

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss

Superior Court Department

Civil Action No. 2673CV00283

_____)
 Khalil Dobeib and Milad Dbaib, DBA)
 K&M Auto Repair,)
 Plaintiff)
 V.)
)
 City of Taunton, Taunton Fire Department)
 and Deputy Chief Robert J. Bastis, Jr., in)
 his Official Capacity, Taunton City)
 Council, Fire Prevention Regulations)
 Appeals Board)
 Defendants)
 _____)

BRISTOL SUPERIOR COURT
FILED

MAR 31 2026

JENNIFER A. SULLIVAN, ESQ
CLERK/MAGISTRATE

COMPLAINT

Plaintiff-Appellant Khalil Dobeib and Milad Dbaib, Doing Business As (DBA) K&M Auto Repair brings this appeal and complaint for judicial review and equitable relief from an order of the Taunton Fire Department relating to underground storage tanks located at 274 Winthrop Street, Taunton, Massachusetts, and states as follows:

1. Plaintiff Khalil Dobeib and Milad Dbaib, Doing Business As K&M Auto Repair (K&M) is the current licensed operator/permit holder allowed to store and dispense fuel with an interest in underground storage tanks located at 274 Winthrop Street, Taunton, Massachusetts 02780.

2. Defendant Taunton Fire Department is the municipal fire department for the City of Taunton, Massachusetts, acting through its Office of Fire Prevention at 141 Oak Street, Taunton, MA 02780.
3. Defendant Deputy Chief Robert J. Bastis, Jr. is an official of the Taunton Fire Department's Office of Fire Prevention and issued the notice at issue in his official capacity.
4. Defendant Taunton City Council and its members is the official body that issued the notice of a hearing to revoke the license of the operator/permit holder K&M to store and dispense fuel.
5. Defendant City of Taunton is a duly organized Municipality in the state of Massachusetts.
6. Defendant Fire Prevention Regulations Appeals Board (FPRAB) is a duly organized Board in the state of Massachusetts.

Facts

7. On October 6, 2025, the Taunton Fire Department, through Deputy Chief Robert J. Bastis, issued a written notice regarding USTs at 274 Winthrop Street stating the tanks had "not been properly closed" and that fuel had not been dispensed nor had they been returned to service for a period exceeding five years. (Exhibit 1)

8. The October 6, 2025 notice cited 527 CMR 1.00 § 66.21.7.4.3.2.1 which states (emphasis added):

66.21.7.4.3.2.1 Tanks remaining temporarily out of service for more than five years **shall be permanently closed in place or removed** in accordance with Section 66.21.7.4.3.3 or 66.21.7.4.3.4, as applicable.
9. Deputy Chief Batsis ordered removal of all underground storage tanks within forty-five (45) days of receipt of the notice.
10. The notice informed recipients that an appeal to the FPRAB must be submitted within forty-five (45) days following service of the notice. The notice advised that any aggrieved party may file an appeal with the Fire Prevention Appeals Board “within forty-five (45) days following service of this notice.”
11. The notice did not advise K&M of, or present, the regulatory option to permanently close the tanks in place as an alternative to removal, instead demanding removal. The notice demanded removal of tanks and did not present the option to permanently close the tanks in place in the text of the letter. Failure to provide “Notice” of all options, is by definition a failure of notice.
12. The Taunton Fire Department’s directive mandating removal of underground storage tanks (USTs) at 274 Winthrop Street, Taunton, Massachusetts rely

upon Fire Department's notices invoking 527 CMR 1.00 § 66.21.7.4.3.2.1 but present only one (1) of two (2) options and is therefore defective notice. The Fire Department went past the first regulatory option to permanently close tanks in place, instead demanding removal only.

13. This omission constitutes a failure of adequate notice and an arbitrary exercise of discretion as the Municipality has materially misrepresented applicable regulation(s) by intentionally omitting options.
14. The notice did not present the option to permanently close in place in the text of the letter.
15. Deputy Chief Batsis, it would appear skipped over the first section of the law and selected the most expensive, disruptive and business harmful option to inflict the most harm upon the Plaintiff.
16. The notice advised that any party aggrieved may file an appeal with the FPRAB within forty-five (45) days following service of the notice.
17. On November 13, 2025 the Plaintiffs filed a timely appeal with the FPRAB and a hearing was scheduled for February 5, 2026.
18. On February 10, 2026, the Fire Department issued a "Final Order" again directing removal of all USTs within forty-five (45) days, citing 527 CMR 1.00 § 66.21.7.4.3.2.1. The February 10, 2026 Fire Department "Final Order" likewise omitted the option to permanently close in place. (exhibit 2)
19. The notice was premature as the written decision had not been delivered by the FPRAB.

