

Southern Weights & Measures Association

89th Edition

SWMA Newsletter

April 2002

Dear SWMA Member:

As you may know, the 2002 Annual Meeting of the Southern Weights and Measures Association will be held October 13 through 16, in Richmond, Virginia. I have selected the Omni Hotel which was the site of the 2000 Annual Meeting of the National Conference on Weights and Measures. The room rates are \$114.00 single, \$129.00 double. The contact person for the hotel is Joanne Trip, 804/344-7249. Based on the past history of SWMA's Annual Meeting, I have blocked 40 rooms Saturday, 65 Sunday and Monday and 50 Tuesday. We will lose the room block after September 16, 2002.

The following have agreed to serve as Chairman of the SWMA Standing Committees: Will Wotthlie, Specifications & Tolerance Committee, Steve Hadder, FL, Administration & Public Affairs Committee, Steve Casto, WV, Laws & Regulations Committee and Winston Sutton, NC, Executive Committee. This information will be posted on our SWMA web site as soon as possible. I will wait until later in the year to confirm the rest of the committee members. Any regulatory member of the S.W.M.A. interested in being on a committee should contact me as soon as possible. It will be our goal to have the committee agenda items posted on the SWMA Web Site as soon as possible after the NCWM Annual Meeting.

Going into this year, we find ourselves in a recession. Budgets are being stretched and we are being asked to set new priorities. I believe our system of weights and measures is unique and the importance of the regional meetings can not be overstated. The Annual Meeting of the SWMA gives the industries, consumers and weights and measures officials the best opportunity to be represented and have the issues that most directly effect them considered. By attending and participating in the SWMA Annual Meeting it gives you the opportunity to be proactive in representing the issues of concern in your state or industry.

I look forward to seeing in Richmond this October.

Sincerely,

G. Weston Diggs, President

Southern Weights and Measures Association ☞

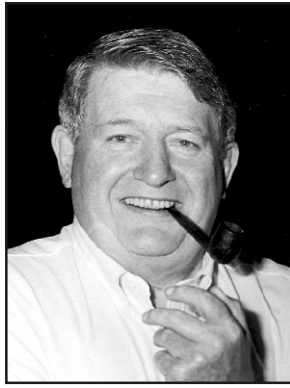
Retirement of Ronald D. Murdock

The North Carolina Department of Agriculture and Consumer Services and the Standards Division would like to take this opportunity to congratulate Ronald D. Murdock, Program Manager for the Measurement Section, on his retirement. Ron will be retiring July 31, 2002 after 31 years of dedicated service to the Standards Division and the department. Ron is currently Chairman of the National Conference on Weights and Measures. Ron began his career in May of 1972 as a Trades Helper on the Vehicle Scale Test Unit. He was promoted to Gasoline and Oil Inspector in April of 1974. He was promoted again to Weights and Measures Inspector in February of 1976. In November of 1985 Ron was promoted to the Area Supervisor's position. Promotion was again in Ron's future in September of 1988 when he was promoted to his current position of Program Manager, Measurement Section.

Ron's involvement with the SWMA has included an officer position with the S & T Committee and assisting with the host functions for the last SWMA meeting in North Carolina. His activities with the NCWM have included an officer position and serving on the National S & T Committee for six years. Ron has represented NC on the NTEC Committee for the past twelve years. Ron has headed up the State NTEP program and currently serves as Chairman of the NCWM. He has also served as Chairman Elect during 2000/2001 time frame.

Ron's knowledge, experience and reputation in the regulatory field of weights and measures are beyond reproach. For many years he has been relied upon to manage a program that has seen many changes and many improvements. The department and the Standards Division will miss Ron and being able to rely of his knowledge and experience but we also wish him the very best in his retirement. We are sure Ron will be calling if he sees an inspection decal out of date or is overcharged at any grocery store in the state. This is how we know we will never lose touch and will welcome his call. All the best Ron in your retirement.

Standards Division Staff ☞



Robert T. Brumbaugh
1928 - 2002

Bob Brumbaugh of Wilmette, IL passed away on February 23, 2002. Bob is survived by his Wife Doris, his sons Rob Brumbaugh Jr. and Terry Brumbaugh (Lori), and his daughters Shellee Allen (George) and Leslie Brumbaugh. Bob has four granddaughters; Allison, Nicki, Ashley, and Jackie. Bob entered the weighing industry in 1951 when he joined Streeter Amet in Grayslake, IL as a design engineer in the R&D department. At Streeter Amet, Bob's responsibilities increased from Engineer to Chief Engineer to Vice President to President. The high point of his scale career was when Bob founded Systems Associates, Inc. in 1976.

