

**Liquefied Petroleum Gas Board**  
**Minutes**  
**July 23, 2020**

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on July 23, 2020 at 10:00 a.m. at 173 Medical Center, Prattville, AL.

Members Present: Chairman Benny Gay, Bill Montgomery (via Microsoft Teams), Larry Parden, State Fire Marshal Scott Pilgreen, Consumer Advocate Elizabeth Barnett, Public Service Commission Designee Wallace Jones, and Public Safety Designee Lt. Ronni Fetty (via Microsoft Teams).

Members Absent: Dickie Ferguson.

With a quorum present, the Chairman called the meeting to order and Administrator Mark Nelson gave the invocation.

The Chairman called for a motion to adopt the agenda.

(1) Mr. Jones moved to adopt the agenda. Seconded by Ms. 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 approval of the minutes of the January 9, 2020 meeting.

(2) Mr. Parden moved to approve the minutes of the January 9, 2020 meeting. Seconded by Mr. Pilgreen, the ayes were unanimous.

**Old Business**

(a) The administrator noted for the record the cancellation of the April 9, 2020, quarterly board meeting due to the COVID-19 pandemic.

(b) The administrator advised the board of Governor Ivey's recommendation to limit meetings to routine business because of limitations of public attendance due to the COVID-19 pandemic. In cooperation with this recommendation, the Petition for a Declaratory Ruling Docket No. 2020-01 was pushed to an unknown future date pending pandemic recovery.

**New Business**

The Chairman appointed Mr. Larry Parden and Mr. Dickie Ferguson to serve on the Research Education Advisory Committee (REAC) for the next 12 months.

The Administrator requested official waiver approval for LPG fee, permit renewal, or motor fuel decal renewal late fees and penalties caused by the COVID-19 pandemic.

- (3) Ms. Barnett moved to grant waiver approval for late fees and penalties caused by the pandemic. Seconded by Mr. Jones, the ayes were unanimous.

Two Class B permit applications were presented to the Board.

- MAKY Acquisitions LLC dba True North Transportation, Dawsonville, GA
- Southeastern Tank Lines LLC, Dublin, GA

- (4) Mr. Parden moved to approve the two Class B permit applications. Seconded by Ms. Barnett, the ayes were unanimous.

Five Class C Permit applications were presented to the Board.

- Beck Plumbing LLC, Selma, AL
- Carter Mobile Services, LLC, Wetumpka, AL
- Clark Diversified Service, Inc., Montgomery, AL
- Gas-Pro, Samson, AL
- Superior RV & Repair LLC, Guntersville, AL

- (5) Mr. Parden moved to approve the five Class C permit applications. Seconded by Ms. Barnett, the ayes were unanimous.

A Class C-2 permit application for LPG Ventures, Inc., Kearney, MO was presented to the Board.

- (6) Mr. Parden moved to approve the Class C-2 permit application for LPG Ventures, Inc. Seconded by Ms. Barnett, the ayes were unanimous.

A Class D permit application for LPG Ventures, Inc., Kearney, MO was presented to the Board.

- (7) Ms. Barnett moved to approve the Class D permit application for LPG Ventures, Inc. Seconded by Mr. Jones, the ayes were unanimous.

Fifteen Class F permit applications were presented to the Board.

- AEE Retail Corp dba Enfinger True Value, Dothan, AL
- Ahoy RV Resort LLC, Foley, AL
- Bankston Motor Homes, Inc./Huntsville Shop, Huntsville, AL
- Kitchens Express Lane LLC, Southside, AL
- Lake Guntersville, Ace Hardware LLC, Guntersville, AL
- Love's Travel Stops #773, Eutaw, AL
- MM Land Company LLC dba Azalea Acres RV Park, Robertsdale, AL
- Metro RV Mobile LLC, Coden, AL
- Mustard Seed Nursey, Cullman, AL
- Southeast Ace LLC dba Dunnivant Valley Ace, Birmingham, AL
- Sun Pandion Ridge RV LLC, Orange Beach, AL
- The Landing – Mondragon, Inc., Shelby, AL
- Tiffin Motor Homes, Inc., Winfield, AL
- Tractor Supply Company #2412, Huntsville, AL
- Tractor Supply Company #2450, Decatur, AL

(8) Mr. Jones moved to approve the fifteen Class F permit applications. Seconded by Mr. Pilgreen, the ayes were unanimous.

#### **Code Violations Settlement Agreements**

Settlement Agreement 2020-04 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(9) Mr. Pilgreen moved to accept Settlement Agreement 2020-04. Seconded by Mr. Jones, the ayes were unanimous

Settlement Agreement 2020-06 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(10) Mr. Pilgreen moved to accept Settlement Agreement 2020-06. Seconded by Mr. Jones, the ayes were unanimous.

Settlement Agreement 2020-07 for code violations was presented for approval. The settlement agreement was based on board pre-approved settlement amounts.