20. The Taunton City Council held a regular meeting on February 17, 2026 and on the agenda of that meeting was a letter dated February 12, 2026, from Deputy Chief Robert J. Batsis, Jr. (Exhibit 3).
21. Said Letter references the removal of tanks “operated by Planet Petroleum.”
22. There is no such entity as Planet Petroleum.
23. The Letter also stated that the appeal process was “fully exhausted at the state level” and requested a subsequent hearing to consider “revocation of the facility’s fuel storage and dispensing license.”
24. In an email dated March 5, 2026 there was a letter from the Taunton City Council (Exhibit 4) that provided notice of the scheduled March 31, 2026 hearing, wherein the council stated “With the state appeal process concluded”.
25. Said “state appeals process” is not concluded.
26. Said letter references the “revocation of fuel storage and dispensing license for the property...operated by Planet Petroleum”.
27. There is no such entity as Planet Petroleum.
28. Both the letter from Deputy Chief Batsis and the letter from the city council somehow predate the actual signed Decision which issued on March 9, 2026.
29. Counsel for plaintiff received an email titled “Fire Prevention Regulatory Appeals Board Decision”(Decision) from the FPRAB on March 9, 2025 (Exhibit 5).

30. Attached to said email was a copy of the Decision of the FPRAB signed and dated March 9, 2025 (Exhibit 6)
31. Within that decision (Exhibit 6 page 5) it is stated that “pursuant to MGL C 30A the defendant has the right to appeal this decision, in whole or in part, within thirty (30) days.”
32. Thirty (30) days from March 9, 2026 is April 8, 2026. The City Council meeting is on Tuesday March 31, 2026, nine (9) days before the thirty (30) day appeal process expires.
33. The plaintiff’s complaint is timely filed.
34. The Defendants have attempted to cut short the Plaintiff’s time to appeal and have stated that the state appeal process is “concluded” or “exhausted”.
35. The Defendants have intentionally ignored Paragraph I on page 5 of the Decision which states “You are hereby advised you have the right, pursuant to section 14 of Chapter 30A of the General Laws, to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order.”
36. Clearly this case has been appealed, which makes the statements in both attached letters entirely false.
37. The notice was defective in that it failed to even present “closed in place” as an option while the CMR clearly states same as an option.
38. And now, the Fire Department appears ready to permanently strip the Plaintiffs of all rights including appeals.

39. Days before the hearing on February 5, 2026, the Plaintiffs received, with little to no notice, a copy of an alleged Agreement between the Department of Environmental Protection (DEP) and the owner of 247 Winthrop street, Peter Nifakos.
40. Said Agreement alleged that Mr. Nifakos agreed to remove the tanks.
41. Plaintiffs did not agree with the removal. However, said extremely late notice severely prejudiced the Plaintiffs and we asked for a brief continuance.
42. The board refused to any allow any continuance which severely hamstrung the Plaintiffs.
43. Within the Decision (Exhibit 6, page 3, paragraph 8), Deputy Chief Batsis stated, under oath that the Fire Department issued the Order for several reasons including the “slow, progressive deterioration of the property”. This statement offered by Deputy Chief Batsis is an ad hominem attack, severely prejudicial and immaterial to the proceedings as the hearing was regarding the Out of Service state of the Underground Storage Tanks.
44. It is Plaintiff’s understanding that the DEP, the City of Taunton and/or the Taunton Fire Department have individually reached out to the property owner, Mr. Peter F. Nifakos to negotiate the removal of the tanks. This is not transparent to Plaintiffs, it is outside of the current process and is prejudicial to Plaintiff’s interests.

45. And, In the end a hearing was held, without a continuance where the Defendant(s) were presented with an alleged agreement indicating that the removal of the tanks was to occur anyway due to said alleged agreement, unnecessary prejudicial comments by the Deputy Fire Chief and with a notice to Plaintiffs that has a material omission.
46. In sum, all of the above constitutes the basis for an unfair hearing especially when Municipal notice materially misrepresents regulations or omits required cure options.
47. Prejudice against the Plaintiff is long standing. In a statement given on July 20, 2022 to Brien Investigative Services, Mr. Robert Newhall stated that he heard statements by Mr. Dick Shafer (Department of Development, City of Taunton), to both Mr. Milad and Mr. Khalil Debaib “We are going to shut you down, put you out of business” (Exhibit 7)

Claims for Relief

Count I

Administrative Appeal/Judicial Review re Notice

48. Plaintiff repeats and realleges paragraphs 1–47 as if fully stated herein.
49. The notice given to the Plaintiffs was arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with applicable provisions of 527 CMR 1.00 insofar as it mandates removal only.

50. The defective notice caused prejudice by foreclosing K&M's ability to timely elect a lawful compliance pathway and by initiating a removal timetable absent proper notice of alternatives.
51. The Fire Department demanded a removal only and omitting a regulatory option misrepresents the governing regulation and exercises enforcement power arbitrarily.

Count II

Unfair or Biased Hearing/Due Process

52. Plaintiff repeats and realleges paragraphs 1–51 as if fully stated herein.
53. The hearing Process itself was unfair due to late production of an Agreement with the owner and DEP days before the hearing, refusal to grant a continuance and prejudicial or biased remarks by Municipal officials, prevented the Plaintiffs a fair hearing and reflect outcome driven enforcement culminating in shutdown and revocation.
54. Due Process was denied the Plaintiffs.