In Systems Associates, Bob combined his knowledge of scales and the weighing industry with his belief that customer service and support would always be the first priority. His intense support for the weights and measures community kept SAI at the front of each issue challenging his industry. With his dedication to the railroad industry and his Purdue University Engineering Degree, he added the "One Brick Higher" attitude to each new design. New concepts in weighing were introduced and accepted by this very conservative industry. Long hours, and a clear focus drove Bob to produce the best equipment available in the market. He had a reputation for generosity and integrity in his dealings with one and all. Bob was a long time member of many organizations such as the American Railroad Engineering and Maintenance of Way Association (AREMA), Scale Manufacturers Association (SMA), National Industrial Scale Association (NISA), and the National Conference on Weights and Measures (NCWM). His participation in these groups included work on many committees as well as serving as a board member and officer. Bob was the President of NISA from 1994-1995 and has been the only President of SMA to serve two terms; 1973-1975 and again from 1985-1987.

Systems Associates will carry on in the same spirit as Bob has shown over the past 25 years. The employees of SAI have been treated as, and have grown to be family throughout the years. Our pledge to Bob, and the Brumbaugh family, is to continue to serve our industry with pride and enthusiasm, support the efforts of the weights and measures community, and keep this family together and working. †

W&M Measures Turmoil in Britain

The United States W&M community is not alone in dealing with serious measurement issues. In news that made it across the Atlantic to our local news, the British government has decided that they cannot require pub bartenders (known as publicans in Britain - isn't that a coastal bird or a type of politician?) to fill a pint more than 95% full. The organization CAMRA (CAMpaign for Real Ale) is fighting for Parliament to pass a law requiring pints of ale (beer) to be 100% liquid. Their battle cry is "Demand an Honest Pint!" The previous standard was 90% full.

Between stock car weights and short pints of ale, it looks like Weights and Measures has serious issues to deal with, both at home and abroad. In fact, we wonder if there is a connection? Does the Miller Lite car weigh less than the Bud car? Or is the tank on the Bud car only 90% full? (Max will investigate and report in a future edition of the newsletter.)

On closer inspection, evidence of the international nature of the conspiracy is clear in the CARMA "How Does your Pint Measure Up?" poster. The ruler measuring the pint is in inches and *everybody* knows that the only developed country that has not gone metric is the United States! †

JURISDICTIONAL NEWS

FLORIDA

On January 8, Florida Agriculture Commissioner Charles H. Bronson announced the appointment of Jay Levenstein as Deputy Commissioner with the responsibility of overseeing the department's Divisions of Forestry, Consumer Services and Standards.

Mr. Levenstein joined the department in 1993 as a senior attorney and has served in a number of positions with the agency, including most recently as the agency's legislative affairs director and federal/state relations director. As a senior attorney, Mr. Levenstein worked with both Weights and Measures and Petroleum Inspection on several issues and is very familiar with those programs and the services they provide.

The Bureau of Weights and Measures field program is now using a portable dynamometer for testing taximeters in certain parts of the state. The program had to begin performing simulated road tests using the new equipment primarily due to safety concerns associated with testing on public roadways, especially in larger cities that do not have local taxi testing programs. The portability of the device will allow it to be used in several areas of the state and will provide for random testing of meters at airports, convention centers and other places where taxies congregate.

Weights and Measures is continuing to perform field package testing of glazed lobster tails with the Division of Food Safety. While some of the companies originally found in violation are now producing packages in compliance with Handbook 133, there are many packers and dealers continuing to sell and ship packages that do not meet net weight requirements. These

products are shipped throughout the country and Florida urges other jurisdictions to test for compliance at dealers in their area.

The Metrology Laboratory just received two new balances: A Mettler-Toledo model KA 50 for use in the tolerance testing lab and a Mettler-Toledo model KA 30 to be used in the small mass precision lab. Fee increases for some lab calibrations and tests were recently adopted and became effective at the end of March. Metrologists Paul Gentry and Davis Terry were able to attend the SEMAP regional training meeting in March and thank the State of Georgia for the hospitality and their contributions to a successful meeting. Paul Gentry is Chairman of SEMAP for 2002-03 and will be hosting the meeting next spring. He is considering several locations and will be contacting members as soon as the arrangements are in place.

