

**Alabama Liquefied Petroleum Gas Board**  
**Minutes**  
**January 14, 2016**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on January 14, 2016 at 10:00 a.m. at Auburn University Montgomery Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL.

Members Present: Vice-Chairman Bob Reed, Benny Gay, Scott Lybarger, Bill Montgomery, Larry Parden, State Fire Marshal Ed Paulk, Public Safety Designee Sgt. Will Wright, Board Attorney Matt Bledsoe.

Member Absent: Consumer Advocate Elizabeth Barnett.

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

The Vice-Chairman called for a motion to adopt the agenda.

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

*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.*

**ELECTION OF OFFICERS**

The Vice-Chairman opened the nomination for Chairman.

Mr. Paulk nominated Mr. Lybarger as Chairman. Mr. Montgomery seconded the nomination. Mr. Lybarger declined the nomination.

Mr. Lybarger nominated Mr. Gay as Chairman. Mr. Paulk seconded the nomination. The nominations were closed.

Mr. Gay was elected Chairman by acclamation.

Chairman Gay opened the nomination for Vice-Chairman.

Mr. Paulk nominated Mr. Lybarger as Vice-Chairman. Mr. Montgomery seconded the nomination. The nominations were closed.

Mr. Lybarger was elected Vice-Chairman by acclamation.

**MINUTES OF THE LAST MEETING**

The Chairman called for the approval of the minutes of the October 8, 2015 meeting.

- 2) Mr. Montgomery moved to approve the minutes of the October 8, 2015 meeting. Seconded by Mr. Reed, the ayes were unanimous.

### **OLD BUSINESS**

Governor Bentley appointed Larry Parden of Parden LP Gas, Grove Hill, AL as the Southwest Board Member representative. The appointment was effective October 29, 2015 and will expire on October 1, 2021.

### **RULES & REGULATIONS COMMITTEE UPDATE**

Committee Chairman Scott Lybarger stated that the committee had not met but plans to resume meetings mid to late March 2016.

### **NEW BUSINESS**

The Administrator presented the Attorney General Interagency Agreement for legal services.

3) Mr. Paulk moved to approve the Attorney General Interagency Agreement for legal services. Seconded by Mr. Reed, the ayes were unanimous.

The Administrator advised the Board that his 10-year service as a member of the Alabama Energy & Residential Codes Board (AERC) was ending February 13, 2016 due to term limits. The names of three nominees must be submitted to the Governor's office for consideration to appoint a replacement representative for the Alabama LP-Gas Board.

3) Mr. Paulk moved to nominate Scott Pilgreen of the State Marshal's Office to serve on the Alabama Energy & Residential Code Board. Seconded by Mr. Reed, the ayes were unanimous.

4) Mr. Reed moved to nominate Wallace Jones of the Public Service Commission to serve on the Alabama Energy & Residential Code Board. Seconded by Mr. Paulk, the ayes were unanimous.

5) Mr. Paulk moved to nominate Lisa Hill of the Alabama Propane Gas Association to serve on the Alabama Energy & Residential Code Board. Seconded by Mr. Montgomery, the ayes were unanimous.

6) Mr. Reed moved to submit the names of the three nominees in order of preference as nominated to the Governor's office for consideration. Seconded by Mr. Lybarger, the ayes were unanimous.

Two Class B Permit applications were presented for consideration:

- Blue Goose Transportation, LLC, Florence, AL
- Phillips 66 Company, Bartlesville, OK

7) Mr. Paulk moved to approve the two Class B Permit applications. Seconded by Mr. Lybarger, the ayes were unanimous.

A Class B-1 Permit application for Casey Propane Gas Co./Troy, AL was presented.

8) Mr. Reed moved to approve the Class B-1 permit application for Casey Propane/Troy, AL. Seconded by Mr. Paulk, the ayes were unanimous.

Four Class C Permit applications were presented:

- ABC Appliance, Ozark, AL

- Singletary Plumbing, Inc., Gardendale, AL
- TAB Plumbing, Columbia, AL
- Wade Heating & Air Conditioning, Inc., Hueytown, AL

9) Mr. Lybarger moved to approve the four Class C Permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

Two Class D Permit applications were presented.

- Southeast L.P. Tank Inspections, Boaz, AL
- Superior Energy Systems LTD LLC, Columbia Station, OH

10) Mr. Lybarger moved to approve the two Class D Permit applications. Seconded by Mr. Paulk, the ayes were unanimous.