Count III

Ultra Vires

55. Plaintiff repeats and realleges paragraphs 1–54 as if fully stated herein.
56. The Deputy Fire Chief, City of Taunton and Taunton City Council are attempting to proceed on a license revocation for erroneous or invalid

premises (non-existent Planet Petroleum) and acting prior to issuance of the state decision and within the open appeals period.

Count IV

Declaratory Judgement

57. Plaintiff repeats and realleges paragraphs 1–56 as if fully stated herein.
58. Declare that the regulation allows two (2) Options not one (1).
59. Municipal Notices must reflect both Options.
60. Enjoin removal directives and/or license revocation while appeals are pending and until proper notice is given.

Prayer for Relief

Wherefore, K&M respectfully requests that the Court enter judgment:

- a) Declaring that the October 6, 2025 notice is defective for failure of adequate notice due to the intentional omission by the City on numerous occasions and as a result vacating or reversing the removal directive and remanding the matter back for issuance of a correct initial notice;
- b) Staying any enforcement of tank removal pending final adjudication;
- c) Issuing a temporary restraining order and preliminary injunction as set forth in the motion;
- d) Award Attorney's fees and costs as allowed due to

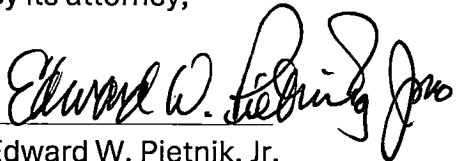
- 1.) The City having moved forward toward a license revocation during the pendency of the appeal window;
 - 2.) Characterizing the State appeal as “fully exhausted” or concluded before the signed decision issued and before the thirty (30) day appeal window expired;
- e) Awarding such other and further relief as the Court deems just and proper.

Dated: March 31, 2026

Respectfully submitted,

K&M, LLC

By its attorney,



Edward W. Pietnik, Jr.

BBO# 550523

Pietnik and Associates, P.C.

180 Paramount DR

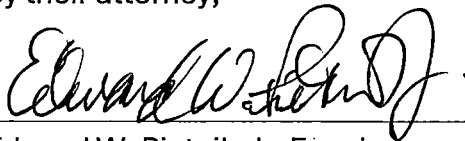
Suite 3

Raynham Ma 02767

508-824-2000

pietniklaw@tmlp.net

The Plaintiff,
Khalil Dobeib and Milad Dbaib, DBA
K&M Auto Repair
By their attorney,



Edward W. Pietnik, Jr. Esquire
BBO# 550523
Pietnik and Associates, P.C.
180 Paramount DR
Suite 3
Raynham Ma 02767
508-824-2000
pietniklaw@tmlp.net

Date: 3/31/26

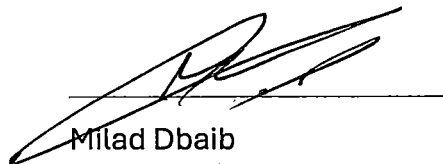
Verification

I, Khalil Dobeib and Milad Dbaib, are the Plaintiffs in the above entitled action. I have read the foregoing Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are herein alleged on information and belief, and as to those matters, I believe it to be true.

Signed and verified, as to the accuracy of the above, under penalties of perjury, this day 31st day of March, 2026.



Khalil Dobeib



Milad Dbaib

EXHIBIT 1



FIRE DEPARTMENT
TAUNTON, MASS. 02780

Chief of Dept.
Steven P. Lavigne

OFFICE OF FIRE PREVENTION
141 OAK STREET

TEL. (508) 821-1453

Fire Inspector
Deputy Chief Robert J. Bastis, Jr.

October 6, 2025

Mr. Khalil Dobeibs
Mr. Milad Dbaibs
274 Winthrop Street
Taunton, MA 02780

Mr. Peter F Nifakos
11503 Southern Boulevard
Rooyal Palm Beach, FL 33411

RE: Underground Storage Tank Removal – 274 Winthrop Street, Taunton, MA

Dear Property Managers/Owner,

Following a review of your fuel storage permit and associated licensing records, it has been determined that the underground storage tanks (USTs) located at 274 Winthrop Street have not been properly closed in accordance with applicable regulations. Furthermore, records indicate that fuel has not been dispensed from these tanks, nor have they been returned to service, for a period exceeding five years.

Pursuant to **527 CMR 1.00, Section 66.21.7.4.3.2.1**, you are hereby ordered to **remove all underground storage tanks** at the above-referenced property **within forty-five (45) days** of receipt of this notice.

Please be advised that any party aggrieved by an act, rule, order, directive, decision, or requirement issued under the Massachusetts State Fire Code may file an appeal with the **Fire Prevention Appeals Board**. Such appeal must be submitted **within forty-five (45) days** following service of this notice.

