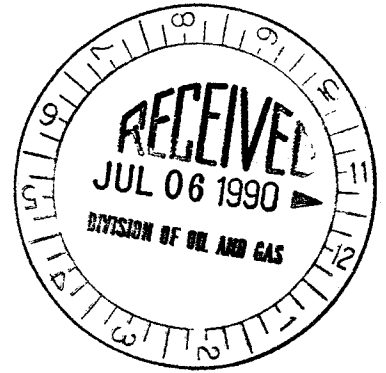


OIL AND GAS BOARD OF REVIEW  
STATE OF OHIO




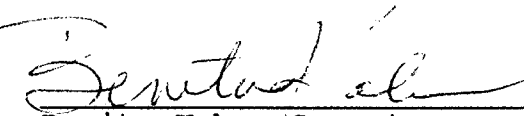
Barclay Petroleum, Inc. )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 SCOTT KELL, ACTING CHIEF )  
 Division of Oil and Gas, )  
 )  
 Appellee. )

Appeal No. 378  
Chief's Order No. 89-518

ENTRY AND ORDER

This cause came before the Oil and Gas Board of Review on March 13, 1990. The Board was informed by Appellant that the Court of Appeals for the Fifth Appellate District was to rule on the Barclay Petroleum - Ernest Perry Lease. Counsel for Appellant has informed the Board that the Court of Appeals for the Fifth Appellate District has ruled against Barclay Petroleum, Inc. Thus, the Board holds the Order of the Chief to be reasonable and necessary and Barclay Petroleum, Inc. has thirty (30) days commencing on June 27, 1990 to comply with such Order. The Board further Orders that if Barclay Petroleum, Inc. has complied with the Chief's order within thirty (30) days, there shall be no forfeiture of the Buckeye Union Insurance Company Bond.

  
\_\_\_\_\_  
Alan H. Coogan, Chairman

  
\_\_\_\_\_  
Benita Kahn, Secretary

  
\_\_\_\_\_  
Robert H. Alexander

  
\_\_\_\_\_  
Gail Ignatz-Hoover

  
\_\_\_\_\_  
William G. Williams

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served upon Mr. Brian D. Shonk, Dagger, Johnston, Miller, Ogilvie & Hampson, 144 East Main Street, Lancaster, Ohio 43130-0667, by Certified Mail, postage prepaid, this 3<sup>rd</sup> day of ~~June~~, 1990.

*July*

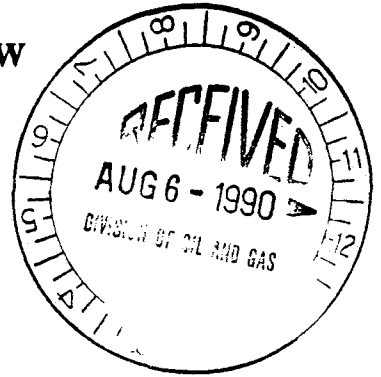
*Benita Kahn*  
Benita Kahn, Secretary

The undersigned hereby certifies that a copy of the foregoing document was served upon Mr. Scott E. Farkas, Assistant Attorney General, Environmental Enforcement Section, Division of Oil and Gas, Building A, 4435 Fountain Square Drive, Columbus, Ohio 43224 by regular U.S. Mail, postage prepaid, this 3<sup>rd</sup> day of ~~June~~, 1990.

*July*

*Benita Kahn*  
Benita Kahn, Secretary

BEFORE THE OIL AND GAS BOARD OF REVIEW  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF OHIO



BARCLAY PETROLEUM, INC. )  
and )  
BUCKEYE UNION INSURANCE CO. )

Appellants, )

v. )

SCOTT KELL, Acting Chief, )  
Division of Oil and Gas, Ohio )  
Department of Natural Resources )

Appellee. )

APPEAL NO. 378

CHIEF'S ORDER NO. 89-518

OIL AND GAS BOARD  
OF REVIEW

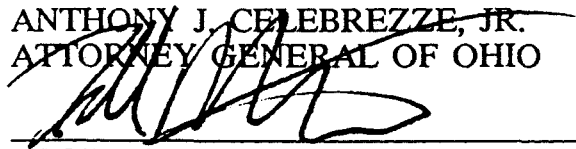
JUL 31 1990

NOTICE OF APPEAL

Now comes appellee Chief of the Division of Oil and Gas, Ohio Department of Natural Resources, by and through counsel, Anthony J. Celebrezze, Jr., Attorney General of the State of Ohio, and notifies the Board that, pursuant to R.C. 1509.37, the Chief hereby appeals the July 3, 1990 Entry and Order of the Oil and Gas Board of Review to the Franklin County Court of Common Pleas. This appeal is taken on questions of law and fact.