Thirty-eight Class F Permit applications were presented:

- 431 Gas & Country Store LLC, Anniston, AL
- ABBAS LLC, Grant, AL
- Alder Springs Grocery, Albertville, AL
- Alexander Lumber LLC, Moulton, AL
- Anshiv LLC dba Lucky Stop & Shop, Auburn, AL
- Bain's Welding Supply dba Toby Manifold, Mentone, AL
- Bankston Motor Homes, Florence, AL
- Beatrice's Extra Room, Phenix City, AL
- Brent's Gas, Decatur, AL
- C & R Feed & Supply/Odenville, Odenville, AL
- C & R Feed & Supply/Ragland, Ragland, AL
- Discount Home Center, Guin, AL
- Durham Service Company, Inc., Owens Cross Roads, AL
- Farmers Feed Service Inc., Wetumpka, AL
- Garrison Hauling Co., Inc. dba Garrison Farm & Home Center, Thorsby, AL
- Gemini Funding Co., Inc., dba Styx River Resort, Robertsdale, AL
- Haney Equipment, Vinemont, AL
- Johnny's RV Center LLC, Theodore, AL
- Johnny's RV Resort, Theodore, AL
- K3 Supply, McCalla, AL
- Lake Guntersville State Park, Guntersville, AL
- Love's Travel Stop # 624/Prichard, AL
- Modern Poultry Systems LLC, Geraldine, AL
- Montgomery South RV Park, Hope Hull, AL
- Moseley's One Stop Inc., Kellyton, AL
- Oakley Lawn & Garden LLC, Florence, AL
- PND Enterprises, Inc., Opelika, AL
- S & S Services, LLC dba Bay Palms RV Resort, Coden, AL
- Southern Bama Bait & Tackle, Inc., Mobile, AL
- Southern Born Enterprises LLC dba Willingham's General Store, Cullman AL
- Southern Grocers LLC, Geneva, AL

- Stephens Express Mart, Inc., Southside, AL
- Tallassee Power & Equipment LLC, Tallassee, AL
- Tractor Supply Co. # 100, Muscle Shoals, AL
- U-Haul Co. of Alabama, Inc. /Mobile, 2507 Government Street, Mobile, AL
- U-Haul Co. of Alabama, Inc. /Mobile, 200 WI-65 Service Road South, Mobile, AL
- Wakefield Enterprises, Inc., dba Gulf Breeze RV Resort, Gulf Shores, AL
- Weathers Hardware & Appliance Co., Oneonta, AL

11) Mr. Paulk moved to approve the thirty-eight Class F permit applications. Seconded by Mr. Montgomery, the ayes were unanimous.

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

Settlement Agreement 2016-05 for code violations was presented for approval.

12) Mr. Paulk moved to accept Settlement Agreement 2016-05. Seconded by Mr. Montgomery, the ayes were unanimous.

Settlement Agreement 2016-06 was presented for approval.

13) Mr. Lybarger moved to accept Settlement Agreement 2016-06. Seconded by Mr. Montgomery, the ayes were unanimous.

Settlement Agreement 2016-07 was presented for approval.

14) Mr. Paulk moved to accept Settlement Agreement 2016-07. Seconded by Mr. Reed, the ayes were unanimous.

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

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

The Administrator presented the following permits (17) for cancellation:

- C & W Repair Service, Luverne, AL, Class C Permit No. 262, Cancelled due to 6-month lapse in proof of insurance.
- Chiles Propane Gas LLC, Pulaski, TN, Class D Permit No. 265, Cancelled at the request of the company.
- GPW Hydro Service, Toney, AL, Class C Permit No. 834, Cancelled due to 6-month lapse in proof of insurance.
- Heritage Operating LP dba Blount County Propane, Oneonta, AL, Class B-1 Permit No. 539, Cancelled at the company's request. (Now Amerigas)
- Heritage Operating LP dba Coast Gas, Bessemer, AL, Class B-1 Permit No. 544, Cancelled at the company's request. (Office closed)
- Heritage Operating LP dba Coast Gas, Jemison, AL, Class B-1 Permit No. 537, Cancelled at the company's request. (Office closed)

- Heritage Operating LP dba Coast Gas/Skyline, Scottsboro, AL, Class B-1 Permit No. 548, Cancelled at the company's request. (Now Amerigas)
- Heritage Operating LP dba Heritage Propane, Albertville, AL, Class B-1 Permit No. 541, Cancelled at the company's request. (Now Amerigas)
- Heritage Operating LP dba Heritage Propane, Athens, AL, Class B-1 Permit No. 543, Cancelled at the company's request. (Now Amerigas)
- Heritage Operating LP dba Heritage Propane, Attalla, AL, Class B-1 Permit No. 172, Cancelled at the company's request. (Now Amerigas)
- Heritage Operating LP dba Heritage Propane, Centre, AL, Class A Permit No. 68, Cancelled at the company's request. (Now Amerigas)
- Heritage Operating LP dba Heritage Propane, Ft. Payne, AL, Class B-1 Permit No. 173, Cancelled at the company's request. (Now Amerigas)
- Heritage Operating LP dba Heritage Propane, Huntsville, AL, Class B-1 Permit No. 546, Cancelled at the company's request. (Now Amerigas)
- L & L Transportation LLC dba Wholesale LP Gas, Columbus, MS, Class B Permit No. 614, Cancelled at the company's request. Acquired by Crestwood Services LLC Class B Permit No. 643.
- Southwest Express, Inc., Hugoton, KS, Class B Permit No. 649, Cancelled at the company's request.
- The Fireplace Service Center LLC, Ft. Payne, AL, Class C Permit No. 758, Cancelled due to 6-month lapse in proof of insurance.
- Williams Plumbing Heating & Air, Alexander City, AL, Class C Permit No. 218, Cancelled due to 6-month lapse in proof of insurance.

