

Alabama Liquefied Petroleum Gas Board
Minutes
October 9, 2014

The Alabama Liquefied Petroleum Gas Board held its quarterly board meeting on October 9, 2014 at 10:05 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, Consumer Advocate Elizabeth Barnett, State Fire Marshal Designee Scott Pilgreen, Public Safety Designee Sgt. Will Wright, Board Attorney Matt Bledsoe.

Members Absent: Bill Montgomery and Ed Paulk.

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 as presented. Seconded by Mr. Lybarger, 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 2nd, 2014 meeting.

- 2) Mr. Gay moved to approve the minutes of the July 2nd, 2014 meeting. Seconded by Mr. Reed, the ayes were unanimous.

OLD BUSINESS

The nomination ballots for the election of the Southeast board member were mailed on October 1st, 2014 and are to be returned by October 17th, 2014. Candidates nominated will be listed on election ballots that will be mailed to Class A permit holders.

NEW BUSINESS

The Administrator presented a Class "C" Code Familiarization Review for Recreational Vehicles (RV) based on *NFPA 1192 Standard on Recreation Vehicles (2008 Edition)*. The code review will be for Class "C" employees who will be working on recreational vehicles.

- 3) Mr. Reed moved to adopt the Class "C" Code Familiarization Review for Recreational Vehicles (RV) as proposed. Seconded by Mr. Lybarger, the ayes were unanimous.

Two Class B Permit applications were presented to the Board:

- Dufour Marketing, Inc., Hattiesburg, MS
- J-Con Farms, Inc., dba J-Con, Inc., Summit, MS

- 4) Mr. Gay moved to approve the two Class B Permit applications. Seconded by Mr. Lybarger, the ayes were unanimous.

Two Class C Permit applications were presented:

- Alabama Gas Solutions, LLOC, Headland, AL
- Hill Heating & Air Conditioning, Lineville, AL

- 5) Mr. Gay moved to approve the two Class C permit applications. Seconded by Mr. Lybarger, the ayes were unanimous.

Twenty-one Class F Permit applications were presented:

- Atmore Appliance, LLC, Atmore, AL
- Brendle Rentals, Montgomery, AL
- Brown Lumber & Building Supply, Inc., Columbiana, AL
- C. Lee Jones, Inc., Daleville, AL
- Canal Chevron, Wetumpka, AL
- Central Alabama Farmers' Cooperative, Demopolis, AL
- Chambly's, Valley, AL
- Danny's Kilpatrick Hardware, Crossville, AL
- G & H Building Supply Co., Inc., Centreville, AL
- G & H Home Improvement, Maplesville, AL
- Goshen Farmers Cooperative, Inc., Goshen, AL
- Highland BP, Louisville, AL
- Jade LLC dba Coosa Corner, Leesburg, AL
- Kenneth Ping, Seminole, AL
- Osmer Inc., dba Maysville General Store, Gurley, AL
- Peach Queen Kampground Inc., Jemison, AL
- Quality Cooperative, Inc., Greenville, AL
- Rentals of Marshall County, Boaz, AL
- Smith Mountain, Inc., dba Ace of Helena, Helena, AL
- Watson Propane, Decatur, AL
- Weldon Enterprises, LLC, Vincent, AL

(Mrs. Barnett arrived at 10:28 a.m.)

- 6) Mr. Lybarger moved to approve the twenty-one Class F Permit applications. Seconded by Mr. Reed, the ayes were unanimous.

Three Class F-1 Permit applications were presented.

- Nexair, LLC, Birmingham, AL
- Valley Air Supply, Inc., Jasper, AL
- Wesco Gas & Welding Supply Inc., Troy, AL

- 7) Mr. Gay moved to approve the three Class F-1 Permit applications. Seconded by Mr. Lybarger, the ayes were unanimous.

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2014-24 for code violations was presented by recusing board member Bob Reed.

- 8) Mrs. Barnett moved to accept Settlement Agreement 2014-24. Seconded by Mr. Lybarger, there were five ayes. (Lybarger, Pilgreen, Barnett, Gay, Wright voted aye. Mr. Reed abstained.)

Settlement Agreement 2014-25 for code violations was presented by the Administrator in the absence of recusing board member Ed Paulk.

- 9) Mr. Lybarger moved to accept Settlement Agreement 2014-25. Seconded by Mrs. Barnett, there were six ayes. (Lybarger, Pilgreen, Barnett, Reed, Gay, Wright voted aye.)

Settlement Agreement 2014-26 for code violations was presented by the Administrator in the absence of recusing board member Bill Montgomery.

- 10) Mr. Gay moved to accept Settlement Agreement 2014-26. Seconded by Mr. Lybarger, there were six ayes. (Lybarger, Reed, Barnett, Pilgreen, Gay, Wright voted aye.)

Settlement Agreement 2014-27 for code violations was presented by recusing board member Elizabeth Barnett.

- 11) Mr. Gay moved to accept Settlement Agreement 2014-27. Seconded by Mr. Lybarger, there were five ayes. (Lybarger, Reed, Pilgreen, Gay, Wright, voted aye. Mrs. Barnett abstained.)

At the direction of the board, the Administrator will compose a list of common offenses and a schedule of fines to be used for settlement agreements. The schedule of fines will be considered for approval by the board at the January 8, 2015 meeting.

FY 2016 BUDGET REQUEST

The FY 2016 budget request for LP Gas Board Regulatory Services in the amount of \$1,413,391 and Research Education Advisory Committee (REAC) in the amount of \$200,000 was presented to the Board.