Should you have any questions regarding this directive or require assistance with the removal process, you may contact the Office of Fire Prevention directly.



Robert J Bastis Jr.
Deputy Chief, Office of Fire Prevention
City of Taunton Fire Department

EXHIBIT 2



FIRE DEPARTMENT
TAUNTON, MASS. 02780

Chief of Dept.
Steven P. Lavigne

OFFICE OF FIRE PREVENTION
141 OAK STREET

Fire Inspector
Deputy Chief Robert J. Bastis, Jr.

TEL. (508) 821-1453

February 10, 2026

Mr. Khalil Dobeibs
Mr. Milad Dobeibs
274 Winthrop Street
Taunton, MA 02780

Mr. Peter F. Nifakos
11503 Southern Boulevard
Royal Palm Beach, FL 33411

RE: Final Order – Underground Storage Tank Removal
274 Winthrop Street, Taunton, MA

Dear Property Managers/Owner,

Following a comprehensive review of the fuel storage permit and associated licensing records for the above-referenced property, it has been determined that the underground storage tanks (USTs) at 274 Winthrop Street have remained inactive for more than five years, with no documented dispensing activity or evidence of lawful return to service. This prolonged period of inactivity places the tanks in **noncompliance with the operational requirements of the Massachusetts State Fire Code.**

In accordance with **527 CMR 1.00, Section 66.21.7.4.3.2.1**, you are hereby **ordered to remove all underground storage tanks at this property within forty-five (45) days of receipt of this notice.**

This directive is issued pursuant to the authority of the Massachusetts State Fire Code and remains fully in effect. Compliance within the specified timeframe is required.

Should you have any questions regarding this order or require guidance on the removal process, please contact the Office of Fire Prevention.

Sincerely,

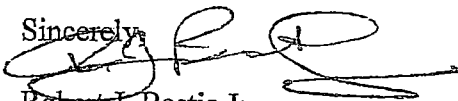

Robert J. Bastis Jr.
Deputy Chief, Office of Fire Prevention
City of Taunton Fire Department

EXHIBIT 3



FIRE DEPARTMENT
TAUNTON, MASS. 02780

Chief of Dept.
Steven P. Lavigne

OFFICE OF FIRE PREVENTION
141 OAK STREET

Fire Inspector
Deputy Chief Robert J. Bastis, Jr.

TEL. (508) 821-1453

February 12, 2026

The Honorable Members of the Municipal Council, Local Licensing Authority
City of Taunton
15 Summer Street Taunton, Ma 02780

Re: Request for Hearing – Revocation of License for Planet Petroleum, 274 Winthrop Street

Dear Members of the Licensing Authority,

Please be advised that on October 6, 2025, the Taunton Fire Department issued formal orders to remove all underground storage tanks located at 274 Winthrop Street, operated by Planet Petroleum, for violations of the Massachusetts State Fire Code 527 CMR 1.00, Section 66.21.7.4.3.2.1.

Planet Petroleum subsequently filed an appeal with the Fire Prevention Appeals Board on November 13, 2025. The Appeals Board conducted a hearing on February 8, 2026 and unanimously voted to uphold the Taunton Fire Department's order in its entirety.

With the appeal process fully exhausted at the state level and the order affirmed, I am formally requesting that the Local Licensing Authority schedule a hearing to consider revocation of the facility's fuel storage and dispensing license. The facility has been in longstanding noncompliance with applicable fire safety regulations, and the upheld order requires the removal of all tanks from the property within 45 days.

At your earliest convenience, please advise of the next available date for a hearing so that proper notice may be issued to the license holder and all relevant parties.

I am prepared to provide any additional documentation, testimony, or regulatory history the Authority may require.

Respectfully,

Robert J. Bastis Jr.
Fire Inspector / Deputy Chief, Fire Prevention
City of Taunton, Massachusetts

EXHIBIT 4

Ted Pietnik

From: Theresa Garcia <tgarcia@taunton-ma.gov>
Sent: Thursday, March 5, 2026 1:00 PM
To: Ted Pietnik
Cc: Matthew J. Costa; Lisa Bond; Jenn Leger; Robert Bastis
Subject: Planet Petroleum - Hearing - Revocation of Fuel Storage and Dispensing License - 274 Winthrop Street, Taunton, MA
Attachments: 20260304155126490.pdf

Good afternoon, Attorney Pietnik:

Attached please find copy of notice of hearing addressed to your client. The hearing regarding the revocation of the Fuel Storage and Dispensing License at 274 Winthrop Street, Taunton, MA is scheduled for Tuesday, March 31, 2026 at 7:00 p.m. before the Municipal Council. The notice has been mailed to your client and is being served on them by constable today.

Please confirm receipt of this email.

Thank you.