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

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

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

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

On a motion by Mr. Paulk and seconded by Mr. Lybarger, the meeting was adjourned at 10:55 a.m.



**ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

P.O. BOX 1742  
TELEPHONE (334) 241-8887  
FAX (334) 240-3255  
777 S. Lawrence Street, Suite 100  
MONTGOMERY, ALABAMA 36102-1742



W. MARK NELSON  
ADMINISTRATOR

LORETTA VEASLEY COOK  
EXECUTIVE ASSISTANT

BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Local LP Gas Co. / Buckatunna, MS  
Permit "A" 145  
Code Violations

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**SETTLEMENT AGREEMENT 2016-05**

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Local LP Gas Company / Buckatunna, MS (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 pumped propane into a container owned by South Alabama Gas District / Butler that was clearly marked without written authorization from the owner of the container.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits pumping propane into a container owned by South Alabama Gas District / Butler that was clearly marked without written authorization from the owner of the container 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 \$ 400 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 Oct., 2015



Gene Cooper, Respondent  
Manager  
Local LP Gas Company



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:

Woodson Barge-N, LLC/ Gulf Shores  
 Permit "F" 596  
 Code Violations

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### SETTLEMENT AGREEMENT 2016-06

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Woodson Barge-N, LLC / Gulf Shores, 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 violated a written directive condemning the cylinder filling equipment for failure to correct discrepancies previously cited (Offense #1). In addition, an untrained and unsupervised employee (Offense #2) attempted to fill an out-of-date cylinder (Offense #3) without the use of scales (Offense #4) and without performing a visual inspection of the cylinder (Offense #5).

#### STIPULATED CONCLUSIONS OF LAW

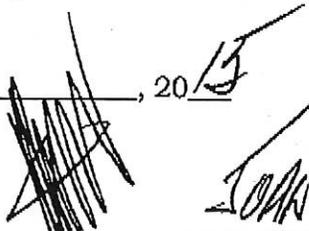
1. Respondent admits violating a written directive from the Alabama LP-Gas Board condemning the cylinder filling equipment in violation of *Code of Alabama 9-17-108*.
2. Respondent admits an untrained and unsupervised person attempted to fill a cylinder in violation of *Alabama Administrative Code 530-X-2-.04(c)*.
3. Respondent admits attempting to fill an out-of-date cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
4. Respondent admits attempting to fill a cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
5. Respondent admits attempting to fill a cylinder without first performing a visual inspection to verify suitability for continued service in violation of *NFPA 58 (2011 Edition) 7.2.2.8*.

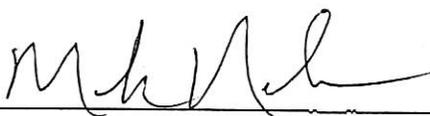
STIPULATED DISPOSITION

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 \$ 2125 to the Board within 30 days of the Board's acceptance of this agreement. (*Violation of condemn notice \$1000; Untrained Personnel \$200; 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 28 day of Oct., 2015

  
 \_\_\_\_\_  
 John Woodson, Respondent  
 Owner  
 Woodson Barge-N, LLC

  
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 Mark Nelson, Administrator  
 Alabama Liquefied Petroleum Gas Board



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W. MARK NELSON  
ADMINISTRATOR

LORETTA HAGLEY  
EXECUTIVE DIRECTOR

**BEFORE THE  
ALABAMA LIQUEFIED PETROLEUM GAS BOARD**

**IN THE MATTER OF:**

Scottie's Bottle Gas / Greensboro  
Permit "F" # 294  
Code Violations

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**SETTLEMENT AGREEMENT 2016-07**

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Scottie's Bottle Gas / Greensboro, 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. cylinder (Offense #1) without the use of scales (Offense #2). Respondent failed to perform a visual inspection of the cylinder prior to filling (Offense #3), and failed to apply a consumer warning label as required by code (Offense #4).

STIPULATED CONCLUSIONS OF LAW

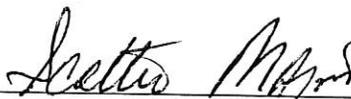
1. Respondent admits attempting to fill an out-of-date 100 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits attempting to fill a 100 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a).*
3. Respondent admits failing to perform a visual inspection on a 100 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (2011 Edition) 7.2.2.8.*
4. Respondent admits failing to apply a consumer warning label to a 100 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.8.4.*

STIPULATED DISPOSITION

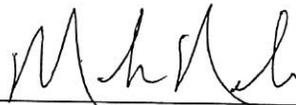
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 1175 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; Failure to apply consumer warning label \$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 25 day of Nov, 2015



\_\_\_\_\_  
Scottie Majors, Respondent  
Owner  
Scottie's Bottle Gas



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Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board