

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

**IN RE: FOX GAS, LLC, d/b/a FOX GAS
PERMIT NO. 1948**

No. 10-6207

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

THIS MATTER came for hearing before the State Liquefied Compressed Gas Board (“Board”), during a regularly scheduled meeting on July 14, 2011 in the offices of the State Fire Marshal, in the City of Jackson, Hinds County, Mississippi, on the Notice of Hearing and Statement of Charges against Fox Gas, LLC d/b/a Fox Gas (“Fox”), permit No. 1948. Richard Stewart, the owner and manager of Fox appeared at the hearing, without counsel, and participated fully in the hearing. 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:

FINDINGS OF FACT

1.

On February 8, 2011, Mr. Jerry Carruth, an employee of Fox, filled the propane tank of Johnnie Brumfield, 78 Richland Creek Road, Foxworth, MS.

2.

A subsequent investigation by L.C. Gas Division Safety Inspector Charles Quick found that the data plate on the L.C. Gas tank was not legible, and that said tank only had a single stage regulator.

3.

On February 10, 2011, Inspector Quick met with Jerry Carruth. Carruth admitted to Inspector Quick, as well as at the hearing herein, that the customer was out of gas and that he had not performed a leak check. On February 10, 2011, Inspector Quick issued ticket #503 to Fox for various safety violations as endangering human life and or property, including:

Violation #1 - NFPA 58, 2008 Edition, Chapter 6.14.1; NFPA 54 2009 Edition, Chapter 8; and MID Bulletin 2010-4, Failure to perform a leak check;

Violation#2: - NFPA 58 2008 Edition, Chapter 5.2.8.3- unreadable data plate.

CONCLUSIONS OF LAW

4.

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 §75-57-9.

5.

Fox filled a customer's tank which had no legible data. Filling a tank with no legible data plate is a violation of NFPA 58, 2008 Edition, Chapter 5.2.8.3. Failure to perform and document a leak check when a customer is out of gas and/or is a new customer is a violation of NFPA 58, 2008 Edition, Chapter 6.14.1 and NFPA 54 2009 Edition, Chapter 8, and MID Bulletin 2010-4 (Leak Checks).

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9.

The aforementioned safety violations by Fox constitute sufficient grounds for the imposition of a monetary penalty and other disciplinary action per *Miss. Code Ann. § 75-57-107*.

FINAL ADMINISTRATIVE ORDER

IT IS, THEREFORE, ORDERED that a monetary penalty in the amount of One Thousand Dollars (\$1,000.00) shall be and hereby is imposed on Fox Gas, LLC d/b/a Fox Gas, payable to the Mississippi Insurance Department, within thirty (30) days of receipt of this Order.

Fox shall also prepare and submit a written Company policy on the handling of “new” customer calls, and “out of gas” calls, and shall submit same to the Board within thirty (30) days of receipt of this Order.

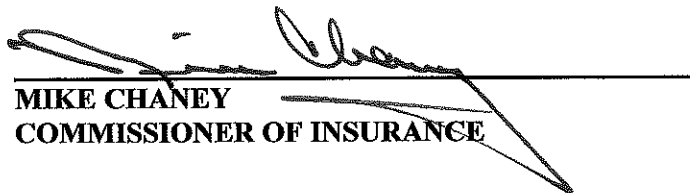
Finally, these findings relate to the fact that the charges herein constitute a first offense. If there is a second offense involving the same employee, that employee’s permit may be revoked in addition to further action being taken against Fox’s permit. The potential penalty for a second offense is \$3000.00.

SO ORDERED, this the 22 day of July, 2011.



**ROB LOVE, CHAIRMAN
LIQUEFIED COMPRESSED GAS BOARD**

APPROVED BY:



**MIKE CHANEY
COMMISSIONER OF INSURANCE**