

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

**IN RE: AIRSOUTH, LLC
 LC Gas Class 3 Permit # 15050904**

FINAL ADMINSTRATIVE ORDER

THIS MATTER came for hearing before the State Liquefied Compressed Gas Board (“Board”), during a regularly scheduled meeting on March 13, 2025, 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 AirSouth, LLC, LC Gas Class 3 Permit No. 15050904. James Sinclair, who is the Member and Manager for AirSouth, LLC, was present at the hearing and fully participated. The State called seven (7) witnesses to testify, that being State Fire Marshal (SFM) Deputy Peter Adcock, SFM Deputy Rusty McCoy, SFM Deputy Faye Killebrew, SFM Deputy Gary Fairley, Glenn Brooks, Tim Oaks, and Cody Errington. Respondent’s representative, James Sinclair, also testified at the hearing. The State also submitted documentary evidence for the board’s consideration that was admitted into the record as follows:

I. PLEADINGS AND PROCEDURAL:

- A. Notice of Hearing and Statement of Charges (dated February 11, 2025)
- B. Confirmation of Certified Mail receipt (February 19, 2025)
- C. Email providing Respondent with Notice of Hearing and Statement of Charges (February 11, 2025), including delivery confirmation.

II. State’s Exhibits:

- S-1: Code Violation Report (CVR) dated 07/09/2024;
- S-2: CVR x 2 dated 9/5/2024;
- S-3: CVR dated 10/14/2024;
- S-4: CVR dated 10/23/2024;
- S-5: CVR dated 10/30/2024;

- S-6: CVR dated 11/26/2024;
- S-7: Email dated 12/18/2024;
- S-8: Ticket No. 910, dated 11/22/2024 with Misc. Insp. Report;
- S-9: Misc. Inspection Report dated 01/31/2025;
- S-10: Email, Subject CO Poisoning;
- S-11: CVR dated 02/03/2025;
- S-12: CVR dated 02/14/2025;
- S-13: Email from Peter Adcock dated 02/13/2025, with AirSouth's paperwork relative to the Audrey Cager HVAC install
- S-14: Warning Letter issued to AirSouth 11/22/2024 with delivery notices;
- S-15: MSBOC online disciplinary records for AirSouth as of 2/13/2025;
- S-16: Sircon Report for AirSouth, LLC;
- S-17: Photographs submitted during Peter Adcock testimony

The Respondent did not submit any documentary or tangible evidence into the record.

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.

The allegations contained in Charge 2 of the Notice of Hearing and Statement of Charges was substantiated by the evidence. Specifically, the evidence supports the finding that: On or about September 5, 2024, Respondent's employee, installer Laramie Mitchell, committed the following violations relative to an installation performed: (a) failure to install required corrosion resistant tracer wire as required by NFPA 54, para. 7.1.7.3; (b) failure to locate pressure relief device with proper buffering from an ignition source in violation of NFPA 58, para. 6.10.1.7(6). These actions constitute two (2) separate violations of *Miss. Code* §§ 75-57-9, -35, and -47.

2.

The allegations contained in Charge 5 of the Notice of Hearing and Statement of Charges was substantiated by the evidence. Specifically, the evidence supports the finding that: On or about October 30, 2024, Respondent's employee, installer Blaze Thompson installed a generator without allowing for proper buffering from ignition sources and direct-vent appliances in violation of NFPA 58, para. 6.10.1.4. This is in violation of *Miss. Code §§ 75-57-9 and -35*.

3.

The allegations contained in Charge 8 of the Notice of Hearing and Statement of Charges was substantiated by the evidence. Specifically, the evidence supports the finding that: On multiple occasions during 2024, AirSouth, LLC and its employees have failed to provide timely notice to the Mississippi State Liquefied Compressed Gas Board (through notification to the State Fire Marshal's LC Gas Division) that it had performed activities to "install, connect, alter, extend, change or repair" a liquefied compressed gas system, with such notice being required within 15 days as required by the provisions of *Mississippi Code § 75-57-47*. These instances of failure to notify, which each constitute a separate violation of the LC Gas laws of this state, include:

(a) A generator installation that included propane gas installation and connection activities was performed for homeowner, Derrick Hardney, in or around Ellisville, Mississippi on or about 9/26/2024. As of 11/20/2024, no notice of this installation was received by the State Fire Marshal's LC Gas Division.

(b) A generator installation that included propane gas installation and connection

activities was performed for homeowner, Sheila Lott, within the State of Mississippi sometime more than 15 days prior to September 5, 2024, wherein no notice of the installation was received by the State Fire Marshal's LC Gas Division within the time period required by law.

