

**STATE OF MISSISSIPPI
MISSISSIPPI INSURANCE DEPARTMENT
LIQUEFIED COMPRESSED GAS BOARD**

**IN RE: BRANDON FARMER and UNITED PROPANE GAS, a.k.a., DELTA
PROPANE GAS, Inc.**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
FINAL ADMINISTRATIVE ORDER**

THIS MATTER came for hearing before the State Liquefied Compressed Gas Board (“Board”), on March 13, 2014, in the offices of the State Fire Academy in Pearl, Rankin County, Mississippi, on the Notice of Hearing and Statement of Charges against Brandon Farmer (Farmer), Driver/Installer, and United Propane Gas, a.k.a. Delta Propane Gas, Inc., Permit No. 1837 (UPG). Mr. Farmer did not appear instead choosing to voluntarily surrender his License as a Driver/Installer in lieu of participating in the Hearing. UPG was represented by Mr. Wes Shepherd, Director of Safety and Mr. Stephen A. Brandon, Attorney at Law. The Board, finding that it has jurisdiction over the parties and the subject matter (Exhibits S-1, S-2, and S-3), and being fully advised in the premises makes the following findings of fact and conclusions of law.

AUTHORITY

The hearing was held pursuant to Miss Code Ann § 75-57-101, *et seq.*, (Rev. 2012), providing for the promulgation and enforcement of regulations by the State Liquefied Compressed Gas Board, and specifically under Miss. Code Ann. § 75-57-107 (Rev. 2012) which provides that the Board is authorized to impose monetary penalties and take other disciplinary action.

FINDINGS OF FACT

1.

On January 14, 2014, L.C. Gas Division Executive Director Robert Pickering (Pickering) and Inspector Scottie Cuevas (Cuevas) conducted an investigation after receiving information from Ms. Irene Lucky that her sister's tank was filled without a leak check being conducted after an interruption of service. (Exhibit S-5)

2.

The investigation confirmed that Brandon Farmer, LC Gas Driver/Installer No. 13-076, delivered gas to a tank that was empty at 359 SCR 30, Mt. Olive, MS 39119. (Exhibits S-4, S-5)

3.

Mr. and Mrs. Daniel Warren reside at 359 SCR 30, Mt. Olive, MS 39119. (Exhibit S-5)

4.

Farmer admitted that he did not pump that particular tank because Mr. Warren warned him not to come into the yard because of the six (6) dogs that "would come after him". (Exhibit S-5)

5.

Farmer admitted that Mr. Warren notified him at the time that he had turned the valve off at the tank due to low fuel state thereby signifying an interruption in service. (Exhibit S-5)

6.

Farmer stated that he did not conduct a leak check. (Exhibit S-5)

7.

Farmer was an employee of UPG a.k.a. Delta Propane Gas, Inc. at the time he failed to conduct a leak check. (Exhibit S-5)

CONCLUSIONS OF LAW

9.

Per Miss. Code Ann. § 75-57-9, National Fire Protection Association NFPA-54 and NFPA-58 (among other national codes and standards specified therein) are adopted by reference as specifications for the purpose of material standards, construction, handling, transportation and installation of all liquefied compressed gas systems and inspection and operation of pressure vessels. Consequently, a violation of the provisions of NFPA-54 and NFPA-58 constitutes a violation of Miss. Code Ann. §75-57-9.

10.

Farmer and UPG violated Mississippi Insurance Department Bulletin 2010-4, "Leak Checks", Paragraph I, by failing to perform Leak Checks on any interruption of service to an existing system or first time service to a new customer.

11.

The aforementioned safety violations by Farmer and UPG constitute sufficient grounds for the imposition of disciplinary action per Miss. Code Ann. §§ 75-57-105 & 75-57-107.

FINAL ADMINISTRATIVE ORDER

IT IS ORDERED that:

Due to Mr. Farmer surrendering his License in lieu of a hearing no additional action will be taken against him for his failure to conduct a leak check.

A monetary penalty of One Thousand Dollars (\$1,000.00) is imposed on UPG for violating Mississippi Insurance Department Bulletin 2010-4 by failing to perform Leak Checks on any interruption of service to an existing system or first time service to a new customer. This fine

shall be payable to the Mississippi Insurance Department and is due within thirty (30) days of the date of this order.

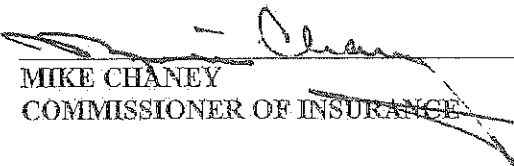
This Order shall be effectuated after proper service upon or delivery to UPG in accordance with Title 19, Part 1, Chapter 15 - Rules Regarding the Administrative Practice and Procedure before the Mississippi Insurance Department.

SO ORDERED, this the 24 day of March, 2014.



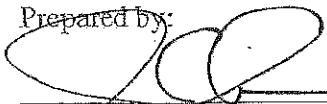
ROB LOVE, CHAIRMAN
LIQUEFIED COMPRESSED GAS BOARD

APPROVED BY:



MIKE CHANEY
COMMISSIONER OF INSURANCE

Prepared by:



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