomery, AL
- Tractor Supply Co. #1271, Moody, AL
- Tractor Supply Co. #1499, Montevallo, AL
- Tractor Supply Co. #1626, Saraland, AL
- Tractor Supply Co. #1632, Selma, AL
- Tractor Supply Co. #1426, Summerdale, AL
- Tractor Supply Co. #786, Talladega, AL
- Tractor Supply Co. #1660, Thomasville, AL
- Tractor Supply Co. #1665, Tuscaloosa, AL
- Trawick Ace Hardware, Abbeville, AL
- Tri County Cooperative, Inc., Aliceville, AL

- U-Haul Co. of Alabama, Inc., 1636 Center Pt. Pkwy, Birmingham, AL
- U-Haul Co. of Alabama, Inc., 1588 Carson Rd, Birmingham, AL
- U-Haul Co. of Alabama, Inc., Decatur, AL
- U-Haul Co. of Alabama, Inc., Gadsden, AL
- U-Haul Co. of Alabama, Inc., 3713 Governors Dr., Huntsville, AL
- U-Haul Co. of Alabama, Inc., 4400 University Dr. NW, Huntsville, AL
- U-Haul Co. of Alabama, Inc., 970 ½ Springhill Ave., Mobile, AL
- U-Haul Co. of Alabama, Inc., Oxford, AL
- U-Haul Co. of Alabama, Inc., Tuscaloosa, AL
- University Ace Hardware, LLC, Auburn, AL
- University Station RV Resort, LLC, Auburn, AL
- Wales West, LLC, Silverhill, AL
- Wakefield Enterprises, Inc. dba Little Mountain Marina & Camping Resort, Langston, AL
- WAP, Inc. dba Sumiton Ace Hardware, Sumiton, AL
- Warren Hardware, Jacksonville, AL
- Warrior Hardware dba Ace Hardware, Warrior, AL
- Watha's, Inc., Hamilton, AL
- West End Outdoors, Inc., Athens, AL
- Wilson's Service Center, Inc., Spanish Fort, AL
- Wilson Texaco, Inc., Tuscaloosa, AL
- Wood & Wood, Inc. dba Thrashers Virginia Mines Groc., Hueytown, AL
- Woodson's Barge-N, LLC, Gulf Shores, AL
- Y Grocery, Guntersville, AL

11) Mr. Reed moved to approve the one hundred forty-two Class F permit applications. Seconded by Mr. Gay, the ayes were unanimous.

Three Class F-1 permit applications were presented.

- Dixie Welding Supply Co., Inc., Oxford, AL
- Nexair LLC, Andalusia, AL
- Nexair LLC, Montgomery, AL

12) Mr. Montgomery moved to approve the three Class F-1 permit applications. Seconded by Mrs. Barnett, the ayes were unanimous.

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2016-01 for code violations was presented for approval.

13) Mr. Reed moved to accept Settlement Agreement 2016-01. Seconded by Mr. Lybarger, the ayes were unanimous.

Settlement Agreement 2016-02 for code violations was presented for approval.

14) Mr. Montgomery, moved to accept Settlement Agreement 2016-02. Seconded by Mrs. Barnett, the ayes were unanimous.

Settlement Agreement 2016-03 for code violations was presented for approval.

15) Mr. Montgomery moved to accept Settlement Agreement 2016-03. Seconded by Mr. Lybarger, the ayes were unanimous.

Settlement Agreement 2016-04 for code violations was presented for approval.

- 16) Mr. Lybarger moved to accept Settlement Agreement 2016-04. Seconded by Mr. Reed, the ayes were unanimous.

All four settlement agreements were based on board pre-approved settlement amounts.

The Administrator advised the board that the current lease for office space will expire February 2016 and the renewal lease will be for a two-year term at the same rate.

- 17) Mr. Reed moved to authorize the Administrator renew lease the office space for a two-year term. Seconded by Mr. Montgomery, the ayes were unanimous.

FY 2017 BUDGET REQUEST

The FY 2017 budget request for LP Gas Board Regulatory Services in the amount of \$1,516,936 and Research Education Advisory Committee (REAC) in the amount of \$200,000 was presented to the Board.

- 18) Mr. Gay moved to approve the FY 2017 budget request for LP Gas Board Regulatory Services in the amount of \$1,516,936. Seconded by Mr. Montgomery, the ayes were unanimous.
- 19) Mr. Lybarger moved to approve the FY 2017 budget request for Research Education Advisory Committee (REAC) in the amount of \$200,000. Seconded by Mrs. Barnett, the ayes were unanimous.

ADMINISTRATOR'S REPORT

The Administrator presented the following permits (7) for cancellation:

- Airgas USA, LLC, Troy, AL, Class F-1 Permit No. 304, cancelled due to closure of location.
- Heritage Operating LP dba Coast Gas, Cullman, AL, Class B-1 permit No. 569, cancelled at the request of the company.
- Heritage Operating LP dba Heritage Propane, Oxford, AL, Class B-1 Permit No. 361, cancelled at the request of the company.
- Marengo Propane, LLC, Camden, AL, Class B-1 Permit No. 649 cancelled and replaced with Class A Permit.
- Welders Supply & Equipment Company, Inc., Class F-1 permit No. 263, sold to Nexair, LLC.
- Welders Supply & Equipment Company, Inc., Class F-1 Permit No. 252, sold to Nexair, LLC.
- Weldon Enterprises, LLC, Class F Permit No. 283, cancelled due to closure of business.