The SWMA members in Florida enjoy reading the Southern Newsletter each quarter and appreciate all of those that contribute information and articles. We again thank Editor Bill Brasher for all of his efforts in producing the newsletter and his diligence in assuring participation by as many jurisdictions as possible. †

MARYLAND

- In our current FY2002 budget, the Weights and Measures Section has lost two vacant positions, has two vacant positions that can't be filled because of a hiring freeze, and had to take (so far) a 1.5% budget reduction. That's the good news, our legislature is currently struggling to balance the FY2003 budget before the current session ends on April 15. At this point, it appears our entire department may have to take a sizeable cut. But we are moving forward, our grain moisture meter inspection program started on March 25. Thanks to Field Inspector Aaron Webb, new grain samples were prepared and issued on time. Dick Shockley has been busy coordinating our annual LPG and VTM inspections scheduled to start the first week of April. He has inspected and prepared 10 trailer mounted provers for our field inspection staff.
- Our annual weights & measures training class was held for our staff March 5-7, 2002. On March 5th, Mr. Dennis A. Krueger, NCR Corporation, gave a presentation and demonstration on the NCR Model 7455 P.O. S. terminal and the NCR Model 7342 self-service retail P.O.S service. On March 6th, Mr. Mike Durkin, Gilbarco Inc. gave a presentation and demonstration on Gilbarco Encore/Elipse dispensing systems. Field Inspectors Mike Frailer and Lisa Griffith reviewed our EPO's for hanging dial scales and medium capacity scales and gave a "hands-on" demonstration of the correct testing procedures to our field staff. Instructors for other subjects during the training class were Chief Louis Straub and Program Managers Dick Shockley, Will Wotthlie, Andrea Buie-Branam, and Bob Eaves.
- Our section participated in the Maryland "Ag in the Classroom" Winter Workshop held at the Maryland Dept. of Agriculture on March 22, 2002. Program Manager Bob Eaves informed twenty-two elementary school teachers how their

lives are affected by the Maryland Weights & Measures Section, and presented hands-on demonstrations in which the teachers played the role of weights & measures inspectors.

Recent Civil Penalties and Court Activities

- On February 6, 2002, we received \$300.00 for a civil penalty assessed against Nick's Supermarket, Clinton, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On February 7, 2002, we received \$500.00 for a civil penalty assessed against Food Lion #246, Ocean City, MD. The civil penalty was assessed due to short-weight violations found during routine package inspections performed at the establishment.
- On February 25, 2002, we received \$750.00 for a civil penalty assessed against Food Lion #1535, Upper Marlboro, MD. The civil penalty was assessed due to short-weight violations found during a routine package inspection performed at the establishment. †

MISSISSIPPI

Consumer Protection Division

The Weights and Measures Division and the Consumer Protection Division has a NIST Handbook 133 Training Session scheduled for April 22-24, 2002 here in Jackson. The training is to be conducted by Tom Coleman and Danny McCartney. This is the first actual NIST conducted training that we are aware of that has been held in Mississippi. We hope to receive some NCWM A&P training funds so that all applicable inspectors can receive this much needed training. Any help that any of you could provide concerning this would be most appreciative.

We are still pleased with our WinWam Software Program. The use of this program tremendously improves the accuracy and efficiency in inspection information generated. It also gives us numerous options on how this data can be applied.

Weights and Measures Division

Well, another spring is here and the Weights and Measures Division is busy trying to test all of the fertilizer and seed scales before planting season. I am sure that Mississippi is in the same boat as other states with falling tax revenues and budget cuts that make it impossible to replace equipment or even to maintain programs at the level of past years. This is the situation we find ourselves in while trying to finish our Metrology Lab. The building is finally finished and there is no money to buy alot of the equipment needed to get the building in operation. Our Metrologist, John L. Sullivan Jr., just completed the basic metrology course at NIST in February and attended the SEMAP meeting last week in Georgia. He is ready to get to work so hopefully we can finish the lab in the near future.

