

Liquefied Petroleum Gas Board
Minutes
January 10th, 2013

The Alabama Liquefied Petroleum Gas Board held its regular quarterly board meeting on January 10th, 2012 at 10:07 a.m. at 777 S. Lawrence Street, Montgomery, AL. Those in attendance were Chairman Wayne Caylor, Vice-Chairman Bob Reed, Benny Gay, Scott Lybarger, Darrell Calhoun Board Members, State Fire Marshal Ed Paulk, Consumer Advocate Charlene Goolsby, Administrator Mark Nelson, Board Secretary Loretta V. Cook, Chief Inspector Tom Nuffer, Board Inspector David Norris and Inspections Secretary Rose Johnson. Guests present were Tim Holmes of Dowdle Gas Company, Attorneys Peck Fox and Ivan Hand of the law firm Maynard, Cooper & Gale (representing Suburban Propane, L.P.), Denson Holley of Apex Propane, Chuck Britton of NexAir, Bill Montgomery of Superior Gas, Ken Sexton, Kim Sexton and Keenan Kelly of Acme Propane, Ken Coker of Wan-Bon Gas, Charlie Vawter of Automatic Gas, Jason Gamble of Gamble Marketing, Pankaj Kantilal Patel, Class F applicant, Lisa Fountain and Mike McGough of the Alabama Propane Gas Association. Board Attorney Bill Garrett and Public Safety Designee Lt. Todd Till were absent. (Vice Chairman Bob Reed's arrival to meeting was delayed due to a scheduled Public Service Commission meeting. He arrived at 10:47 a.m.)

The Chairman called the meeting to order. The secretary called roll, a quorum being present. Mr. Lybarger gave the invocation.

Administrator Mark Nelson introduced Central Alabama Board Inspector David Norris to the Board.

The 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.

ELECTION OF OFFICERS

The Chairman opened the nomination for Chairman.

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

Mr. Caylor was elected Chairman by acclamation.

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

Mr. Reed was elected Vice-Chairman by acclamation.

MINUTES OF THE LAST MEETING

The Chairman called for the approval or disapproval of the minutes of the October 11th, 2012 meeting.

- (2) Mr. Gay moved to approve the minutes of the October 11th, 2012 meeting as circulated. Seconded by Mr. Reed, the ayes were unanimous.

OLD BUSINESS

Rules & Regulations Committee Chairman Darrel Calhoun advised the Board that the committee is working with Industrial Training Services. More news will be given in the upcoming board meetings.

PUBLIC HEARING

The Chairman called for a motion to officially begin a public hearing for the purpose of considering proposed amendments to Regulation 530-X-2-.06 *Storage and Handling of Liquefied Petroleum Gas Codes*.

- (3) Mr. Paulk moved to begin the public hearing for the consideration of proposed amendments to Regulation 530-X-2-.06 *Storage and Handling of Liquefied Petroleum Gas Codes*. Seconded by Mr. Gay, the ayes were unanimous.

There were no official public comments submitted orally or in writing in support or opposition to the proposed amendments.

- (4) Mr. Paulk moved to end the public hearing. Seconded by Mr. Calhoun, the ayes were unanimous.

NEW BUSINESS

The Chairman called for a motion to adopt amendments to Regulation 530-X-2-.06 *Storage and Handling of Liquefied Petroleum Gas Codes*.

- (5) Mr. Paulk moved to adopt the amendments to Regulation 530-X-2-.06 *Storage and Handling of Liquefied Petroleum Gas Codes*. Seconded by Mr. Calhoun, the ayes were unanimous.

Three Class A Permit applications were presented to the Board:

- (a) Suburban Propane, L.P. dba Columbus Butane, Russellville, AL
- (b) Suburban Propane, L.P. dba Country Gas, Sumiton, AL
- (c) Suburban Propane, L.P. dba Dowdle Gas, Columbus, MS

After a discussion the following motion was made:

- (6) Mr. Gay moved to approve the three Class A Permit applications as presented to the Board. Seconded by Mr. Calhoun, the ayes were unanimous.

