

Liquefied Petroleum Gas Board
Minutes
July 3, 2018

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on July 3, 2018 at 10:00 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, State Fire Marshal Scott Pilgreen, Public Safety Designee Lt. Will Wright, Consumer Advocate Elizabeth Barnett and Board Attorney Matt Bledsoe.

Member(s) Absent: Public Service Designee Wallace Jones.

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 Mr. Parden, 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 April 12, 2018 meeting.

(2) Mr. Parden moved to approve the minutes of the April 12, 2018 meeting. Seconded by Mr. Gay, the ayes were unanimous.

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-.12 Checklist for Submitting Class A Permit* and adoption of *Alabama Administrative Code 530-X-2-.17 LP Gas Fee Rate*.

(3) Mr. Ferguson motioned to recess from regular meeting to begin the public hearing. Seconded by Mrs. Barnett, the ayes were unanimous.

The Chairman declared the board in a public hearing related to the proposed amendment of *Alabama Administrative Code 530-X-2-.12 Checklist for Submitting Class A Permit* and proposed adoption of *Alabama Administrative Code 530-X-2-.17 LP Gas Fee Rate*.

The public hearing convened at 10:05 a.m.

The Administrator explained the proposed *Administrative Code* changes and advised that no comments, written or oral, had been received.

With no one desiring to officially comment, the Chairman called for a motion to end the public hearing on the proposed amendments to the *Alabama LP-Gas Board Administrative Codes* and reconvene the regular quarterly board meeting.

(4) Mr. Parden motioned to end the public hearing and to reconvene the regular quarterly board meeting. Seconded by Mr. Gay, the ayes were unanimous.

The public hearing ended and the regular meeting reconvened at 10:21 a.m.

OLD BUSINESS

The Administrator advised that State Personnel had developed a recommendation on new job classifications and salaries for the Inspectors and Chief Inspector, and the next course of action is review by the State of Alabama Personnel Board for approval. Pending approval by the State Personnel Board, the next step is to seek approval by the Governor.

NEW BUSINESS

The Chairman called for a motion to adopt the proposed amendment of *Alabama Administrative Code 530-X-2-.12 Checklist for Submitting Class-A Permit* as petitioned.

- (5) Mr. Gay moved to adopt the petition of the proposed amendment of *Alabama Administrative Code 530-X-2-.12 Checklist for Submitting Class -A Permit*. Seconded by Mrs. Barnett, the ayes were unanimous.

The Chairman called for motion to adopt the proposed amended of *Alabama Administrative Code 530-X-2-.17 LP-Gas Fee Rate* as petitioned.

- (6) Mr. Parden moved to adopt the proposed amended to *Alabama Administrative Code 530-X-2-.17 LP-Gas Fee Rate*. Seconded by Mr. Gay, the ayes were unanimous.

The Chairman call for a motion to approve new permit application forms presented by the Administrator in view of the recent amendment to the *Alabama LP-Gas Board Administrative Code* in order to reflect those changes.

- (7) Mr. Gay moved to approve new application forms (Revision July 2018). Seconded by Mr. Ferguson, the ayes were unanimous.

APPOINTMENT OF INDUSTRIAL REAC MEMBERS

The Chairman appointed Mr. Benny Gay and Mr. Larry Parden to serve on the Research Education Advisory Committee (REAC) for a term of one year.

PERMIT APPLICATIONS

A Class B permit application for East Energy LLC, Dublin, GA was presented.

- (8) Mr. Gay moved to approve the Class B permit application for East Energy LLC. Seconded by Mrs. Barnett, the ayes were unanimous.

A Class B-1 permit application for Ferrellgas dba Blue Rhino, Birmingham, AL was presented.

- (9) Mrs. Barnett moved to approve the Class B-1 permit application for Ferrellgas dba Blue Rhino. Seconded by Mr. Gay, the ayes were unanimous.

Six Class C permit applications were presented.

