

**BEFORE THE
OIL & GAS COMMISSION**

JACK HOOKS,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.

Case No. 722

Review of Chief's Order 2003-48

**ORDER OF THE
COMMISSION GRANTING
REQUEST FOR STAY**

Appearances: Jack Hooks, Appellant *pro se*; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

Upon Motion of Appellant Jack Hooks, and FOR GOOD CAUSE SHOWN, enforcement of Chief's Order 2003-48 is hereby **STAYED** pending a hearing on the merits, which hearing will be scheduled for **September 24, 2003**. In the event of a continuance of this hearing, it will be necessary for the Appellant to come before the Commission and request an extension of this Stay

Date Issued:

7/25/03



WILLIAM J. TAYLOR, Chairman

JOHN A. GRAY

JAMES H. CAMERON

BENITA KAHN, Secretary

MARILYN ENNIS

DISTRIBUTION:

Jack Hooks
Mark G. Bonaventura

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-vs-

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MANAGEMENT,

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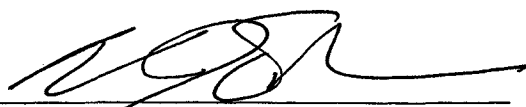
Review of Chief's Order 2003-48

**ORDER OF THE
COMMISSION ADOPTING
CONSENT AGREEMENT**

Appearances: Jack Hooks, Appellant *pro se*; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

The Oil & Gas Commission has received and reviewed the parties' Consent Agreement and finds it well taken. Accordingly, the Commission hereby **ADOPTS** the Consent Agreement. There being no outstanding issues of law or fact, the Commission hereby **DISMISSES** appeal number 722, with prejudice.

Date Issued: January 23, 2004


WILLIAM J. TAYLOR, Chairman


JOHN A. GRAY


JAMES H. CAMERON


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Mark G. Bonaventura

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Case No. 722

Review of Chief's Order
No. 2003-48

CONSENT AGREEMENT

Now come the parties, Appellant Jack Hooks ("Appellant") and Appellee Division of Mineral Resources Management ("Division"), and in order to settle the instant appeal stipulate to the following facts and conditions.

FACTS:

1. Garver Oil, L.L.C. is the "owner", as that term is defined in R.C. 1509.01(K), of the following oil and gas wells ("subject wells") which are located in Richland County, Ohio.

- Permit 342, OSMA J. Stuller No. 1
- Permit 354, Stuller No. 4
- Permit 362, B & E Sampsel, No. 1
- Permit 369, O J Stuller No. 6
- Permit 385, J Hooks No. 1
- Permit 396, J Hooks No. 2

2. Pursuant to Revised Code 1509.07, a surety bond in the amount of \$15,000 is required to be posted with the Division meeting the criteria set forth in that statute. Inspections by the Division of Oil and Gas found that Jack Hooks doing business as

("d.b.a") Garver Oil, L.L.C. had failed to post a surety bond as required by R.C. 1509.07. As a result of these inspections, Chief's Order 2003-48 was issued ordering Appellant to execute and file a bond, deposit cash or certificates of deposit, or file an irrevocable letter of credit as required by R.C. 1509.07.

3. Pursuant to Ohio Adm. Code 1501:9-9-05(A)(10), proper identification is required to be placed on all wells owned by Garver Oil, L.L.C. Inspections by the Division of Oil and Gas found that Jack Hooks d.b.a Garver Oil, L.L.C. had failed to place the proper identification on all wells owned by him. As a result of these inspections, Chief's Order 2003-48 was issued ordering Jack Hooks d.b.a Garver Oil, L.L.C. to place proper identification on all wells owned by him as required by Ohio Adm. Code 1501:9-9-05(A)(10).

4. The required bond has not been posted with the Division and the required identification has not been placed on all of the above-referenced wells.

CONDITIONS

5. By November 15, 2003, Garver Oil, L.L.C. shall file with the Division a fully completed Form 9 - "Authority and Organization Form".

6. By January 1, 2004, Garver Oil, L.L.C. shall place proper identification on all wells owned by it as required by Ohio Adm. Code 1501:9-9-05(A)(10).

7. By July 1, 2004, Garver Oil, L.L.C. shall post with the Division a bond in the amount of \$5000 that complies in all respect, except amount, with the requirements of R.C. 1509.07, and the regulations promulgated thereunder.

8. By January 1, 2005, Garver Oil, L.L.C. shall post with the Division a second bond in the amount of \$5000 that complies in all respect, except amount, with the requirements of R.C. 1509.07, and the regulations promulgated thereunder.

9. By July 1, 2005, Garver Oil, L.L.C. shall post with the Division a third bond in the amount of \$5000 that complies in all respect with the requirements of R.C. 1509.07, and the regulations promulgated thereunder.

10. Garver Oil, L.L.C. shall be responsible to follow-up at each well site to insure full compliance with the requirements of R.C. Chapter 1509 and Ohio Admin. Code Chapter 1501, including ,but not limited to, placing proper identification on all wells owned by him as required by Ohio Adm. Code 1501:9-9-05(A)(10).

11. The schedule established by this Consent Agreement is based upon the fact that, at the present time, there is no evidence of contamination, pollution or substantial erosion occurring. In the event, contamination, pollution or substantial erosion is discovered at any of the wells or well sites, Garver Oil, L.L.C. will take immediate action to prevent future contamination, pollution or substantial erosion and will take required actions to remediate any contamination, pollution or substantial erosion which has occurred.

12. If Garver Oil, L.L.C. timely performs all of these conditions, the Division will terminate its suspension order - Chief's Order 2003-48.

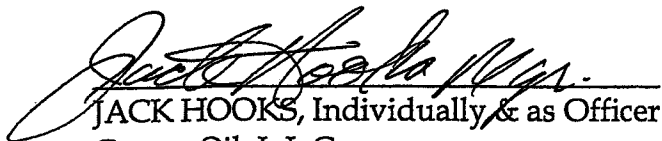
13. In the event that Garver Oil, L.L.C. fails to meet any of these conditions, Garver Oil, L.L.C. will immediately suspend all production on all his wells. Within 30 days of breach, Garver Oil, L.L.C. shall apply for and receive permits to plug and then

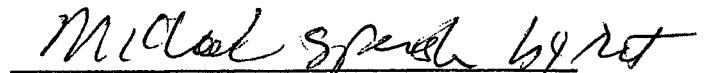
immediately plug and abandon all wells owed by Garver Oil, L.L.C. in a proper, prudent and workmanlike manner.

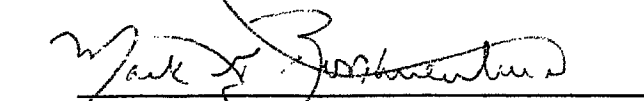
14. Nothing in this Consent Agreement shall be construed so as to prejudice the right of the Division of Mineral Resources Management to issue other decisions and orders to enforce the provisions of R.C. Chapter 1509 and Ohio Admin. Code Chapter 1501, including the seeking of injunctive relief and civil penalties for the failure to comply with this Consent Agreement.

15. In the event of any default of the conditions set forth herein, the Division may elect all remedies it deems appropriate. Further, in the event of default, Garver Oil, L.L.C., its officers, agents, assigns and successors-in-interest agree that, in any litigation brought by the Division to enforce this Consent Agreement, venue shall be proper in the Court of Common Pleas for Franklin County, Ohio.

16. The instant appeal is dismissed with prejudice.


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