The Class B-1 Permit application for Ala-Tenn Propane Gas, Inc., dba Pea River Propane Gas, Inc., Enterprise, AL was presented to the Board. After a discussion the following motion was made:

- (7) Mr. Paulk moved to approve the Class B-1 Permit application for Ala-Tenn Propane Gas, Inc., dba Pea River Propane Gas, Inc., Enterprise, AL. Seconded by Mr. Lybarger, the ayes were unanimous.

The 42 Class B-1 Permit Applications for Suburban Propane, L.P. were presented to the Board:

- Suburban Propane, L.P. dba Columbus Butane, Columbus, MS
- Suburban Propane, L.P. dba Columbus Butane, Haleyville, AL
- Suburban Propane, L.P. dba Country Gas, Albertville, AL
- Suburban Propane, L.P. dba Country Gas, Brent, AL
- Suburban Propane, L.P. dba Country Gas, Blountsville, AL
- Suburban Propane, L.P. dba Country Gas, Hartselle, AL
- Suburban Propane, L.P. dba Country Gas, Huntsville, AL
- Suburban Propane, L.P. dba Country Gas, Jasper, AL
- Suburban Propane, L.P. dba Country Gas, Moulton, AL
- Suburban Propane, L.P. dba Country Gas, Owens Cross Roads, AL
- Suburban Propane, L.P. dba Country Gas, Selma, AL
- Suburban Propane, L.P. dba Country Gas, Sylvania, AL
- Suburban Propane, L.P. dba Dowdle Gas, Abbeville, AL
- Suburban Propane, L.P. dba Dowdle Gas, Addison, AL
- Suburban Propane, L.P. dba Dowdle Gas, Alexander City, AL
- Suburban Propane, L.P. dba Dowdle Gas, Aliceville, AL
- Suburban Propane, L.P. dba Dowdle Gas, Baileyton, AL
- Suburban Propane, L.P. dba Dowdle Gas, Blountsville, AL
- Suburban Propane, L.P. dba Dowdle Gas, Butler, AL
- Suburban Propane, L.P. dba Dowdle Gas, Carbon Hill, AL
- Suburban Propane, L.P. dba Dowdle Gas, Decatur, AL
- Suburban Propane, L.P. dba Dowdle Gas, Defuniak Springs, FL
- Suburban Propane, L.P. dba Dowdle Gas, Demopolis, AL
- Suburban Propane, L.P. dba Dowdle Gas, Fayette, AL
- Suburban Propane, L.P. dba Dowdle Gas, Georgiana, AL
- Suburban Propane, L.P. dba Dowdle Gas, Geraldine, AL
- Suburban Propane, L.P. dba Dowdle Gas, Gordo, AL
- Suburban Propane, L.P. dba Dowdle Gas, Greensboro, AL
- Suburban Propane, L.P. dba Dowdle Gas, Haleyville, AL
- Suburban Propane, L.P. dba Dowdle Gas, Jasper, AL
- Suburban Propane, L.P. dba Dowdle Gas, Luverne, AL
- Suburban Propane, L.P. dba Dowdle Gas, Montgomery, AL
- Suburban Propane, L.P. dba Dowdle Gas, Opelika, AL
- Suburban Propane, L.P. dba Dowdle Gas, Pell City, AL
- Suburban Propane, L.P. dba Dowdle Gas, Russellville, AL
- Suburban Propane, L.P. dba Dowdle Gas, Sulligent, AL

- Suburban Propane, L.P. dba Dowdle Gas, Summerdale, AL
- Suburban Propane, L.P. dba Dowdle Gas, Troy, AL
- Suburban Propane, L.P. dba Dowdle Gas, Tuscaloosa, AL
- Suburban Propane, L.P. dba Dowdle Gas, Union Springs, AL
- Suburban Propane, L.P. dba Dowdle Gas, Warrior, AL
- Suburban Propane, L.P. dba Dowdle Gas, York, AL

After a discussion the following motion was made:

- (8) Mr. Gay moved to approve the 42 Class B-1 Permit applications for the Suburban Propane, L.P. Seconded by Mrs. Goolsby, the ayes were unanimous.