Theresa

Theresa M. Garcia
Confidential Legal Secretary/Administrative Assistant
City of Taunton
Law Department
City Hall
15 Summer Street
Taunton, Massachusetts 02780
(508) 821-1036
tgarcia@taunton-ma.gov

Notice: This message and any attachments are confidential. If you are not the intended recipient, please notify this office immediately by replying to this message or by calling (508) 821-1036 and please delete and otherwise destroy all copies of this message and any attachments without reading or disclosing contents to anyone. Thank you for your cooperation.



CITY CLERK'S OFFICE

CITY OF TAUNTON

15 SUMMER STREET

TAUNTON, MASSACHUSETTS 02780

TELEPHONE: 508-821-1024 · FAX: 508-821-1098

E-MAIL: JLEGER@TAUNTON-MA.GOV

JENNIFER L. LEGER
CITY CLERK

KRYSTAL L. DION
ASSISTANT CITY CLERK

NOTICE OF HEARING

To: Planet Petroleum
274 Winthrop Street Taunton, MA 02780

Re: Notice of Hearing – Revocation of Fuel Storage and Dispensing License
Location: 274 Winthrop Street, Taunton, MA

This notice is to inform you that the Local Licensing Authority for the City of Taunton will hold a public hearing to consider the revocation of the fuel storage and dispensing license for the property located at 274 Winthrop Street, operated by Planet Petroleum.

On October 6, 2025, the Taunton Fire Department issued an enforcement order requiring the removal of all underground storage tanks at the property for violations of 527 CMR 1.00, Section 66.21.7.4.3.2.1; requiring tanks that have been out of service for more than 5 years be permanently closed and removed. Planet Petroleum filed an appeal of this order on November 13, 2025, and a hearing was held before the Fire Prevention Regulations Appeals Board on February 8, 2026. The Appeals Board has unanimously upheld the Fire Department's order in full.

With the state appeal process concluded, the Licensing Authority must now review the status of the facility's license in light of the confirmed violations, longstanding noncompliance, and the legal requirement to remove all underground storage tanks.

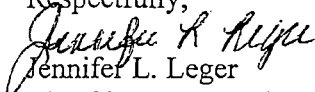
Hearing Details

Date: March 31, 2026
Time: 7:00 p.m.
Location: Taunton City Hall, Council Chambers
15 Summer St.
Taunton, MA 02780

You or your authorized representative will have the opportunity to present testimony, documents, or any information relevant to this matter. Failure to appear may result in the Licensing Authority taking action in your absence, including revocation of the license.

Please contact the City Clerk at (508) 821-1024 with any questions regarding this notice.

Respectfully,


Jennifer L. Leger

City Clerk on Behalf of the Municipal Council

Cc: Peter Nifakos, 11503 Southern Boulevard, Royal Palm Beach, FL, 33411

EXHIBIT 5

Ted Pietnik

From: Lynch, Mary Elizabeth (DFS) <maryelizabeth.lynch@mass.gov>
Sent: Monday, March 9, 2026 11:55 AM
To: Ted Pietnik; rbastis
Cc: km.autorepair@gmail.com
Subject: FPRAB Decision - 274 Winthrop St, Taunton
Attachments: 25-08 274 Winthrop St., Taunton Decision.pdf

Parties:

Please see the attached decision of the Automatic Sprinkler Appeals Board in case no. 25-08 274 Winthrop Street, Taunton, MA.

A hard copy of this decision is being sent out today via Certified Mail to the parties.

Thank you,
Mary

MaryElizabeth Lynch-Lent, *MPA*
Paralegal
Department of Fire Services
P.O. Box 1025 ~ State Road
Stow, Massachusetts 01775
(978) 567-3181
MaryElizabeth.Lynch@mass.gov

EXHIBIT 6



MAURA T. HEALEY
GOVERNOR
KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR
GINA K. KWON
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Prevention Regulations Appeals Board
P.O. Box 1025 ~ State Road
Stow, Massachusetts 01775
(978) 567-3181 Fax: (978) 567-3121

LARRY S. FISHER
CHAIRMAN

Docket # 2025-08
274 Winthrop Street
Taunton, Massachusetts

FIRE PREVENTION REGULATIONS APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This matter is an administrative appeal filed in accordance with Massachusetts General Laws Chapter 22D, Section 5. The Appellant is seeking the Board of Fire Prevention Regulations' review of an Order of the Taunton Fire Department requiring all underground storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days from the date of their notice¹, in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1. The subject property is owned by Peter Nifakos but is operated by Khalil Dobeibs and Milad Dbaibs doing business as Planet Petroleum, Inc.

B) Procedural History

By notice dated October 6, 2025, the Taunton Fire Department ordered that all undergrounds storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1.

On November 13, 2025, the Appellant filed a timely appeal of the Taunton Fire Department's determination with the Fire Prevention Regulations Appeals Board. The Board held a hearing relative to this appeal on February 5, 2026, via video conference.

Appearing on behalf of the Appellant were: Attorney Edward W. Pietnik, Jr., Attorney Tad G. Pietnik, Khalil Dobeibs, and Milad Dbaibs. Appearing on behalf of the Taunton Fire Department was: Deputy Chief Robert Bastis.