- 12) Mr. Gay moved to approve the FY 2016 budget request for LP Gas Board Regulatory Services in the amount of \$1,413,391 and LP Gas Research Education Advisory Committee (REAC) in the amount of \$200,000. Seconded by Mr. Reed, the ayes were unanimous.

ADMINISTRATOR'S REPORT

The Administrator presented the following permit for cancellation:

- RLC Trucking LLC/Bossier City, LA, Class "B" Permit #650. Cancelled at the request of the company.

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

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

Date of the next board meeting is January 8th, 2015.

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

The meeting was adjourned at 11:34 a.m.



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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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:

Suburban Gas Propane Partners dba Thompson Gas Southeast / Talladega
Permit "B-1" # 506
Code Violations

SETTLEMENT AGREEMENT 2014-24

Suburban Gas Propane Partners dba Thompson Gas Southeast / Talladega (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. Richey's Grocery / Cropwell, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 506 issued to Respondent, attempted to fill an out-of-date 5 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent's agent also failed to remove a sleeve and perform a visual inspection of the cylinder prior to filling (Offense #3).

STIPULATED CONCLUSIONS OF LAW

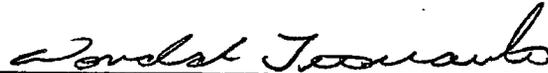
1. Respondent admits that Respondent's agent attempted to fill an out-of-date 5 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent admits that Respondent's agent attempted to fill a 5 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
3. Respondent admits that Respondent's agent failed to 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*.

STIPULATED DISPOSITION

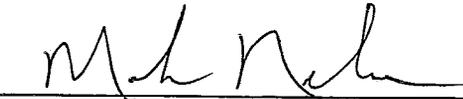
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 1000 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$250; Failure to use scales \$500; Failure to remove sleeve and 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 25th day of August, 2014



Donald Tetreault, Respondent
V.P. Southeast Operations
Suburban Gas Propane Partners
Dba Thompson Gas Southeast



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 / Eastaboga
Permit "B-1" # 313
Code Violations

SETTLEMENT AGREEMENT 2014-25

Amerigas Propane / Eastaboga (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. Lakeside Landing / Cropwell, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 313 issued to Respondent, attempted to fill an out-of-date 5 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent's agent also failed to remove a sleeve and perform a visual inspection of the cylinder prior to filling (Offense #3).

STIPULATED CONCLUSIONS OF LAW

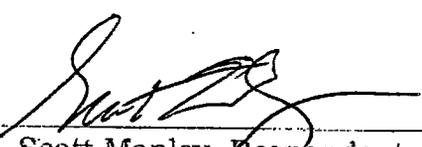
1. Respondent admits that Respondent's agent attempted to fill an out-of-date 5 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2*.
2. Respondent admits that Respondent's agent attempted to fill a 5 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
3. Respondent admits that Respondent's agent failed to 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*.

STIPULATED DISPOSITION

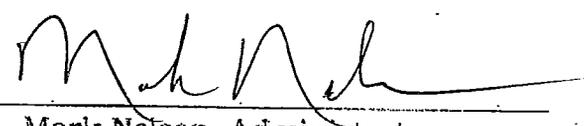
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 950 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$225; Failure to use scales \$475; Failure to remove sleeve and 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 29 day of August, 2014



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



BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Ferrellgas / Pell City
Permit "B-1" # 4
Code Violations

SETTLEMENT AGREEMENT 2014-26

Ferrellgas / Pell City (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. Brown Lumber & Building Supply / Columbiana, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 4 issued to Respondent, attempted to fill an out-of-date 5 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent's agent also failed to remove a sleeve and 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 5 lb. cylinder in violation of *NFPA 58 (2011 Edition) 5.2.2.2.*
2. Respondent admits that Respondent's agent attempted to fill a 5 lb. 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 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.*

STIPULATED DISPOSITION

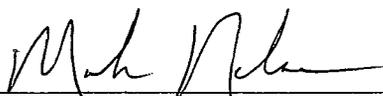
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 920 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 remove sleeve and perform visual inspection \$245*).
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 15 day of August, 2014



Richard Mayberry, Respondent
Director of Operations
Ferrellgas / Bessemer



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:

Suburban Propane L.P. dba Dowdle Gas / Gordo
Permit "B-1" # 631
Code Violations

SETTLEMENT AGREEMENT 2014-27

Suburban Propane L.P. dba Dowdle Gas / Gordo (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. Gordo Tire Center / Gordo, AL (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "B-1" permit # 631 issued to Respondent, attempted to fill an out-of-date 5 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent's agent also failed to remove a sleeve and perform a visual inspection of the cylinder prior to filling (Offense #3).

STIPULATED CONCLUSIONS OF LAW

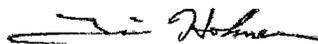
1. Respondent admits that Respondent's agent attempted to fill an out-of-date 5 lb. cylinder in violation of *NFPA 58 (1998 Edition) 4-2.2.4*.
2. Respondent admits that Respondent's agent attempted to fill a 5 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2-.04(a)*.
3. Respondent admits that Respondent's agent failed to remove a sleeve and perform a visual inspection on a 5 lb. cylinder prior to attempting to fill in violation of *NFPA 58 (1998 Edition) 2-2.1.4*.

STIPULATED DISPOSITION

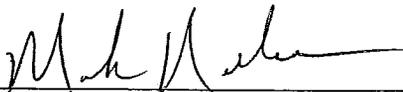
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 1000 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$250; Failure to use scales \$500; Failure to remove sleeve and 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 18th day of September, 2014



Tim Holmes, Respondent
Director of Fleet & Safety
Suburban Propane L.P.



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board