The Class B Permit application for American Midstream Chatom Unit, LLC, Denver, CO was presented to the Board. After a discussion the following motion was made:

- (9) Mr. Paulk moved to approve the Class B Permit application for American Midstream Chatom Unit, LLC, Denver, CO. Seconded by Mr. Calhoun, the ayes were unanimous.'

The Class B Permit application for Inergy Services LLC, Kansas City, MO was presented to the Board. After a discussion the following motion was made:

- (10) Mr. Paulk moved to approve the Class B Permit application for Inergy Services LLC, Kansas City, MO. Seconded by Mrs. Goolsby, the ayes were unanimous.

The Class B Permit application for Transwood, Inc., Omaha, NE was presented to the Board. After a discussion the following motion was made:

- (11) Mr. Lybarger moved to approve the Class B Permit application for Transwood, Inc., Omaha, NE. Seconded by Mr. Paulk, the ayes were unanimous.

The Class C Permit application for Gene Hamlin Heating & Cooling, Lineville, AL was presented to the Board. After a discussion the following motion was made:

- (12) Mr. Paulk moved to approve the Class C Permit application for Gene Hamlin Heating & Cooling, Lineville, AL. Seconded by Mr. Calhoun, the ayes were unanimous.

The Class C Permit application for Tri-County Gas Works, Prattville, AL was presented to the Board. After a discussion the following motion was made:

- (13) Mr. Paulk moved to approve the Class C Permit application for Tri-County Gas Works, Prattville, AL. Seconded by Mrs. Goolsby, the ayes were unanimous.

The Administrator asked the Board if it was still the Board's desire not to issue temporary authorization for Class C permit applicants? If all requirements have been met, the Administrator may issue temporary authorization per a consensus of the Board and in accordance with the Code of Alabama 1975.

The Class F Permit application for BITCO, Inc., Columbiana, AL was presented to the Board. After a discussion the following motion was made:

- (14) Mr. Paulk moved to approve the Class F Permit application for BITCO, Inc., Columbiana, AL. Seconded by Mr. Lybarger, the ayes were unanimous.

The Class F Permit application for PKS Marketing, LLC, Millbrook, AL was presented to the Board. At the Administrator's request, Mr. Patel, owner of PKS Marketing, was in attendance. Mr. Patel addressed the Board. After a discussion the following was made:

- (15) Mr. Paulk moved to approve the Class F Permit application for PKS Marketing, LLC, Millbrook, AL and at the first sign of violations a cease and desist order be given until the violation is presented to the Board for consideration of actions. Seconded by Mr. Gay, there were four ayes and one nay vote. (Paulk, Gay, Calhoun and Lybarger voted ayes. Mrs. Goolsby voted nay.)

The Class F Permit application for Saginaw Recycling, LLC, Alabaster, AL was presented to the Board. After a discussion the following motion was made:

- (16) Mr. Paulk moved to approve the Class F Permit application for Saginaw Recycling, LLC, Alabaster, AL. Seconded by Mr. Lybarger, the ayes were unanimous.

The Class F-1 Permit application for Young Welding Supply, Inc., Sheffield, AL was presented to the Board. After a discussion the following motion was made:

- (17) Mr. Lybarger moved to approve the Class F-1 Permit application for Young Welding Supply, Inc., Sheffield, AL. Seconded by Mrs. Goolsby, the ayes were unanimous.

CODE VIOLATION SETTLEMENT AGREEMENTS

Settlement Agreement 2012-19 for code violations by a permit holder was presented by recusing Board member Ed Paulk. After a discussion the following motion was made:

- (18) Mr. Gay moved to accept Settlement Agreement 2012-19 for code violations as presented to the Board. Seconded by Mr. Calhoun, there were four ayes. (Lybarger, Gay, Calhoun, Goolsby voted aye, Mr. Paulk abstained).

Settlement Agreement 2012-20 for code violations by a permit holder was presented by recusing Board member Ed Paulk. After a discussion the following motion was made:

(Mr. Reed arrived at 10:47 a.m. during the discussion.)

- (19) Mr. Lybarger moved to accept Settlement Agreement 2012-20 for code violations as presented to the Board. Seconded by Mr. Reed, there were five ayes. (Lybarger, Reed, Gay, Calhoun, Goolsby voted aye. Mr. Paulk abstained).