Also, I would like to take this opportunity to introduce you to our newest inspector, Jeffrey Blackwell. Jeffrey will be testing livestock scales in south Mississippi and testing dairy farm

milk tanks statewide. Jeffrey started work in December and after completing training is doing very well with his inspection duties. †

NORTH CAROLINA

The budget news just gets worse. On February 28 the Governor asked state agencies to identify budget cuts of 7% to 11%. For this department it means the closing of facilities and the elimination of positions. Many of those positions are filled. On March 27 the General Assembly announced they want agencies to identify cuts totaling 13%. That means the department must come up with \$7.2 million in cuts to its general fund budget. Even more jobs and entire programs must be eliminated. In the next edition of the newsletter we will provide the details.

The measurement section continues to deal with a hiring freeze. Employee training is still ongoing with a new dual role inspector in the northeastern part of the state. The section was able to hire Ray Winslow in February and he is progressing with his training. Standards inspectors continue to respond to consumer complaints concerning fuel quantity and price scanning. With the prices for gasoline and diesel on the upswing, the section will be receiving more of these complaints. Price scanning violations are also on the increase. We assume the increased violations are a reflection of the economic stress many businesses are experiencing.

The new Dodge replacement cabs and chassis for our multi-product dispenser test units have been a great help on the measurement side. These vehicles along with the inspectors have been the subject of news broadcasts on three television stations. This really creates an interest with the motoring public.

Ron is back from the NCWM interim meeting in Bethesda, MD and there is only a few months remaining until the national meeting in Cincinnati, OH. We know that many of the SWMA states are going through budget reductions and travel restrictions but we hope as many folks as possible can join Ron in Cincinnati.

The Motor Fuels Lab has installed a new automatic D56 TAG flash point tester to replace one of the current units. The new unit uses a gas igniter rather than an electric one, which should save us money in the long run as the electric igniters are expensive. That lab already had propane available so no extra work was needed for installation. The automatic units are used for screening the flash point on diesel and kerosene samples. Any sample that tests below specification is rerun on a manual TAG unit before being condemned.

2001 was a busy year in the Motor Fuels Section even with all the budget reductions. This was due mostly to vacancies in both the field and lab while trying to maintain inspection frequency. The field staff made 10,815 visits. We made over 137,000 determinations on almost 44,000 samples. We maintained an overall compliance rate of 98.5% for 2001, but saw an increase in noncompliance for diesel fuel (2.6%). Motor oil improved from a 3.4% noncompliance rate in 2000 to 2.5% this past year. We also had 221 complaints and requests from oil companies concerning fuel quality. We consider complaints a priority and make an effort to conduct an investigation within

24 hours of receipt. There were 510 "special" samples tested for information purposes that were provided to us by consumers and businesses.

L.F. Eason has been invited by the National Research Council (NRC) to serve on a committee to review the measurement services programs on-going at the National Institute of Standards and Technology (NIST). For a number of years, the NRC has managed an independent review of the technical quality and relevance of on-going programs at the NIST Measurement and Standards Laboratories. NIST managers use these reviews as they seek to direct their programs toward maximum impact on U.S. economic well being, and by officials in Congress and the Office of Management and Budget with oversight responsibilities for the laboratories.

As a member of the National Conference on Weights & Measures (NCWM) metrology subcommittee, L.F. will also participate in a NIST management meeting organized by the NIST Office of Weights & Measures (OWM). This meeting has been coordinated by NIST OWM annually since 1997 and will focus on relationships between the State Laboratory program and the NIST measurement groups that directly impact the state metrology laboratories. As a result of these ongoing meetings, things have changed. The staff in the NIST measurement labs now realize the workload the state labs are under. Nearly 350,000 calibrations for 20,000 customers are being done across the United States.

Budget issues have dominated long hours of work looking for places to cut expenses and imposing fee increases. L.F. appreciates the help our neighbors have provided by sending us their fee schedules for comparison. It also has been very helpful to have all of the fee schedules provided in the *NCWM 2001 State Laboratory Program Workload Survey*. We have been able to use this data many times throughout the year and want to thank Georgia Harris at NIST and Ken Fraley for putting together such a useful analysis of the State Laboratory Program impact.

Budget concerns have altered travel plans. Van Hyder was the only metrologist we were able to send to the SEMAP meeting in Atlanta. L.F. really hated to miss this meeting. It is only the third he has missed in 23 years. Van was instructed to bring back everything he could from the meeting so that everyone would be able to receive an update. Hopefully we will be able to report on Van's memorization skills in the next newsletter.

