

**BEFORE THE
OIL & GAS BOARD OF REVIEW**

NELSON BUD PORTERFIELD,
Appellant,

-vs-

DONALD L. MASON, CHIEF,
DIVISION OF OIL & GAS,
Appellee.

Appeal No. 584
Review of Chief's Order 96-102

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

Appearances: Nelson Bud Porterfield, Appellant *pro se*; Sandra Ramos, Assistant Attorney General, Counsel for Appellee Division of Oil & Gas.

The Oil & Gas Board of Review has received and reviewed the parties' Joint Motion for Consent Decision and finds it well taken. Accordingly, the Board hereby **ADOPTS** the Consent Decision. There being no outstanding issues of law or fact, the Board hereby **DISMISSES** appeal no. 584, with prejudice.

Date Issued: June 26, 1996

BENITA KAHN, Secretary

JOHN A. GRAY

WILLIAM J. TAYLOR, Chairman

JAMES H. CAMERON

GAIL IGNATZ-HOOVER

DISTRIBUTION:

Nelson Bud Porterfield
Sandra Ramos

BEFORE THE OIL AND GAS BOARD OF REVIEW

NELSON BUD PORTERFIELD)	
)	
Appellant,)	APPEAL NO. 584
)	
v.)	REVIEW OF CHIEF'S ORDER
)	NO. 96-102
DONALD L. MASON, Esq., Chief,)	
Division of Oil and Gas)	
Ohio Dept. of Natural Resources)	
)	
Appellee.)	

JOINT MOTION FOR CONSENT DECISION

Now come the parties to the above action with their Joint Motion and respectfully request this Board to adopt the following Consent Decision and dismiss the instant appeal with prejudice.

WHEREAS,

A. On April 4, 1996 Chief's Order No. 96-102 was issued to Appellant Nelson Bud Porterfield forfeiting his bond for failure to comply with Chief's Order No. 95-116 requiring Nelson Bud Porterfield to plug or produce the number one well, Permit No. 3576 located on the Price Lease in Jackson Township, Muskingum County, Ohio.

B. On or about April 23, 1996 Appellant filed an appeal of Chief's Order No. 96-102 with the Oil and Gas Board of Review pursuant to R.C. 1509.36.

C. Prior to hearing of any issue of law or fact in this appeal, an agreement was reached between the parties to this action which disposes of the need for a hearing of this matter.

NOW, THEREFORE, in settlement of this matter, the parties hereby agree to the following:

1. Appellant Nelson Bud Porterfield consents to the entry of this Consent Decision and waives any objection or further right to appeal he may have with respect Chief's Order No. 95-116 for the purpose of settling the claims alleged in his appeal.

2. The provisions of this Consent Decision shall apply to and be binding upon the parties to this action, their agents, officers, employees, assignees, heirs, and successors in interest.

3. The Findings of Chief's Order No. 96-102 are admitted by Appellant.

4. The Division of Oil and Gas agrees that it will not proceed with forfeiture of Appellant's bond for his failure to comply with Chief's Order No. 96-102 provided that the Price no. 1 well, permit no. 3576 is properly plug and abandoned **no later than July 1, 1996**. Appellant shall complete all work in a prudent and workmanlike manner and in compliance with the requirements of R.C. Chapter 1509 and the rules promulgated thereunder.

5. The Division reserves its right to proceed with the forfeiture of Appellant's bond pursuant to Chief's Order No. 96-102 in the event the Price no. 1 well, permit no. 3576, is not properly plugged as set forth in paragraph 4 above.

6. Nothing in this Consent Decision shall be construed so as to prejudice the right of the Division of Oil and Gas to issue other decisions and orders, including but not limited to bond forfeiture, and enforce the provisions of R.C. Chapter 1509 and Chapter 1501 of the Ohio Administrative Code.

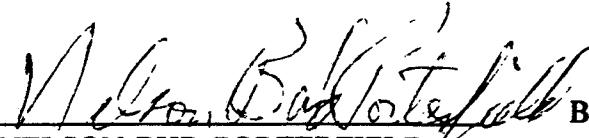
7. All parties to this action state that they have read and fully understand this Consent Decision and agree to comply with it fully.

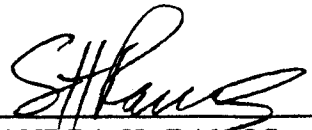
8. Appeal No. 584 is dismissed with prejudice.

Respectfully submitted,

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

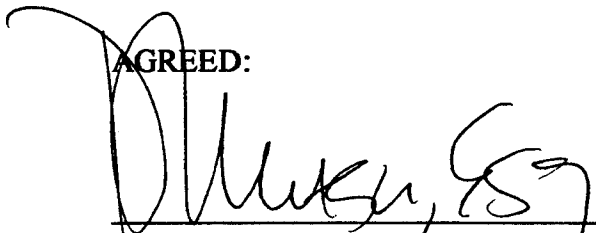
AGREED:


By: _____
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AGREED:



DONALD L. MASON, Esq., Chief
Division of Oil and Gas