

# BEFORE THE OIL & GAS COMMISSION

B & B PETROLEUM,

Case No. 742

Appellant,

Review of Chief's Order 2004-88

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

**ORDER DISMISSING  
APPEAL FOR FAILURE  
TO APPEAR**

Appellee.

Appearances: Richard A. Yoss, Counsel for Appellant B & B Petroleum; Molly S. Corey, Mark G. Bonaventura, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management.

Date Issued: September 5, 2006

## **BACKGROUND**

This matter came before the Oil & Gas Commission upon appeal by B & B Petroleum from Chief's Order 2004-88. This Chief's Order required the plugging or production of a well, which the Division determined to be unproductive and owned by B & B Petroleum.

This appeal had been set for hearing five times before this Commission. The most recent scheduled hearing date was August 24, 2006. Motions for continuance had been filed four times; three of these filings were made by the Appellant. Appellant requested these continuances because of health problems experienced by the owner of B & B Petroleum. No continuance from the August 24, 2006 hearing was requested.

Notice of the date, location and time for the August 24, 2006 hearing was sent to counsel for B & B Petroleum. This notice was sent by Certified Mail and was received by counsel. Counsel was also directly contacted by the Commission, and was unquestionably aware of the scheduled hearing date. Counsel for Appellant indicated to the Commission in writing that Appellant would not appear for the August 24, 2006 hearing.

Aware that Appellant did not intend to appear at the August 24, 2006 hearing, the Division filed a Motion to Dismiss this appeal on August 23, 2006.

This matter came on for hearing on August 24, 2006. No representative of B & B Petroleum appeared for hearing. The Division did appear through counsel and argued its Motion to Dismiss for Appellant's failure to appear and prosecute its appeal.

## ORDER

The Oil & Gas Commission has considered Appellee's Motion to Dismiss. The Commission has also reviewed its prior decisions, and the precedent that the Commission has established. The Commission **FINDS** the Division's Motion well taken. Therefore, B & B Petroleum's appeal of Chief's Order 2004-88, designated as appeal number 742, is hereby **DISMISSED**, with prejudice.

see attached  
WILLIAM J. TAYLOR, Chairman

see attached  
JOHN A. GRAY

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JAMES H. CAMERON

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M. HOWARD PETRICOFF, Secretary

see attached  
TIMOTHY C. McNUTT

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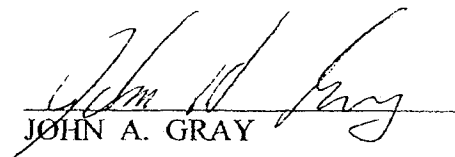
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TIMOTHY C. McNUTT

B & B Petroleum  
Appeal #742

**INSTRUCTIONS FOR APPEAL**

This decision may be appealed to the Court of Common Pleas of Franklin County, within thirty days of your receipt of this Order, in accordance with Ohio Revised Code Section §1509.37.

**DISTRIBUTION:**

Richard A. Yoss  
Via fax [740-472-0770] & Certified Mail # 7000 0600 0028 2172 2010

Molly S. Corey; Mark G. Bonaventura  
Via fax [614-268-8871] & Inter-Office Certified Mail # 6268