(c) An HVAC installation that included propane gas installation and connection activities was performed for a homeowner, Audrey Cager, within the State of Mississippi sometime between November 2024 and mid January 2025, wherein no notice of the installation was received by the State Fire Marshal's LC Gas Division within the time period required by law.

These actions constitute three (3) separate violations of *Miss. Code §§ 75-57-9, -35, and -47*.

4.

The allegations contained in Charge 9 of the Notice of Hearing and Statement of Charges was substantiated by the evidence. Specifically, the evidence supports the finding that: During a period between or about November 2024 and January 2025, Respondent's employee installed an HVAC system for AirSouth, LLC customer, Audrey Cager. The HVAC system was defectively installed without implementing a necessary conversion kit enabling the system to burn propane gas rather than natural gas. Additionally, the Respondent's employee failed to perform the "Leak Check Procedures and Requirements" for the system, as required by *Title 19 Miss. Administrative Code, Part 7, Chapter 14*, and a leak was subsequently detected in the system. These actions constitute violations of *Miss. Code §§ 75-57-9 and -35*

5.

The allegations contained in Charge 10 of the Notice of Hearing and Statement of Charges was substantiated by the evidence. Specifically, the evidence supports the finding that: On or about February 3, 2025, Respondent's employee installed a generator system for use with propane and located the discharge from the required pressure relief device on a second stage regulator without allowing for proper buffering from an ignition source in violation of NFPA 58, para. 6.10.1.7(6). This is in violation of *Miss. Code §§ 75-57-9 and -35*.

6.

The allegations contained in Charges 1, 3, 4, 6, 7 and 11 of the Notice of Hearing and Statement of Charges filed in this matter are being retired to the file, with no determination being made thereon.

CONCLUSIONS OF LAW

7.

Pursuant to *Miss. Code Ann. §§ 75-57-107 and 109 (Supp. 2023)*, the Board is authorized to impose monetary penalties and take such other disciplinary action, including revocation of a liquefied gas permit, for violations of *Title 75, Chapter 57, Miss. Code of 1972, as Amended*. Specifically, *Miss. Code § 75-57-107* provides that the LC-Gas Board may impose the following penalties: 1st Offense, not more than \$1,000; 2nd Offense, not more than \$3,000; 3rd and subsequent offenses, not more than \$5,000; and "such other disciplinary actions as authorized by this chapter." *See also Miss. Code § 75-57-109* for permit revocation authority. Any revocation of a permit shall be subject to the approval of the Commissioner of Insurance.

8.

The findings of fact herein support the conclusion that the Respondent, AirSouth, LLC, has committed eight (8) separate violations of the provisions of the Liquefied Compressed Gas Equipment Inspection Law of Mississippi, as codified in *Mississippi Code § 75-57-1 et seq.* Each of the violations committed by AirSouth, LLC are being treated as 1st offenses for purposes of this matter, as this is the first time Respondent has been brought before this board for disciplinary action.

ORDER

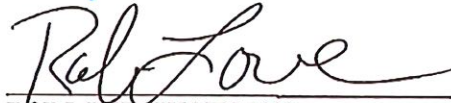
IT IS, THEREFORE, ORDERED that the Respondent, AirSouth, LLC, should be and hereby is assessed an administrative penalty in the amount of Five Thousand Dollars (\$5,000) due immediately upon the approval of this Order by the Commissioner of Insurance.

Furthermore, the Respondent, AirSouth, LLC, should be and hereby is assessed an additional administrative penalty in the amount of One Thousand Dollars (\$1,000), however, this additional penalty of \$1,000 should be and is hereby suspended conditioned upon AirSouth, LLC's prospective compliance with the requirements of *Miss. Code § 75-57-47* regarding the timely provision of notification (within 15 days of job completion) for any and all instances where AirSouth, LLC or its employees shall install, connect, alter, extend, change or repair any liquefied compressed gas or compressed natural gas system, container or appliance whatsoever, or shall install, connect, change, extend, alter or repair any piping or fitting connect with or attached to any liquefied compressed gas or compressed natural gas container, system or appliance within the State of Mississippi. The suspended portion of the administrative penalty herein shall be reinstated and imposed upon AirSouth, LLC upon the determination that they have again failed to provide timely

notice of installation as required by law.

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 2 day of April, 2025.



ROB LOVE, CHAIRMAN
LIQUEFIED COMPRESSED GAS BOARD

APPROVED BY:



MIKE CHANEY
COMMISSIONER OF INSURANCE

Date Approved: 2 April, 2025