- Brumback Restaurant Equipment, Inc., Decatur, AL
- Elite Plumbing & Gas LLC, Gardendale AL
- Howse Heating & Air LLC, Addison, AL
- Speedy Plumbing, Inc., Northport, AL
- Yellowhammer Propane Services LLC, Winfield, AL
- Yellowhammer RV LLC, Clanton, AL

- (10) Mr. Gay moved to approved to approve the six Class C permit applications. Seconded by Mr. Ferguson, the ayes were unanimous.

Four Class F permit applications were presented.

- 53 Farm & Hardware, Ardmore, AL
- Geneva Hardware Co., Inc., Geneva, AL
- Majors-Morrison Enterprises LLC, Marion, AL
- Tractor Supply Co. # 1767, Fayette, AL

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

A Class F-1 permit application for Wesco Gas & Welding Supply, Inc., Pennington, AL was presented.

(12) Mr. Parden moved to approve the Class F-1 permit application. Seconded by Mr. Gay, the ayes were unanimous.

SETTLEMENT AGREEMENTS

Settlement Agreement 2018-03 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts for first offenses.

(13) Mrs. Barnett moved to approve Settlement Agreement 2018-03. Seconded by Mr. Gay, the ayes were unanimous.

Settlement Agreement 2018-04 for code violations was presented for approval as recommended by recusing Board Member Scott Pilgreen

(14) Mr. Parden moved to approve Settlement Agreement 2018-04. Seconded by Mr. Ferguson, there were five ayes. (Barnett, Ferguson, Parden, Gay, Wright voted aye. Mr. Pilgreen recused.)

Settlement Agreement 2018-05 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(15) Mr. Gay moved to approve Settlement Agreement 2018-05. Seconded by Mr. Ferguson, the ayes were unanimous.

Settlement Agreement 2018-06 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(16) Mr. Gay moved to approve Settlement Agreement 2018-06. Seconded by Mr. Parden, the ayes were unanimous.

Settlement Agreement 2018-07 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(17) Mr. Gay moved to approve Settlement Agreement 2018-07. Seconded by Mrs. Barnett, the ayes were unanimous.

Settlement Agreement 2018-08 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(18) Mr. Gay moved to approve Settlement Agreement 2018-08. Seconded by Mrs. Barnett, the ayes were unanimous.

Settlement Agreement 2018-10 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(19) Mr. Gay moved to approve Settlement Agreement 2018-10. Seconded by Mr. Ferguson, the ayes were unanimous.

RULES & REGULATION COMMITTEE

The Chairman re-established the Rules & Regulation Committee. Members appointed to serve are Ken Coker, Larry Parden, Scott Pilgreen, Tom Nuffer, Benny Gay, and Lisa Hill. Benny Gay will serve as Committee Chair. The committee will meet at the call of the Committee Chair.

ADMINISTRATOR'S REPORT

The Administrator presented the following permits for cancellation:

- Anshiv LLC dba Lucky Stop and Shop, Auburn, AL, Class F Permit no 586 cancelled at the owner's request.
- Canal Chevron, Wetumpka, AL, Class F Permit No. 321 cancelled at the owner's request.
- Covenant Heating & Cooling LLC, Alabaster, AL, Class C Permit No. 1003 cancelled due to lapse in insurance and non-payment of permit renewal fees.
- Donald Shedd Plumbing, Cullman, AL, Class C Permit No. 822 cancelled due to lapse in insurance and non-payment of permit renewal fees.
- Fausak's Tire Center, Inc., Daphne, AL, Class F Permit No. 608 cancelled due to lapse in insurance and non-payment of permit renewal fees.
- Gilberttown Feed Corporation/1006 Pushmataha, Butler, AL, Class F Permit No. 400 cancelled at the owner's request.
- Hatfield Heating & A/C, Huntsville, AL, Class C Permit No. 856 cancelled due to lapse in insurance and non-payment of permit renewal fees.
- Holston Gases, Inc., /Cullman, Cullman, AL, Class F-1 Permit 305 cancelled at the owner's request.
- Malloy Auto Supply, Inc. dba Runaway RV, Dothan, AL, Class F Permit No. 532 cancelled at the owner's request.
- Malloy Auto Supply, Inc. dba Runaway RV, Dothan, AL, Class C Permit 1000 cancelled at the owner's request.
- Worthy Plumbing & Construction, Alexander City, AL, Class C Permit No. 792 cancelled due to lapse in insurance and non-payment of permit renewal fees.