(11) Mr. Pilgreen moved to accept Settlement Agreement 2020-07. Seconded by Mr. Jones, the ayes were unanimous.

Settlement Agreement 2020-08 for code violations was presented for approval. The settlement agreement was based on board pre-approved amounts.

(12) Mr. Pilgreen moved to accept Settlement Agreement 2020-08. Seconded by Mr. Jones, the ayes were unanimous.

#### **Administrator's Report**

The Administrator presented the following permits for cancellation:

- ACA Plumbing & Service LLC, Opelika, AL, Class C Permit No. 918 business sold.
- ADCO Companies Ltd., Bessemer, AL, Class C Permit No. 904 cancelled for non-renewal of permit
- ADCO Companies Ltd., Bessemer, AL, Class D Permit No. 221 cancelled for non-renewal of permit.
- Azalea Acres RV Park LLC, Robertsedale, AL, Class F Permit No. 558 business sold.
- B & S Refrigeration, Luverne, AL, Class C Permit No. 245 cancelled for non-renewal of permit.
- Campers Inn RV of Huntsville, Inc., Huntsville, AL, Class C Permit No. 1055 cancelled at the owner's request.

- Campers Inn RV of Huntsville, Inc., Huntsville, AL, Class F Permit No. 758 cancelled at the owner's request.
- Comfortmasters Heating & A/C, Columbus, GA, Class C Permit No. 69 business sold.
- Drake Enterprises – AL LLC, Hillsboro, AL, Class F Permit No. 679 business sold.
- Durham Service Company, Inc., Owens Crossroads, AL Class C Permit No. 418 cancelled for non-renewal of permit.
- Farmer Oil, Inc., Oxford, GA, Class B Permit No. 621 cancelled at owner's request.
- Fiddlesticks LLC, Birmingham, AL Class F Permit No. 685 cancelled at owner's request.
- Hal County Board of Education, Greensboro, AL, Class C Permit No. 179 cancelled at owner's request.
- Hare Krishna, Inc. dba Jet Pep #21, Hanceville, AL, Class F Permit No. 235 cancelled for non-renewal of permit.
- Heblon Heating & A/C, Meridian, MS, Class C Permit No. 242 cancelled for non-renewal of permit.
- Kellam's Corner, Inc., Magnolia Springs, AL, Class F Permit No. 669 cancelled for non-renewal of permit.
- Lansing Trading Group LLC, Overland Park, KS, Class B Permit No. 627 cancelled at owner's request.
- Mike Morton Metals LLC, Cedar Bluff, AL, Class F Permit No. 661 cancelled at owner's request.
- Nichols Plumbing LLC, Detroit, AL, Class C Permit No. 1069 cancelled for nonrenewal of permit.
- Norris Plumbing Company, Greenville, AL, Class C Permit No. 489 cancelled for non-renewal of permit.
- Oak Glen Terrace dba Johnny's Lakeside RV Resort, Foley, AL, Class F Permit No. 444 cancelled at owner's request.
- Osmer, Inc. dba Maysville General Store, Gurley, AL, Class F Permit No. 329 cancelled at owner's request.
- Perkins Heating & Cooling, Winfield, AL, Class C Permit No. 274 cancelled for non-renewal of permit.

- Russell County Board of Education, Seale, AL, Class C Permit No. 100 cancelled at owner's request.
- Shaver Electric Company, Arab, AL, Class C Permit No. 129 cancelled for non-renewal of permit.
- Speedy Plumbing, Inc., Northport, AL, Class C Permit No. 1032 cancelled for non-renewal of permit; business sold.
- TnT Pit Stop, Billingsley, AL, Class F Permit No. 441 cancelled at owner's request.
- True North Transportation, Inc. Oxford, GA, Class B Permit No. 622 cancelled at owner's request.
- Willingham Welding Solutions, Inc., Gas Innovations, Class D Permit No. 271 cancelled at owner's request.
- Yellowhammer Propane Service LLC, Winfield, AL, Class C Permit No. 1033 cancelled for non-renewal of permit.

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

- (13) Mr. Pilgreen moved to accept the Administrator's Report as presented.  
Seconded by Mr. Parden, the ayes were unanimous.

Mr. Parden made a motion for the Administrator to begin the election process to fill the next term of the Southeast Industrial Board Member. Seconded by Mr. Pilgreen, the ayes were unanimous.

Date of the next board meeting is October 8, 2020.

- (14) Ms. Barnett moved to pay the board members' expenses. Seconded by Mr. Jones, the ayes were unanimous.

The meeting was adjourned at 10:28 a.m.



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

TELEPHONE (334) 241-8887

FAX (334) 240-3255

P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Amerigas Propane LP / Greenville, AL  
Permit "B-1" # 281  
Code Violations

---

### SETTLEMENT AGREEMENT 2020-04

---

Amerigas Propane LP/ Greenville, 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 disconnected and moved another company's tanks while failing to plug or cap container openings (Offenses 1-2) and failing to leave the two containers on firm masonry foundations (Offenses 3-4).