Present for the Board were: Alfonso Ibarreta, Presiding Chair; Chief Martin Dyer; John Cox; and Keith Pogarian, Alternate. Rachel E. Perlman was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the Board should affirm, reverse or modify² the Taunton Fire Department's order to

¹ Taunton Fire Department notice was dated October 6, 2025. The forty five (45) day deadline to remove tanks was November 20, 2025.

² In accordance with the Board's authority under M.G.L. Chapter 22D, Section 5.

require that all undergrounds storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1.

D) Evidence Received

- | | | |
|-----|--|---------------|
| 1. | Application for Appeal filed by Appellant | 11/13/2025 |
| 2. | Order of Notice of the Taunton Fire Department | 10/6/2025 |
| 3. | Submissions of the Taunton Fire Department in Support of Order | |
| 3A. | Notice of Non-Compliance from Mass. Department of Environmental Protection | 8/13/2013 |
| 3B. | Notice of Non-Compliance from Mass. Department of Environmental Protection | 1/30/2017 |
| 3C. | Notice of Non-Compliance from Mass. Department of Environmental Protection | 6/26/2017 |
| 3D. | Notice of Non-Compliance from Mass. Department of Environmental Protection | 11/21/2017 |
| 3E. | Facility / Site Details Report (4 pages) | 12/2/2025 |
| 3F. | Google Street View Print Out labeled 'current – no fuel sales' and 'price signage hasn't changed' | Undated |
| 3G. | Google Street View Print Out labeled 'fuel pump on the ground' and 'price signage hasn't changed' | Oct. 2022 |
| 3H. | Google Street View Print Out labeled 'June 2021 - pump on the ground' and 'price signage hasn't changed' | June 2021 |
| 3I. | Google Street View Print Out labeled 'June 2021' with arrow pointing to fuel pump | June 2021 |
| 3J. | Google Street View Print Out | August 2017 |
| 3K. | Two (2) Google Street View Print Outs labeled 'Nov. 2016' 'fuel pump on the ground' and 'no fuel sales' | November 2016 |
| 3L. | Google Street View Print Out labeled 'April 2012 both pumps upright' | April 2012 |
| 3M. | Order of Notice from Taunton Fire Department | 10/6/2025 |
| 3N. | Request for Documentation – Fuel Storage and Dispensing Operations to business/property owner from Taunton Fire Department with U.S.P.S. Certified Mail Receipts | 11/20/2025 |
| 3O. | Copy of Application or Permit to Maintain an Existing/New Underground Storage Tank Facility Regulated Under 527 CMR 9.00 | 1/12/2012 |
| 3P. | Correspondence from Taunton Department of Public Works, Weights and Measures to Deputy Chief Bastis | 11/21/2025 |
| 3Q. | E-mail Correspondence from Deputy Chief Bastis to Craig Barter, Taunton Department of Public Works, Weights and Measures | 11/20/2025 |
| 3R. | E-mail Correspondence from Scott Wiinikainen, Compliance Officer, State Office of Weights and Measures to Craig Barter, Taunton Department of Public Works, Weights and Measures | 11/20/2025 |
| 3S. | Copy of Mass. General Law, Chapter 94, s. 295B "Licensing of Retail Dealers engaged in the Business of selling motor fuel or automotive lubricating oil." | |
| 3T. | Notice of Non-Compliance from Mass. Department of Environmental Protection | 12/6/2024 |
| 4. | E-mail Correspondence between Mass. Department of Environmental Protection And Taunton Fire Department | 2/2/2026 |

E) Subsidiary Findings of Fact

1. By notice dated October 6, 2025, the Taunton Fire Department ordered that all underground storage tanks located at 274 Winthrop Street, Taunton, Massachusetts be removed within forty-five (45) days in accordance with 527 CMR 1.00, Section 66.21.7.4.3.2.1.