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

(20) Mrs. Barnett moved to accept the Administrator's Report as presented. Seconded by Mr. Ferguson, the ayes were unanimous.

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

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

The meeting was adjourned at 11:32 a.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

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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:

H T General Merchandise / Florence, AL
Permit "F" # 362
Code Violations



SETTLEMENT AGREEMENT 2018-03

H T General Merchandise in Florence, 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 filled a 20 lb. cylinder without removing a plastic sleeve to perform a visual inspection.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits filling a 20 lb. cylinder without first removing a plastic sleeve and performing a visual inspection of the cylinder in violation of *NFPA 58 7.2.2.9*.

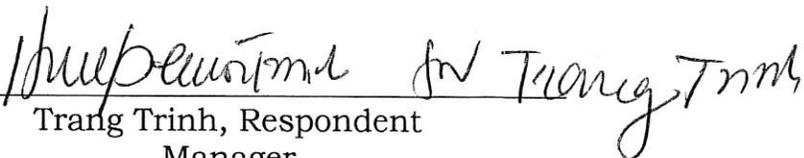
STIPULATED DISPOSITION

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

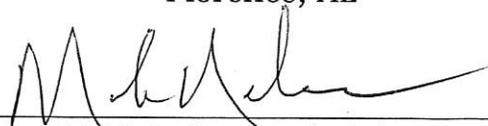
1. The Respondent agrees to remit a fine of \$ 250 to the Board within 30 days of the Board's acceptance of this agreement.

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, 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 13 day of May, 2018


Trang Trinh, Respondent
Manager

H T General Merchandise
Florence, AL


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 LP dba Coast Gas / Cullman, AL
Permit "B-1" # 665
Code Violations

SETTLEMENT AGREEMENT 2018-04

Amerigas Propane LP dba Coast Gas in Cullman, 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 pick up a lease container from a customer's property within 90 days as required by law after being notified by their former customer on February 9, 2015.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits failing to remove a lease container from a former customer's property within 90 days as required by *Alabama Administrative Code 530-X-2-.16(a)*.

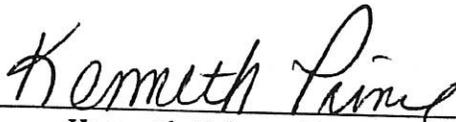
STIPULATED DISPOSITION

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

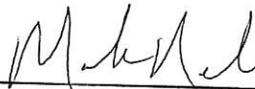
1. The Respondent agrees to remit a fine of \$ 773 (\$1 per day) to the Board within 30 days of the Board's acceptance of this agreement.
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego

- 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 29th day of May, 2018



Kenneth Prince, Respondent
Regional Manager
Amerigas Propane LP



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:

Pramukh Krupa, Inc. / Cedar Bluff, AL
Permit "F" # 373
Code Violations



SETTLEMENT AGREEMENT 2018-05

Pramukh Krupa, Inc. in Cedar Bluff, 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 filled a 100 lb. cylinder prior to completing the board's *Employee Competency* requirements.
2. Respondent filled a 100 lb. cylinder for a consumer in a vehicle not legal for transportation of such size cylinder. Although a truck ultimately was called to transport the cylinder, it was not present when filling operations began.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits filling a 100 lb. cylinder prior to completing board requirements in violation of *Alabama Administrative Code 530-X-2-.11*.
2. Respondent admits filling a 100 lb. cylinder for a consumer in a vehicle not proper for transportation in violation of *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 \$ 1100 (Employee Competency violation \$ 700; vehicle / cylinder violation \$ 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, 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 4 day of MAY, 2018



Jayeshkumar K. Patel, Respondent
Owner
Pramukh Krupa, 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:

Love's Travel Stop #368 / Clanton, AL
Permit "F" # 677
Code Violations



SETTLEMENT AGREEMENT 2018-06

Love's Travel Stop #368 in Clanton, 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 admits operating a cylinder filling dispenser without a permit.
2. Respondent admits violating a red tag issued by the Alabama LP-Gas Board.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits operating a cylinder filling dispenser without a permit in violation of *Code of Alabama 9-17-105(b)(9)*.
2. Respondent admits violating a red tag issued by the Alabama LP Gas Board in violation of *Code of Alabama 9-17-100(11)*.

