

**BEFORE THE
OIL & GAS COMMISSION**

BRIAN McCORT,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.


Case No. 731

Review of Chief's Order 2003-96

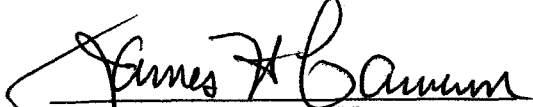
**ORDER OF THE
COMMISSION GRANTING
JOINT MOTION FOR
CONSENT DECISION**

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 no. 731, with prejudice.

Date Issued: 3/19/04


WILLIAM J TAYLOR, Chairman


JOHN A. GRAY


JAMES H. CAMERON


BENITA KAHN, Secretary


MARILYN ENNIS

DISTRIBUTION:

James W Peters
Holly Deeds

**BEFORE THE OIL AND GAS COMMISSION
STATE OF OHIO**

BRIAN McCORT,)	APPEAL NO. 731
)	
Appellant,)	REVIEW OF CHIEF'S ORDER
)	No. 2003-96
)	
)	
OHIO DEPARTMENT OF)	
NATURAL RESOURCES,)	
DIVISION OF MINERAL)	
RESOURCES MANAGEMENT,)	
)	
Appellee.)	

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CONSENT AGREEMENT

Now come the parties, the Division of Mineral Resources Management (hereinafter the "Division"), and Brian McCort (hereinafter McCort), and submit the following Joint Motion for Consent Order to the Oil and Gas Commission of Ohio (Commission) to conclude the immediate appeal, and stipulate to the following facts, conditions, and terms:

FACTS

1. McCort is the "owner," as that term is defined in Ohio Revised Code 1509.01(K), of the following oil and gas well located in Monroe County, Summit Township.

<u>Well Name</u>	<u>Well No.</u>	<u>County</u>	<u>Township</u>
Varner No. 1	1215	Monroe	Summit

2. The subject well listed in Paragraph 1 is incapable of producing commercially and, therefore, pursuant to Ohio Revised Code 1509.12 and Ohio Revised Code 1509.072(B), respectively, the subject well is required to be plugged and the well site restored.

CONDITIONS

3. By February 17, 2004, McCort shall file with the Division the proper paperwork and payment to receive a permit to plug in accordance with Ohio oil and gas law.

4. By May 3, 2004, McCort shall plug the well listed in Paragraph 1, as required by Ohio law.

5. As of six months from the date that the well listed in Paragraph 1 is plugged, McCort shall restore the well site of the subject well, as required by Ohio law.

6. Failure to meet any of the Deadlines set forth by this agreement shall result in McCort paying a penalty of Five Hundred Dollars (\$500) for each and every day until the deadline is met.

7. The deadlines set forth above are based upon the fact that the well listed in Paragraph 1 is currently not presenting evidence of immediate danger to humans, animals or the environment. In the event that the Division discovers conditions that it concludes are evidencing immediate danger to humans, animals or the environment, the above-established deadlines are not applicable and McCort shall take immediate action to eliminate the immediate danger to humans, animals and/or the environment.

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8. All work on the well and the well site shall be performed in a prudent and workmanlike manner and in compliance with the requirements of R.C. Chapter 1509 and Chapter 1501 of the Ohio Admin. Code.

9. 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 civil penalties, injunctive relief, and bond forfeiture for the failure to comply with this Consent Agreement.

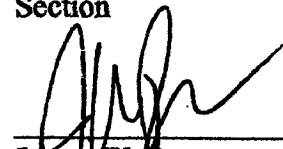
10. In the event of any default of the terms set forth herein, the Division may elect any and all remedies it deems appropriate. Further, in the event of default, Brian McCort, his heirs, assigns, and successors-in-interest agree that in any litigation brought by the Division to enforce this Consent Agreement: a) venue shall be proper in the Franklin County Ohio Court of Common Pleas and b) service of process and summons thereof are hereby waived.

11. The above captioned appeal is hereby dismissed subject to the provisions of this Consent Agreement.


Michael Sponsler, Chief
Division of Mineral Resources
Management
2/4/04
Date


Holly N. Deeds
Assistant Attorney General
Environmental Enforcement
Section
2/4/04
Date


Brian J. McCort
2-3-04
Date


James W. Peters
107 West Court Street
Woodsfield, Ohio 43793
Attorney for Brian McCort
2/3/04
Date

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