

FILED

2006 APR -3 PM 3: 07

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

In Re:)
Level Propane, Gases, Inc., et. al.) Case No. 02-16172
)
) Ch. 11
)
) Hon. Randolph Baxter
)

THIRD SUPPLEMENTAL EVIDENTIARY SUBMISSION IN SUPPORT OF
MOTION OF WILLIAM H. MALOOF TO REOPEN EXAMINER'S
INVESTIGATION AND FOR
SUBSTITUTE EXAMINER:

**KIRK BECK AND PAUL DOLANSY SPEAK OUT ON THE ISSUES
WHILE PETER KIRSANOW MAKES HIMSELF KNOWN IN NEW MEXICO**

Now comes William H. Maloof, pro se, and hereby makes the following
supplemental evidentiary submission in support of his Motion to Reopen Examiner's
Investigation and for Substitute Examiner, which he hereby incorporates into the said
Motion by reference, as if fully rewritten therein:

1.) Two separate affidavits of Kirk Beck, in which he states that prior to the
Examiner's investigation practically brand new Horizon Propane customer tanks were as
scrap, purporting to be the property of Amerigas and, at the same time, the 30,000-gallon
distribution tanks, sited at Horizon distribution plants, were ordered painted "Amerigas

white.” In his third affidavit Mr. Beck recounts the first meeting after Amerigas formally took control of the former Level/Horizon, in which an Amerigas Vice President stated that they did not know how many customers they had, strongly indicating that Amerigas had no customer records of the former Level/Horizon.

2.) A statement by Paul Dolansky, former Chief Operating Officer of Level Propane, in which he states that after he was terminated during the Newmarket Partners regime and Mr. Rudd in the early days of the bankruptcy, he was asked to locate gallonage histories by his former dispatcher, Jason Dimachia, so that gallonage requirements for the coming heating season could be anticipated. When Mr. Dimachia looked in the databases where Mr. Dolansky indicated they would be, the histories were purged from the system.

3.) An extract of a hearing transcript before the New Mexico Labor Board, in which Peter Kirsanow introduces Richard Anter as the President of Horizon Propane, after Stephen Sues had retired Mr. Anter to quiet pastures of human resources. This sudden resurrection of Mr. Anter to exalted corporate status took place while the Examiner was conducting his investigation, but this resurrection took place in far-away New Mexico where the Examiner could not possibly be expected to look. In this way, Horizon Propane enjoyed the benefits of Mr. Anter’s leadership while Mr. Anter eludes the notice, and the interrogation, of the Examiner.

4.) The clear import of this evidence is that the campaign of record destruction was thorough-going and its effect was to sabotage the going concern value of what remained of Level Propane. Information essential to the viability of Level Propane as a going concern – customer rosters and gallonage histories – went missing as part of

the savage decimation of Level Propane in which all but its memory were put to the sword. Meanwhile, witnesses essential to the investigation were hidden in plain view, and suddenly restored to their former officer status as soon as the coast was clear of prying eyes.

WHEREFORE, Movant, having submitted his supplemental evidence in support of his Motion to Reopen Examiner's Report and for Substitute Examiner, hereby renews said Motion, and for the reasons stated therein, prays that this Honorable Bankruptcy Court grant it.

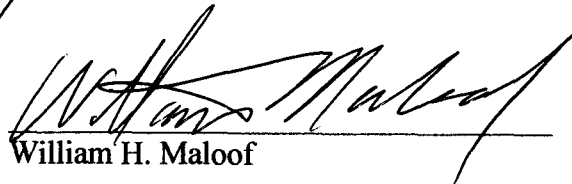
Respectfully Submitted,



William H. Maloof
P. O. Box 1721
Medina, OH 44258

SERVICE

Service has been made on those listed on the attached form, by ordinary mail according to Rule, this 3 day of April, 2006.



William H. Maloof

BFCA
Trustee
Committee
IAR

County of Medina)
State of Ohio) SS.