Susan Myrick continues to put together pieces of our laboratory work management system. Now we have a really first-rate volume program for NIST Handbook 105-3, graduated neck metal provers, to add to our tolerance mass and field test measure programs. All of these automatically look up standard values and generate ISO 17025 compliant certificates, greatly reducing the possibility for errors and speeding up our process. Thanks Susan!

We are glad to see that the third draft of NIST Handbook 105-8, *Field Standard Weight Carts*, is now available on the NIST OWM web site at

[Http://ts.nist.gov/ts/htdocs/230/235/labmetrologypage.htm](http://ts.nist.gov/ts/htdocs/230/235/labmetrologypage.htm)

This document represents a lot of work by Val Miller of NIST OWM (but trained well by North Carolina!), the metrologists, W&M directors, scale company representatives, field inspectors, and the weight cart manufacturers on the NIST weight cart working group. We have passed the draft on to our heavy scale inspectors who use our carts for their review and suggestions. We encourage all jurisdictions that have weight carts in their state to review the document and provide comments to the working group as soon as possible. The Regional Measurement Assurance Programs will cover the draft over the course of the year.

We are concerned to hear that the Hawaii House Supplemental Budget for FY02 completely eliminates the Hawaii Measurement Standards Program. Hopefully the Hawaiian Senate will not concur and keep the line item in the state's budget. The fact that weights and measures seems to be an easy target when budgets get tight is a testimonial to a job well done, but taken for granted. Our only defense is to document what we do and what the effect of our vigilance has in the marketplace. We encourage the NCWM voluntary program assessment-working group to continue to push forward. We also see the need to revisit the idea of a national weights and measures database to provide a strong backbone to support and link all weights and measures programs. Documentation of the state laboratory workload has done an incredible amount of good to strengthen the State Laboratory Program. The same could happen if the impact of the weights and measures field inspection programs was as well documented. Good luck to Sam Camp and the Hawaii weights and measures staff!

The LP-Gas Section is back up to full strength with the recent hiring of Donald Mulder as a truck inspector and calibrator. He is still in training.

The Board of Agriculture made a change to the LP-Gas Regulations to allow an alternative to the fire safety analysis required by NFPA 58. This should allow for more and better coordination with local fire officials about responding to incidents at propane bulk storage sites. It will also provide a less expensive and, possibly, a more timely method for meeting the intent of the fire safety analysis.

A new requirement for filling gas grill cylinders goes into effect on April 1, 2002. We have been trying to spread the word about this requirement for about 3 years, but recent concerns expressed by consumers and operators of dispensing sites indicated to us that more was needed. As a result, we mailed a letter explaining the new requirements to all dealers registered in North Carolina. We suspect there will be much confusion and many complaints once the deadline arrives. †

SWMA NEWS FROM THE PAST

By **Bob Eaves, Historian**

- Apparently, Dwight Eisenhower was an advocate of weights & measures, because when he was elected president during the November 1953 election, he said: "I recognize the weight of the responsibility you have placed on me. I assure you that

I shall never in my service in Washington give short weight to those responsibilities".

- July, 1954 - Mr. William H. Ising, Jr., Chief Inspector of the Louisville Kentucky Division of Weights & Measures announced that a produce dealer was found guilty in municipal court of selling cartons of tomatoes with no net weight statement and for selling cartons of tomatoes marked 45 pounds which only contained 35 pounds. The dealer was fined \$20.00 on each count.
- Mr. J. L. Slaughter, Chief of the Division of Gins and Warehouses, Weights & Measures, Alabama State Dept. of Agriculture and Industries reported that during April, May and June 1959, the division's ten inspectors tested: 2,586 scales, 3,762 pumps, 1,798 weights, 20 measures and 346 packages.
- January 1990 - Maryland Weights & Measures reported that a Frederick County District Court Judge imposed fines of \$1,590.00 on 3 individuals operating a "Bait & Switch" meat operation in Frederick, MD. In addition, the manager received a 16 month suspended jail sentence. The charges filed included: theft, using an incorrect scale, using an uninspected and unapproved scale, deceptive trade practices, and operating without a business license. An undercover test buy which disclosed numerous weights & measures violations and other violations was made at the establishment by Field Supervisor Bob Eaves and a Frederick policewoman. Field Supervisor Will Wotthlie and Inspector Tom Coleman also participated in the investigation. Eaves and Wotthlie are now Program Managers in the Maryland Weights & Measures Section, and it is rumored that Coleman works for some federal agency located in Gaithersburg, MD. †