Settlement Agreement 2012-22 for code violations by a permit holder was presented by recusing Board member Wayne Caylor. After a discussion the following motion was made:

- (20) Mr. Paulk moved to accept Settlement Agreement 2012-22 for code violations as presented to the Board. Seconded by Mr. Reed, there were six ayes. (Paulk, Goolsby, Calhoun, Lybarger, Reed, Gay voted aye. Mr. Caylor abstained)

Settlement Agreement 2013-01 for code violations by a permit holder was presented by recusing Board Member Benny Gay. After a discussion the following motion was made:

- (21) Mr. Lybarger moved to accept Settlement Agreement 2013-01 for code violations as presented to the board. Seconded by Mr. Calhoun, there were five ayes. (Paulk, Goolsby, Calhoun, Lybarger, Reed voted aye. Mr. Gay abstained.)

ADMINISTRATOR'S REPORT

The Administrator presented the following permits to the Board for cancellation:

Central LP Gas Inc., Scottsboro, AL, Class A Permit No. 31, cancelled effective September 30, 2012. Company has been sold.

Energy Transfer Partners LLC dba Heritage Propane Express, Centre, AL, Class A Permit No. 292 cancelled effective September 30, 2012. Company has been sold.

Indigo Energy Partners, LLC, Alpharetta, GA, Class B Permit No. 629 cancelled effective September 30, 2012 at the company's request.

Price Brothers Transport Company, Louisville, AL, Class B Permit No. 603 cancelled effective September 30, 2012. Company is out-of-business.

Quantum Resources Management, LLC, Denver, CO, Class B Permit No. 620 cancelled effective September 30, 2012. The company has been sold.

Gould Heating, A/C, Refrigeration, Columbiana, AL, Class C Permit No. 237 cancelled effective December 31, 2011 at the company's request.

Amerigas Propane, Geneva, AL, Class B-1 Permit No. 581 cancelled effective September 30, 2012 at the company's request.

Central LP Gas, Albertville, AL, Class B-1 Permit No. 567 cancelled effective September 30, 2012. The company has been sold.

Central LP Gas, Gurley, AL, Class B-1 Permit No. 460 cancelled effective September 30, 2012. The company has been sold.

Central LP Gas, Hazel Green, AL Class B-1 Permit No. 556 cancelled effective September 30, 2012. The company has been sold.

Central LP Gas, Rainsville, AL, Class B-1 Permit No. 550 cancelled effective September 30, 2012. The company has been sold.

Inergy Propane LLC dba Dowdle Gas, Wedowee, AL, Class B-1 Permit No. 497 cancelled effective September 30, 2012 at the company's request.

South Alabama Gas District, Camden, AL, Class B-1 Permit No. 455 cancelled effective September 30, 2012 at the company's request.

South Alabama Gas District, Newton, AL, Class B-1 Permit No. 570 cancelled effective September 30, 2012 at the company's request.

The Board's objectives and financial position were presented to the Board.

At the end of the fiscal year the fund balance in the LP Regulatory Fund in excess of \$200,000 and the balance in the LP Gas Cash Surety Recovery Fund in excess of \$50,000, is transferred to the Research Education Advisory Committee Fund. A transfer of \$162,111.93 was made to the REAC fund.

The mileage rate changed from 55.5 cents per mile to 56.5 cents per mile effective January 2013.

(22) Mr. Reed made a motion to accept the Administrator's Report as presented. Seconded by Mr. Calhoun, the ayes were unanimous.

CHAIRMAN'S COMMENTS

The Chairman read Mrs. Charlene Goolsby's letter of resignation and presented her with a certificate of appreciation for her years of service (June 18, 2004 – January 10, 2013) as the Consumer Advocate Board member. Mrs. Goolsby addressed the Board and expressed her appreciation to the Board.

Date of the next Board meeting is April 11th, 2013.

(23) Mr. Paulk made a motion to pay the Board members expenses. Seconded by Mr. Reed, the ayes were unanimous.