AFFIDAVIT OF KIRK BECK

NOW COMES KIRK BECK, being of legal age and duly sworn according to law and deposeth and sayeth as follows:

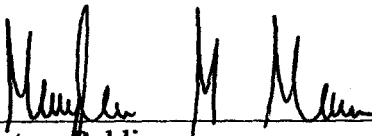
- 1.) At all times relevant to this Affidavit affiant was the lead manager of Horizon Propane, the successor to Level Propane Gases, Inc.;
- 2.) Affiant went to the Horizon Propane Loudonville, Ohio plant in April of 2003. At that time affiant met Chris Recleus, the owner of C&R Recyclers. Said Chris Recleus had just finished loading a transport truck with thirty (30) 500 gallon liquefied propane (LP) tanks. .
3. Affiant says further that he questioned said Chris Recleus as to what he was doing with the LP tanks. He responded that he had just purchased the LP tanks from **Amerigas**. Affiant then called Ron LeMaster, the manager of equipment for Horizon Propane, to verify this statement, at which time he advised me it was true. Affiant then permitted said Chris Recleus to take the tanks.
- 3.) Affiant says further that at the time and place above-said four (4) other Horizon Propane employees were present with affiant. Among those Horizon Propane employees present was Tom Watkins. Said Tom Watkins had just returned to work, having recovered from a heart attack. At said time and place said Tom Watkins stated to me he was quitting his employment with Horizon Propane, because he would not work

for Amerigas. He left the employment of Horizon Propane on the spot and went to work for another propane company.

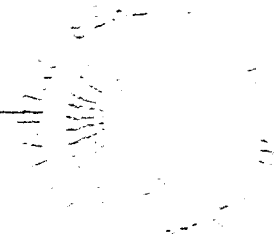
FURTHER AFFIANT SAYETH NAUGHT.


KIRK BECK

Sworn and subscribed before me, a Notary Public in and for the State of Ohio this
3rd day of April, 2006, by Kirk Beck.


Notary Public

MARYANNE M. MANASAN
Notary Public, State of Ohio
My Commission Expires July 26, 2009



37300 Royalton Road
Grafton, Ohio 44044
440-748-3578

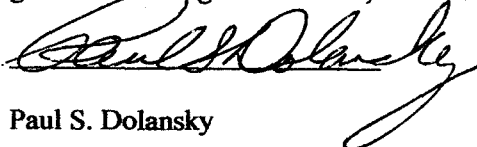
4/2/2006

Statement made under penalty of perjury.

I was the chief operating officer of Level Propane and in charge of all field personnel, dispatch, and had a higher understanding of the computer system than anyone in the company including John Verbos. At the push of a button I could tell how many customers we had, where they were located, and the serial number on the tank in the customers yard. (other than myself or John Verbos there was no one else that could operate the system.) Except Advanced Digital Data Systems out of New Jersey who would do it for free as part of their service and training that was prepaid. (Contact person at Advanced Digital Data Systems: Bruce Bott)

On April 2002, John Rudd had me transferred to our Columbia Station facility without any notice. I was stationed there until June 14, 2002. On June 14, 2002 John Verbos had two county sheriffs at the Columbia Station location to escort me off the property, and terminating my employment. This left only himself with the ability to do queries on the Advanced Digital Data System.

Several months later, I received a call from Jason Dimachia one my old of dispatchers asking for my history reports on gallons delivered. I told him where they were kept, but he told me that they weren't there anymore. I also said I had copies in my old desk, but he said they were also gone. I told him I don't understand why they would have gotten rid of them if they had to do projections on gallons. Jason agreed with me, but said he wasn't surprised.



Paul S. Dolansky

County of Medina)
State of Ohio) SS.

AFFIDAVIT OF KIRK BECK

NOW COMES KIRK BECK, being of legal age and duly sworn according to law and deposeth and sayeth as follows:

- 1.) Affiant at all times relevant was an employee of Amerigas, as the successor to Horizon Propane.
- 2.) Affiant says further that he was in attendance at the first meeting for managers of the former Horizon Propane after Amerigas took over. During said meeting, a speaker introduced as a Vice President of Amerigas stated that at first they believed they had purchased 90,000 customers, then lowered their estimate to 70,000 customers, finally they thought it was more like 40,000 customers "but we don't know." Said remarks clearly inferred that there were no customer records.
- 3.) Affiant says further that the other field managers attending the meeting will verify that this Amerigas executive made these statements concerning the number of customers if asked.

FURTHER AFFIANT SAYETH NAUGHT.

Kirk D. Beck
KIRK BECK

Sworn and subscribed before me, a Notary Public in and for the State of Ohio this 3rd day of April, 2006, by Kirk Beck.

Maryanne M. Manasan
Notary Public

MARYANNE M. MANASAN
Notary Public, State of Ohio
My Commission Expires July 28, 2009