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

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

Date of the next board meeting is January 14, 2016.

21) Mr. Reed moved to pay the board members' expenses. Seconded by Mr. Montgomery, the ayes were unanimous.

The meeting was adjourned at 11:35 a.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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FAX (334) 240-3255
777 S. Lawrence Street, Suite 100
MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON
ADMINISTRATOR



BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Apex Gas & Appliance Co., Inc. / Wetumpka
Permit "B-1" # 453
Code Violations

SETTLEMENT AGREEMENT 2016-01

Apex Gas & Appliance Co., Inc. / Wetumpka (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 Farmer's Feed Service / Wetumpka, a retail, off-premise cylinder filling station that had not completed the requirements to obtain a Class "F" permit as required nor were they operating under a *Certification* as an agent of Apex Gas.

STIPULATED CONCLUSIONS OF LAW

1. Respondent supplied LP-gas to a retail, off-premise cylinder filling station required to possess a Class "F" permit without verification of a current permit with the board in violation of *Code of Alabama 9-17-105(b)(3)*.

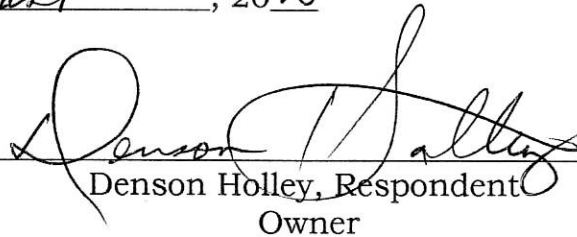
STIPULATED DISPOSITION

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 \$ 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 26 day of August, 2015


Denson Holley, Respondent
Owner

Apex Gas & Appliance Co., Inc.

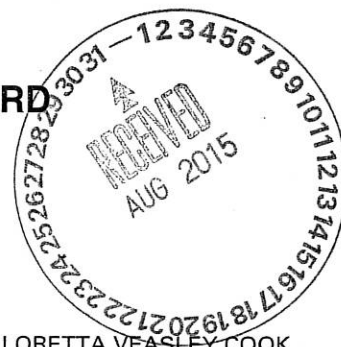


Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



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:

Casey Propane / Selma
Permit "A" # 280
Code Violations

SETTLEMENT AGREEMENT 2016-02

Casey Propane / Selma (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 Casey Feed / Hope Hull, a retail, off-premise cylinder filling station that had not completed the requirements to obtain a Class "F" permit as required nor were they operating under a *Certification* as an agent of Respondent.

STIPULATED CONCLUSIONS OF LAW

1. Respondent supplied LP-gas to a retail, off-premise cylinder filling station required to possess a Class "F" permit without verification of a current permit with the board 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 \$ 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

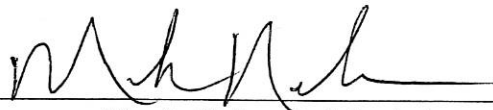
forego the pursuit of its administrative remedies available under Alabama Law.

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 28 day of August, 2015



Duffy Casey, Respondent
Owner
Casey Propane



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

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

SETTLEMENT AGREEMENT 2016-03

Amerigas Propane / Northport (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. Moundville Ace Hardware / Moundville, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 285 issued to Respondent, attempted to fill an out-of-date forklift cylinder (Offense #1) without the use of scales (Offense #2). Respondent's agent also failed to perform a visual inspection of the cylinder prior to filling (Offense #3).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that Respondent's agent attempted to fill an out-of-date forklift cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent admits that Respondent's agent attempted to fill a forklift cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
3. Respondent admits that Respondent's agent failed to perform a visual inspection on a forklift cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.13*.

STIPULATED DISPOSITION

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

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

Signed this 24 day of August, 20 15



Scott Manley, Respondent
Regional Manager
Amerigas Propane



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

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

SETTLEMENT AGREEMENT 2016-04

Amerigas Propane / Northport (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. U-Haul / Tuscaloosa, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 285 issued to Respondent, attempted to fill an out-of-date 5 lb. cylinder (Offense #1) without removing a sleeve to perform a visual inspection prior to filling (Offense #2). Respondent supplied product to a retail cylinder filling station not holding a Class F permit beyond the July 31, 2015 deadline (Offense #3).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that Respondent's agent attempted to fill an out-of-date 5 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent admits that Respondent's agent failed to remove a sleeve and 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 supplying LP-gas to a retail cylinder filling station required and not holding a Class F permit in violation of *Code of Alabama 9-17-105(b)(3)*.

STIPULATED DISPOSITION

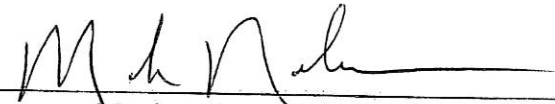
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 1475 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; Supplying LP-gas to a retail cylinder filling station not holding a Class F permit \$1000*).
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 25 day of August, 2015



Kenneth Prince, Respondent
Regional Manager
Amerigas Propane



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board