

**BEFORE THE LIQUEFIED COMPRESSED GAS BOARD
STATE OF MISSISSIPPI**

**IN RE: MILLER PROPANE, LLC D/B/A MILLER PROPANE
PERMIT NO. 2058**

FINAL ADMINISTRATIVE ORDER

THIS MATTER came for hearing before the State Liquefied Compressed Gas Board (“Board”), during a regularly scheduled meeting on May 13, 2021, at 10:00 a.m., at the Mississippi State Fire Academy, located at #1 Fire Academy USA, Pearl, Mississippi, on the Notice of Hearing and Statement of Charges against Miller Propane, LLC d/b/a Miller Propane, Permit No. 2058. Nathan Miller, who is the Member and Manager for Miller Propane, LLC, was personally served with the Notice on April 7, 2021, and delivery via certified mail was also confirmed as having occurred on April 8, 2021. No representative of Miller Propane, LLC attended nor participated in the hearing. The State called one (1) witness to testify, that being State Fire Marshal Deputy Connie Dolan. The State also submitted documentary evidence for the board’s consideration. The Board, finding that it has jurisdiction over the parties and the subject matter of this matter, and being fully advised in the premises, makes the following findings of fact and conclusions of law, using the standard of “clear and convincing evidence”:

FINDINGS OF FACT

1.

From and after July 01, 2019, Respondent, Miller Propane, LLC dba Miller Propane, has engaged in the business of distributing and selling liquefied compressed gas, either at wholesale or retail, without providing to the State Liquefied Compressed Gas Board or the LC Gas Division of the Mississippi Insurance Department the required evidence of financial responsibility as

required by *Miss. Code Ann. § 75-57-49 (Supp. 2020)*. The most recent certificate of insurance, which Miller Propane provided as proof of Workers' Compensation and Employers' Liability coverage, expired on July 01, 2019.

2.

On numerous separate occasions since January of 2021, Miller Propane, LLC has failed to act with competency in transacting business so as to safeguard the interest of the public. Specifically, the Respondent has failed on numerous occasions to respond to customer requests for refill of propane tanks, has failed to answer its telephone, and has failed to properly provide service to its customers. Failures to respond to customer requests create several potential safety hazards, including the potential for inadequate response to emergencies, and inability of customers to heat their homes during cold weather, or to prepare food. It is no longer in the best interest of the public that Miller Propane continue to hold a permit to engage in the business of selling and distributing liquefied compressed gas.

CONCLUSIONS OF LAW

3.

Miss. Code Ann. § 75-57-49 (Supp. 2020) requires that permittees must "satisfy the State Liquefied Compressed Gas Board that he or she is of good character, is competent to transact business so as to safeguard the interest of the public, and is financially responsible; and this provision as to financial responsibility shall be met by such person by filing with the State Liquefied Compressed Gas Board evidence that he or she has in force such of the hereinafter listed insurance policies on standard contract forms and written by an insurance company, or companies, qualified to do business in the State of Mississippi" and that such insurance coverage

must include Workers' Compensation and Employers' Liability Insurance as required by the Statutes of the State of Mississippi.

4.

The failure of Miller Propane, LLC to maintain and file evidence of appropriate Worker's Compensation and Employer's Liability Insurance with the LC Gas Division of the Mississippi State Fire Marshal's Office is a violation of the financial responsibility requirements set forth in *Miss. Code Ann. § 75-57-49 (2020)*.

5.

Respondent, Miller Propane, LLC, no longer meets the criteria to hold a permit as required by *Miss. Code Ann. § 75-57-49 (2020)*, and consequently, the Permit held by Miller Propane should be revoked. The failure to maintain competency in the transaction of business is a violation of *Miss. Code Ann. § 75-57-49 (2020)*.

6.

The above stated two (2) separate violations of *Miss. Code Ann. § 75-57-49 (2020)* by Miller Propane, LLC constitute sufficient grounds for the imposition of disciplinary actions, including but not limited to the revocation of its authority and permit as a Class 1 LC Gas Distributor in the State of Mississippi, per *Miss. Code Ann. §§ 75-57-107 and 109*.

ORDER

IT IS, THEREFORE, ORDERED that Permit Number 2058 issued to Miller Propane, dated May 13, 2010, should be and hereby is cancelled and revoked effective immediately upon the approval by the Commissioner of Insurance of this Order.

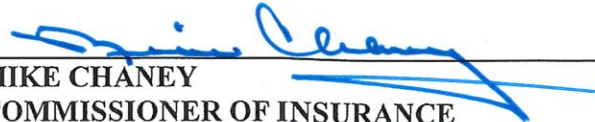
It is noted that should the Respondent wish to appeal this Order, it may do so pursuant to the procedure set forth in § 75-57-117 of the *Mississippi Code of 1972, as Amended*.

SO ORDERED, this the 17th day of May, 2021.



ROB LOVE, CHAIRMAN
LIQUEFIED COMPRESSED GAS BOARD

APPROVED BY:



MIKE CHANEY
COMMISSIONER OF INSURANCE

Date Approved: 5/18/21