SWMA WEB SITE By Bill Brasher

Don't you just hate it when you try to bring up a web page and you get that dreaded message "Page Unavailable" or No Such Address for the Page." Much to my surprise that was one of the messages received when I went into Windows, clicked on favorites and then clicked on Southern Weights and Measures. The first thing to do at that point was to check the address, it was right. My next thought was that they were probably working on the server and the site would be down for a short period. After waiting until the next day another attempt was made to connect to the SWMA web site without success. Several attempts were made to contact the web administrator by telephone and e-mail without success. By this time many visions were streaming through my imagination as to what could be wrong and bringing each scenario to a conclusion left a large gaping hole in the pit of my stomach. When all else failed to produce results, I e-mailed the President of the Company inquiring what the problem may be and when could we expect to be back on line.

Since my accident, my ability to work on the computer has been greatly diminished and I had assurances from the web administrator that the SWMA web site would be backed up daily.

I was assured that if problems did occur with the server they could be overcome quickly. Worst case we would be back on line within one day. Nothing prepared me for the response that I received from the President.

The voice on the phone the next morning was easily recognized as the President and by his tone and introductory remarks the pit in my stomach just grew a little larger. He explained that he was unaware that his company was hosting the SWMA web site, that he had sold the company, moved all the computers and the files were no longer there. We were surprised about the lack of communication within the company.

I explained that his Administrator and I communicated on a regular basis and that procedures were in place to safeguard our site. The Administrator had been released when the business was sold and no discussions were held about the web sites being hosted by the company. We discussed the Company procedure to back the servers daily and that I did not have a backup of the SWMA site. He agreed to search further to see if the files were still available and he would get back in touch with me that afternoon.

A late afternoon phone call from the President relieved some of the stress. He said all was not lost, the files were still around and that a CD would be burned that afternoon and overnighted to me. He also suggested that we establish a contract with a new Internet Provider, upload the files to the new site and reestablish the SWMA.ORG site. He indicated that there was one other problem that we should be aware of; the ownership of the SWMA web site was still in the name of his previous Web Administrator and the site could not be established until the ownership was changed. David Smith was informed of the problems and that his name was provided as the SWMA contact for the new Internet Provider.

Early the next morning UPS delivered the package. The files on the CD were loaded onto the "C" drive and attempts were made to access the web site without success. The only file that could be opened contained the unformatted "Home Page" for the site when it first went on line several years ago. We notified the President that the files were useless and further attempts must be made to locate the correct files. Later that day he called back with the address and permission to log onto a se-

cured computer that contained the SWMA site as backed up in January 2002. By importing the web site from this location the basic site was placed on the "C" drive. When the site was accessed we discovered that all the hyperlinks were broken and the site was unformatted.

A diligent effort was then undertaken to access the secured computer, copy and paste pages, and reformat the site. After a little more reconstructive surgery the site will be updated to the current date and ready to publish when the new Internet Provider is ready to accept the site. Things appear to be moving forward, the new IP has established the SWMA site and the home page now indicates that the site is under construction. You can keep up with the progress by accessing swma.org occasionally to see if we are back on line.

As indicated earlier, I can only work on the computer for a short period of time. None of this could have been accomplished without the help of my wife, Pat. For this I am truly grateful. Pat takes over the computer work when the going gets rough. I have been on disability for six months and the doctors say that I will not be going back to work. I have come to realize that good things can be seen from everything that happens. After the accident and almost a year at home recovering we discovered that we really like being together all the time and after forty two years of marriage I can affirm that she is not only my wife but my best friend. ☪

Contact SWMA

The SWMA Newsletter is published quarterly.
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Membership inquiries should be directed to:

N. David Smith

SWMA Secretary-Treasurer

NC Department of Agriculture & Consumer Services

P.O. Box 27647, Raleigh, NC 27611

Phone: 919-733-2113 Fax: 919-715-0026

E-Mail: David.Smith@ncmail.net www.swma.org

News may be submitted to:

SWMA, Bill Brasher - Newsletter Editor

SWMA Newsletter

1904 Mission Road

Birmingham, AL 35216