2. Mr. Khalil Dobeibs, through his attorney, testified that he is the operator of Planet Petroleum, which was previously a full-service gas station, in addition to being a garage repair business. He testified that there are three (3) underground gasoline tanks on site, which each store 8,000 gallons of gasoline, for a total of 24,000 gallons. Mr. Dobeibs also stated that there are "a couple of" 55-gallon drums of waste oil that are also stored on site as part of his garage repair business but advised that they are emptied "frequently."
3. Mr. Dobeibs stated that in March 2017, he decided that the station would stop selling gas to the public due to a serious medical diagnosis in addition to a non-functioning gas pump, which had been hit by a vehicle and knocked over. Mr. Dobeibs stated that he contacted the Massachusetts Department of Environmental Protection ("DEP") about temporarily shutting down the pumps and inquired if the pumps could remain operational if he did not sell the gas to the general public. He stated that the DEP representative suggested that the pump should be placed out of service until it could be fixed.
4. Mr. Dobeibs testified that construction to fix the non-functioning gas pump could not begin until the gas tanks were emptied. As a result, he has continued to use the remaining gas to fill his own vehicles over the past three (3) years. Attorney Pietnik stated that his clients believed that they could shut down the station and stop pumping gas for the general public while continuing to use the remaining gas for themselves and for cars they repair. Attorney Pietnik stated that his clients never sold to the public, and that the tanks were operational up to three years ago, which is within the five year time frame allowed in 527 CMR 1.00, Section 66.21.7.4.3.2.1.
5. Mr. Dobeibs further testified that using the remaining gas in the tanks for his personal use was allowed based upon conversations he had with a representative from DEP he identified as "Dan." Mr. Dobeibs said that Dan had advised him that in order for the station to be put back in service, the underground tanks would need to be tested and pass inspection. Once approved, Dan allegedly told Mr. Dobeibs that the replacement pumps could be installed and the station would be placed back into service.
6. Following the accident with the gas pump, Mr. Dobeibs stated he had hired Petroleum Brothers of Everett, Massachusetts to install new pumps. However, after work began, the primary installer had a series of health issues and was unable to complete the replacement of the pumps. Mr. Dobeibs stated that he recently found another company, LaMountain Brothers, who he intended to contract with for the replacement work. However, Mr. Dobeibs stated that he is waiting to sign the contract until after this appeal has been heard and decided.
7. In response to a question from the Board, Mr. Dobeibs confirmed that gas was being pumped from the underground tanks until three years ago and that about 800 gallons remained in the tanks at the time DEP checked them. However, he stated that all three tanks are now at depleted levels and confirmed that there had been no additional gas deliveries or flows into the tanks since 2017.
8. In support of the Order issued by the Taunton Fire Department, Deputy Chief Bastis testified that the department issued the Order to remove the tanks for several reasons, including: the "slow, progressive deterioration of the property", the lack of fuel service to the public from 2012 to 2017, and the absence of a permit to store fuel after 2012.

9. Specifically, Deputy Bastis cited a 2012 incident where one of the fuel pumps had been hit and knocked over by a vehicle. As a result, the station was unable to pump gas.
10. Deputy Bastis also submitted into the record, five (5) Notices of Non-Compliance from the DEP to Mr. Dobeib and Mr. Nifakos, the property owner, from 2013 to 2024. The notices state that the property failed to meet certain requirements of the State Fire Code, as well as; failure to submit a Third Party Inspection reports for the underground storage tanks and failure to submit a Third Party Inspection Report Return to Compliance report, which resulted in a penalty assessment.
11. More specifically, Deputy Bastis referred to Exhibit 3T from the DEP which states that “on January 13, 2017, Respondent [Mr. Dobeib] placed the three UST systems in temporarily out-of-service (TOS) status”. The notice also indicates that the “TOS expired on January 13, 2022.”
12. Deputy Bastis testified that based upon the information he entered into the record, it was clear that the station had been temporarily out of service for more than five years, in violation of 527 CMR 1.00, Section 66.21.7.4.3.2.1.

F) Ultimate Findings of Fact and Conclusions of Law

1. The applicable section of 527 CMR 1.00, section 66 is as follows:

66.21.7.4.3.2.1 Tanks remaining temporarily out of service for more than five years shall be permanently closed in place or removed in accordance with *Section 66.21.7.4.3.3 or 66.21.7.4.3.4* as applicable.
2. The Board finds that the Appellant’s testimony on the timeline of events, including when the gas pump was knocked over and when the gas tanks were placed out service, is not clear. While the Appellant stated that he continued to use the remaining gas “over the past three (3) years” to fill his own vehicles, he also testified that the tanks were being used as far back as 2017.
3. Based upon the documentation submitted into the record by the Taunton Fire Department including the Notices of Non-Compliance, the Board finds that the Appellant had voluntarily placed the tanks in a “temporarily out-of-service (TOS) status” on January 13, 2017 and that the “temporary” five (5) year limit would have expired on January 13, 2022.
4. Based upon the testimony of the Appellant, the Board finds that the TOS (Temporarily Out of Service) form filled out in 2017 incorrectly stated that the three (3) UST’s had been emptied (exhibit T, pages 5-6). However, the Appellant testified that he continued to pump gas from his tanks up until approximately 2022 or 2023. This statement contradicts the Certification Agreement on the Tank Status Changes Submission form from the Department of Environmental Protection that was electronically signed by Khalil Dobeib on March 9, 2017.
5. The Board also finds that on December 4, 2024, the Department of Environmental Protection found that the three underground storage tanks were not being used and had not

been removed or permanently closed, in violation of both the State Fire Code and DEP regulations.

G) Decision and Order

Based upon the testimony and evidence presented to the Board and for the reasons stated herein, the Board hereby **upholds** the Order of the Taunton Fire Department dated October 6, 2025, to remove all underground storage tanks within forty-five (45) days from the date of hearing (Sunday, March 22, 2026).