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



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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

W. MARK NELSON
ADMINISTRATOR



BEFORE THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

Allgas / Montgomery Permit "A" #193
Code Violations

SETTLEMENT AGREEMENT 2012-19

Allgas / Montgomery (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. Safford Hardware (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "A" permit #193 issued to Respondent, attempted to fill an out-of-date 100 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent also failed to submit a certification form to the Alabama LP-Gas Board documenting that Respondent's agent was operating as an agent under their permit (Offense #3).

STIPULATED CONCLUSIONS OF LAW

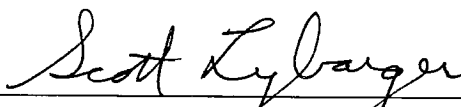
1. Respondent admits that Respondent's agent attempted to fill an out-of-date 100 lb. cylinder in violation of *NFPA 58 (1998 Edition) 4-2.2.4*.
2. Respondent admits that Respondent's agent attempted to fill a 100 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2.04(a)*.
3. Respondent admits failing to submit a certification form documenting the cylinder filling operation as an agent of the Respondent in violation of *Alabama Administrative Code 530-X-2-.04(c)*.

STIPULATED DISPOSITION

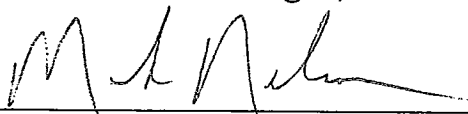
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$ 1750 to the Board within 30 days of the Board's acceptance of this agreement. (Not using scales \$500; Out-of-date cylinder \$250; No agent certification paperwork \$1000).
2. In consideration of Respondent's full and complete compliance with this Settlement Agreement and the terms hereof, the Board agrees to forego the pursuit of its administrative remedies available under Alabama Law.
3. The Respondent waives his rights pursuant to Ala. Code Sec. 41-22-12; and Ala. Admin. Code Sec. 530-X-1-03 including, but not limited to, the opportunity for a hearing before the Board.
4. This Settlement Agreement shall become effective upon the execution by the parties and upon approval by the Board. Upon approval by the Board, this agreement shall be made a part of the official minutes of the Board's next regularly scheduled meeting. Respondent acknowledges and understands that the official minutes of the Board will be published on the Board's website.
5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Settlement Agreement, the stipulated facts, conclusions of law and impositions of discipline herein.

Signed this 30TH day of NOVEMBER, 2012



Scott Lybarger, Respondent
Regional Manager
Allgas, Inc.



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board



ALABAMA LIQUEFIED PETROLEUM GAS BOARD

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W. MARK NELSON
ADMINISTRATOR

LORETTA VEASLEY COOK
EXECUTIVE ASSISTANT

BEFORE THE
ALABAMA LIQUEFIED PETROLEUM GAS BOARD

IN THE MATTER OF:

South Alabama Gas / Thomasville Permit "A" #281
Code Violations

SETTLEMENT AGREEMENT 2012-20

South Alabama Gas / Thomasville (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. Orrville Food Mart (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class "A" permit #281 issued to Respondent, attempted to fill an out-of-date 20 lb. cylinder (Offense #1) without the use of scales (Offense #2). Respondent's agent also failed to remove the cylinder sleeve and perform a visual inspection of the cylinder prior to attempting to fill (Offense #3).

STIPULATED CONCLUSIONS OF LAW

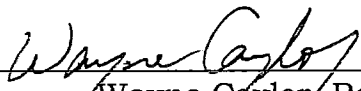
1. Respondent admits that Respondent's agent attempted to fill an out-of-date 20 lb. cylinder in violation of *NFPA 58 (1998 Edition) 4-2.2.4*.
2. Respondent admits that Respondent's agent attempted to fill a 20 lb. cylinder without the use of scales in violation of *Alabama Administrative Code 530-X-2.04(a)*.
3. Respondent admits that Respondent's agent attempted to fill a 20 lb. cylinder without removing the cylinder sleeve to perform a visual inspection in violation of *NFPA 58 (1998 Edition) 2-2.1.4*.