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits moving and failing to plug or cap container openings on two containers belonging to another company in violation of *Alabama Administrative Code 530-X-2-.16(b)(1)*.
2. Respondent admits moving two containers belonging to another company and failing to leave them on a firm masonry foundation in violation of *Alabama Administrative Code 530-X-2-.16(b)(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 \$ 1,300 to the Board within 30 days of the Board's acceptance of this agreement. (*Failure to plug/cap*

containers \$325 each; Failure to leave containers on a firm masonry foundation \$325 each.)

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 12<sup>th</sup> day of February, 2020

*Ashley Pitts*

ASHLEY PITTS  
NOTARY PUBLIC, ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES JUN. 03, 2023

*Darlene Kirkland*

Darlene Kirkland, Respondent  
Amerigas Propane LP, Greenville, AL

*Mark Nelson*

Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

TELEPHONE (334) 241-8887

FAX (334) 240-3255

P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

#### IN THE MATTER OF:

Ferrellgas LP dba Blue Rhino, Birmingham, AL  
Permit "B-1" # 683  
Code Violations

---

### SETTLEMENT AGREEMENT 2020-06

---

Ferrellgas LP dba Blue Rhino / Birmingham, 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. Two of Respondent's employees performed unsupervised work prior to passing the Board's Employee Competency Requirements (Offense #1-2).
2. Respondent's employees filled 2334 propane cylinders that were overdue for requalification or had no legible requalification/manufacturing dates (Offense #3-2336)

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent does not contest to the finding that two Respondent employees were working unsupervised prior to passing the Board's Employee Competency Requirements in violation of *Alabama Administrative Code 530-X-2-.11*.
2. Respondent does not contest to the finding that Respondent employees filled 2334 propane cylinders that were overdue for requalification in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.

#### STIPULATED DISPOSITION

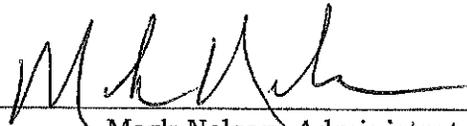
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 235,025 (*Unsupervised employees without Competency Cards, \$1400; Out-of-date cylinders filled, \$233,625*) 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 20<sup>th</sup> day of July, 2020



Josh McLeod, Respondent  
Safety Manager, Blue Rhino



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

TELEPHONE (334) 241-8887

FAX (334) 240-3255

P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Ferrellgas LP, Demopolis, AL  
Permit "B-1" # 384  
Code Violation

---

### SETTLEMENT AGREEMENT 2020-07

---

Ferrellgas LP / Demopolis, 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).

#### 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)*.

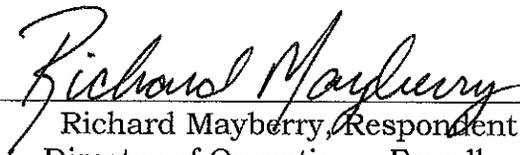
#### STIPULATED DISPOSITION

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 \$ 1,000 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 29 day of MAY, 2020

  
Richard Mayberry, Respondent  
Director of Operations, Ferrellgas

  
Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board



## ALABAMA LIQUEFIED PETROLEUM GAS BOARD

777 S. Lawrence Street, Suite 100

TELEPHONE (334) 241-8887

FAX (334) 240-3255

P.O. BOX 1742

MONTGOMERY, ALABAMA 36102-1742

W. MARK NELSON  
ADMINISTRATOR

### BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Love's Travel Stop #773  
Permit "F" # 766  
Code Violation

---

#### SETTLEMENT AGREEMENT 2020-08

---

Love's Travel Stop #773 / Eutaw, 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 was operating a cylinder filling dispenser without a permit (Offense 1).
2. Respondent was operating a cylinder filling dispenser that had been red tagged (condemned). (Offense 2)

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent admits operating a cylinder filling station without possessing the required Class F permit in violation of *Code of Alabama 9-17-105(b)(3)*.
2. Respondent admits operating a cylinder filling dispenser that had been red tagged in violation of *Code of Alabama 9-17-109(d); 9-17-100(11)*.

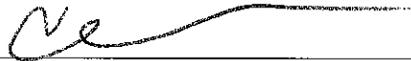
#### STIPULATED DISPOSITION

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

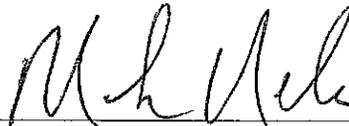
1. The Respondent agrees to remit a fine of \$ 2,000 (Operating without a permit, \$1,000; Violation of a red tag, \$1,000) to the Board within 30 days of the Board's acceptance of this agreement.

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 22<sup>nd</sup> day of July, 2020



Amanda Simpson, Respondent  
Risk Management Specialist  
Love's Travel Stops & Country Stores



Mark Nelson, Administrator  
Alabama Liquefied Petroleum Gas Board