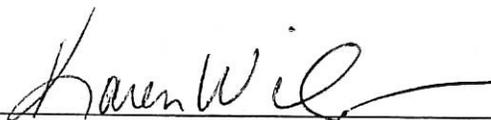
STIPULATED DISPOSITION

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

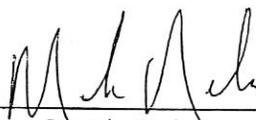
1. The Respondent agrees to remit a fine of \$ 2000 (Operating without a permit \$1000; Violation of a Red Tag \$1000) to the Board within 30 days of the Board's acceptance of this agreement.

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, 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 17 day of May, 2018



Karen Wiley, Respondent
EEO Administrator Manager
Love's Travel Stops & Country Stores



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:

Ferrellgas / Bessemer, AL
Permit "B-1" # 381
Code Violations



SETTLEMENT AGREEMENT 2018-07

Ferrellgas in Bessemer, 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 admits supplying LP-gas to a retail cylinder filling dispenser that has not obtained a Class F permit.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits supplying a retail cylinder filling dispenser without a permit in violation of *Code of Alabama 9-17-105(b)(3)*.

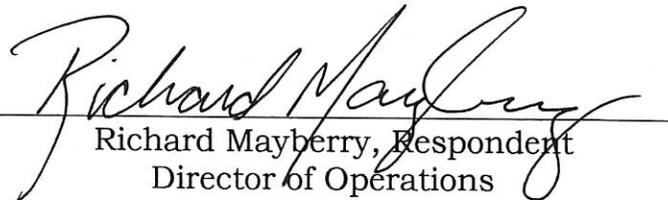
STIPULATED DISPOSITION

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 \$ 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, 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 11 day of MAY, 2018


Richard Mayberry, Respondent
Director of Operations
Ferrellgas


Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



W. MARK NELSON
ADMINISTRATOR

ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Love's Travel Center #530 / Moody, AL
Permit "F" # 458
Code Violations

SETTLEMENT AGREEMENT 2018-08

Love's Travel Center #530 in Moody, 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 obtaining an *Employee Competency Card*.
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

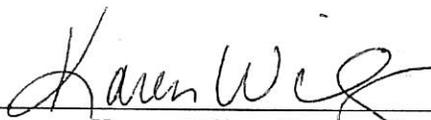
1. Respondent admits an employee was filling cylinders prior to completing *Employee Competency Card* requirements in violation of *Alabama Administrative Code 530-X-2-11*.
2. Respondent admits attempting to fill a 30 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2.04(a)*.
3. Respondent admits attempting to fill an out-of-date 30 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 17 day of May, 2018



Karen Wiley, Respondent
EEO Administrator Manager
Love's Travel Stops & Country Stores



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:

Farmers' Feed Service, Inc. / Wetumpka, AL
Permit "F" # 556
Code Violations



SETTLEMENT AGREEMENT 2018-10

Farmers' Feed Service in Wetumpka, 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 cylinder that had not been requalified.
2. Respondent failed to perform a visual inspection of a forklift cylinder prior to attempting to fill.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits attempting to fill an out-of-date forklift cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits failing to perform a visual inspection of a 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 \$ 475 to the Board within 30 days of the Board's acceptance of this agreement (*Out-of-date cylinder \$ 225; Failure to perform a 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 16 day of May, 2018.



Clint McCullers, Respondent
Owner
Farmers' Feed Service



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board