STIPULATED DISPOSITION

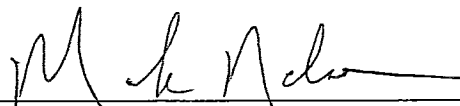
The Board and the Respondent agree that this action will be settled upon the following terms:

1. The Respondent agrees to remit a fine of \$1000 to the Board within 30 days of the Board's acceptance of this agreement. (Not using scales \$500; Out-of-date cylinder \$250; No visual inspection prior to filling \$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 15th day of November, 2012



Wayne Caylor, Respondent
Director of Propane Operations
South Alabama Gas



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:

Blossman Gas / Opelika B-1 #80
Code Violations

SETTLEMENT AGREEMENT 2012-22

Blossman Gas / Opelika (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. Depot Gun & Pawn (hereinafter referred to as Respondent's agent #1), operator of a propane cylinder filling station under Class B-1 permit #80 issued to Respondent, attempted to fill an out-of-date 100 lb. cylinder (Offense #1) without properly setting the scales to fill by weight (Offense #2).
2. Moseley's One Stop (hereinafter referred to as Respondent's agent #2), operator of a propane cylinder filling station under Class B-1 permit #80 issued to Respondent, attempted to fill an out-of-date 20 lb. cylinder (Offense #3) without removing a sleeve on the cylinder to visually inspect the cylinder for damage prior to attempting to fill (Offense #4).
3. McDaniel Supply (hereinafter referred to as Respondent's agent #3), operator of a propane cylinder filling station under Class B-1 permit #80 issued to Respondent, attempted to fill an out-of-date 20 lb. cylinder (Offense #5) without using the scales to properly fill by weight (Offense #6). Respondent's agent #3 also failed to remove a sleeve on the cylinder to

visually inspect the cylinder for damage prior to attempting to fill (Offense #7).

4. Satterfields (hereinafter referred to as Respondent's agent #4), operator of a propane cylinder filling station under Class B-1 permit #80 issued to Respondent, attempted to fill an out-of-date 100 lb. cylinder (Offense #8) without using the scales to properly fill by weight (Offense #9).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that Respondent's agents #1, #2, #3, and #4 all attempted to fill an out-of-date cylinder in violation of *NFPA 58 (1998 Edition) 4-2.2.4*.
2. Respondent admits that Respondent's agents #1, #3, and #4 all attempted to fill a cylinder without the proper use of scales in violation of *Alabama Administrative Code 530-X-2.04(a)*.
3. Respondent admits that Respondents agents #2 and #3 failed to remove a sleeve on a cylinder and perform a visual inspection for damage prior to attempting to fill the cylinder in violation of *NFPA 58 (1998 Edition) 2-2.1.4*.

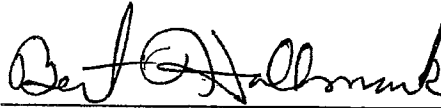
STIPULATED DISPOSITION

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

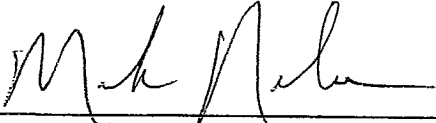
1. The Respondent agrees to remit a fine of \$ 3000 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$250 x 4; Scale violation \$500 x 3; Visual inspection / cylinder sleeve violation \$250 x 2*)
2. In consideration of Respondent's full and complete compliance 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 6 day of December, 2012



Bert Hallmark, Manager
Blossman Gas / Opelika



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:

**Allgas, Inc. / Boaz B-1 #58
Code Violations**

SETTLEMENT AGREEMENT 2013-01

Allgas, Inc. / Boaz (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. King's Cash & Carry (hereinafter referred to as Respondent's agent), operator of a propane cylinder filling station under Class B-1 permit #58 issued to Respondent, attempted to fill an out-of-date 100 lb. cylinder (Offense #1) without using the scales to fill by weight (Offense #2).

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that Respondent's agent attempted to fill an out-of-date 100 lb. cylinder in violation of *NFPA 58 (1998 Edition) 4-2.2.4.*
2. Respondent admits that Respondent's agent attempted to fill a 100 lb. cylinder without using scales in violation of *Alabama Administrative Code 530-X-2.04(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 \$ 750 to the Board within 30 days of the Board's acceptance of this agreement. (*Out-of-date cylinder \$250; Scale violation \$500*)
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 7TH day of DECEMBER, 2012



Scott Lybarger, Respondent
Regional Manager
Allgas, Inc.

Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board