Respectfully submitted,

ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

  
TODD M. MUSHEFF  
Assistant Attorney General  
Environmental Enforcement Section  
Division of Oil and Gas  
Building A, Fountain Square  
Columbus, OH 43224  
(614) 265-6939

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Appeal was served upon appellees Barclay Petroleum and Buckeye Union Insurance Co. by sending a copy by regular U.S. mail, postage prepaid this 27th day of July, 1990, to their counsel, J. Jay Hampson and Brian D. Shonk at Dagger, Johnston, Miller, Ogilvie & Hampson, 144 E. Main Street, P.O. Box 667, Lancaster, Ohio 43130.

  
\_\_\_\_\_  
TODD M. MUSHEFF

FILED  
COURT OF COMMON PLEAS  
IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

SCOTT KELL, Acting Chief <sup>PH 2:58</sup>  
Division of Oil & Gas, Ohio  
Department of Natural Resources:

Appellant, :

vs. : Case No. 90CVF-07-5715

BARCLAY PETROLEUM, INC., et al.: Judge Deshler

Appellees. :

DECISION

Rendered this 15 day of July, 1991.

Deshler, J.

Appellant's Motion for Reconsideration is OVERRULED.

The Court has reviewed Appellant's motion and memorandum, as well as Appellee's memorandum contra said motion. The Court concludes there is no basis for reconsideration and the Decision of March 7, 1991, journalized April 17, 1991, remains unchanged.

  
\_\_\_\_\_  
DANA A. DESHLER, JUDGE

Copies to:

Todd Musheff  
Assistant Attorney General for Appellant

J. Jay Hamson  
Brian Shonk  
Attorneys for Appellees




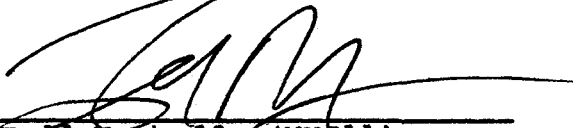
was not stayed during the pendency of Appellee Barclay's appeal before the Board of Review, in that the Board of Review decided at the Board's hearing to grant a stay of execution until the Fifth Appellate District had ruled on two related cases pending before it. Therefore, it is hereby ORDERED, ADJUDGED and DECREED that Appellant's appeal is without merit, that the Board of Review's Order staying execution was lawful and reasonable, and said Order of the Board of Review is **AFFIRMED**.

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Dana A. Deshler, Judge

APPROVED:

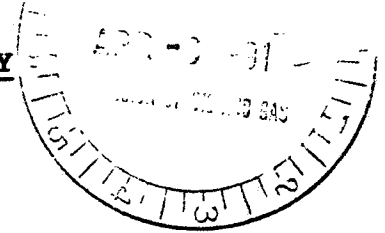
  
\_\_\_\_\_  
Brian D. Shonk (SH015)  
DAGGER, JOHNSTON, MILLER,  
OGILVIE & HAMPSON  
144 E. Main Street  
P.O. Box 667  
Lancaster, Ohio 43130  
(614)653-6464  
Attorney for Appellees,  
Barclay Petroleum, Inc., et al.

  
\_\_\_\_\_  
Todd Musheff (MUS11)  
Assistant Attorney General  
Environment Enforcement Section  
Division of Oil & Gas  
Building A, Fountain Square  
Columbus, OH 43224  
Attorney for Appellant,  
Scott Kell, Acting Chief,  
Division of Oil & Gas,  
Ohio Department of Natural Resources

0956G

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

SCOTT KELL, Acting Chief :  
Division of Oil & Gas, Ohio :  
Department of Natural Resources, : Case No. 90CVF-07-5715  
: :  
Appellant, : Judge Deshler  
: :  
vs. :  
: :  
BARCLAY PETROLEUM, INC., et al., : JUDGMENT ENTRY  
: :  
Appellees. : :



This matter came on before the Court on Appellees' Motion to Supplement the Record and on the merits of Appellant's appeal of the Oil & Gas Board of Review's decision.

Upon consideration of Appellees' Motion to Supplement the Record, the Court finds that the August 29, 1989 letter sought to be admitted to the Record was in existence at the time of hearing before the Oil & Gas Board of Review. The Court finds that the other item sought to be admitted, a plugging report, is irrelevant. Therefore, it is hereby ORDERED, ADJUDGED and DECREED that both items are not to be included with the Record, and thus Appellees Motion to Supplement Record is hereby **OVERRULED.**

Upon consideration of the merits of Appellant's appeal, the Court finds that the Oil & Gas Board of Review's suspension or stay of the Chief's Order was lawful and reasonable pursuant to O.R.C. §1509.36 and §1509.37. The Court finds no merit in Appellant's argument that enforcement of the Chief's Order