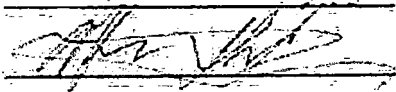
H) Vote of the Board

Alfonso Ibarreta, Presiding Chair	In Favor
Chief Martin Dyer	In Favor
John Cox	In Favor

I) Right of Appeal

You are hereby advised you have the right, pursuant to section 14 of Chapter 30A of the General Laws, to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order.

SO ORDERED,



Alfonso Ibarreta, Presiding Chair
Fire Prevention Regulations Appeals Board

Dated: March 9, 2026

A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY E-MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

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EXHIBIT 7

BRIEN INVESTIGATIVE SERVICES

P.O. Box 593 Dighton, Ma 02715 | (401) 651-5873 | BrienInvS@gmail.com

Audio Recorded Interview of Robert Newhall, by Private Investigator David C. Brien

On July 20, 2022, at approximately 10:30 AM, I David C. Brien a Private Investigator conducted an audio recorded interview with Robert Newhall at his residence of 43 Fiddlers Way, East Taunton, Ma 02780. Prior to the interview, permission was granted by Mr. Newhall for the audio recording of the interview and once on the record permission was granted as well.

Mr. Newhall spelled his last name as NEWHALL and stated his Date of Birth was March 15, 1955. and he has resided in the city of Taunton for his entire life. Mr. Newhall stated that he previously drove a truck for the U.S. Mail.

When asked how he knew Milad Debaib, Mr. Newhall explained that he met Milad when he (Milad) came in front of Conservation Commission. Milad was called in to address some issues with cars on his property located at Planet Petroleum, (274 Winthrop Street, Taunton, Ma 02780) that was near the brook. Mr. Newhall explained there was a complaint filed with Conservation Commission. Mr. Newhall further explained that at the time he was the Conservation Commissioner and as the Commissioner, he would get involved, help educate and would visit the sites of complaints. Mr. Newhall said he would teach people what they could do and what they could not do. According to Mr. Newhall when he visited Planet petroleum along with the Secretary of Conservation. While at the site, Mr. Newhall stated that he explained to Milad that he cannot put anything near the brook, because it is a stream for storm water. Mr. Newhall said if gasoline, antifreeze, transmission fluid, brake fluid, or if anything got into the water it would contaminate the area, and it was also dangerous for the habitat in the area, as there were many frogs and turtles located there. Mr. Newhall said he explained to Milad to protect the environment. Mr. Newhall expressed that Milad, and his brother Khalil were fine with him. Mr. Newhall conveyed that they (Milad and Khalil) moved the vehicles away from the site and that was it. When asked Mr. Newhall could not remember the exact date that he had to visit the site.

It was stated to Mr. Newhall, that Mr. Debaib said he may have knowledge with respect to Taunton city employees or former city employees who wanted to shut down his business (Planet Petroleum). Mr. Newhall affirmed that this was correct. Mr. Newhall was asked to explain his knowledge of the matter. According to Mr. Newhall, when the issue came up of cars on his property at Planet Petroleum, Milad and Khalil were summoned to appear at the city council meeting to address the issue. Mr. Newhall stated that because he visited the site (Planet

Petroleum), he went to the city council meeting as well. Mr. Newhall conveyed he wanted to let the city know that he went to visit the site and Milad moved all the vehicles and complied with everything that he (Newhall) had asked of him. Mr. Newhall explained that when he got to the meeting, he saw Milad and Klafil in the hallway and they went into the meeting and he told the city council that Milad and Khalil complied with everything he asked of them. Mr. Newhall stated when they came out into the hallway, there was a gentleman named Dick Shafer, (Department of Development for the city of Taunton) and Jason Buffington, (an attorney for the city of Taunton). Mr. Newhall stated that Mr. Shafer made a statement to them both (Milad and Khalil), stating, "We are going to shut you down, put you out of business." Mr. Newhall explained that he looked at him and said "What did you say?" Mr. Newhall said Mr. Shafer replied, "I am going to put them out of business, they don't listen to rules or regulations." According to Mr. Newhall he told Mr. Shafer that he explained to the city council and he visited their site and they (Milad and Khalil) complied with everything he said to do. Mr. Newhall expressed that he then stated to Mr. Shafer, "So I don't understand why you are threatening their business." Mr. Newhall said, "I got very upset to think that here are two people from another country, they came here to work, they helped out a lot of people... I came from a family of immigrants myself... I got upset at the way they got treated." Mr. Newhall stated that Sherry Costa-Hanlon was present. Mr. Newhall stated Ms. Costa-Hanlon was the chairman, and he was the vice chairman of the Conservation Committee at the time.

Regarding the statement, "We are going to shut you down, put you out of business," Mr. Newhall was asked if he took that statement from Mr. Shafer as a threat, he stated, "Yes, I did. And I felt bad for them because they were hard working people...". Mr. Newhall was asked what the reaction from Milad and Khalil was, he stated they were upset.