

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

Mansfield Drilling Company, Inc.,

and

Theodore D. Ward,

Appellants

APPEAL NO. 21

vs.

The State of Ohio, Acting by
and through the Chief of the
Division of Oil and Gas,
Department of Natural Resources,

Appellee

ENTRY

This matter came on for hearing before the Oil and Gas Board of Review upon notice of appeal filed herein under date of April 15, 1975, by the Appellant, Theodore Ward, appealing from Adjudication Order No. 212 and Amendment No. 1 to Adjudication Order No. 212 as issued by the Chief of the Division of Oil and Gas, ordering that the Appellant, Mansfield Drilling Company, Inc. obtain and execute a bond in the amount of Five Thousand Dollars (\$5,000.00) conditioned upon compliance with Chapter 1509, Revised Code, as provided therein, or provide cash deposit or certificates of deposit in said amount, payable to the Treasurer of the State of Ohio, in trust, to secure compliance with the provisions of Chapter 1509, Revised Code, for all of the oil and gas wells set forth by permit number in said Adjudication Order No. 212, upon failure of Mansfield Drilling Company, Inc. to execute and file said bond or file said cash or certificates of deposit within ten (10) days from the receipt of the said Adjudication Order No. 212 the wells listed in said Adjudication Order shall be plugged.

Adjudication Order No. 212 was issued on March 21, 1975, and Amendment No. 1 to Adjudication Order No. 212 was issued on April 10, 1975, both orders being issued by Harry L. Armstrong, Chief, Division of Oil and Gas.

Appellant, Theodore D. Ward, contacted Harry L. Armstrong, Chief, Division of Oil and Gas by letter dated April 15, 1975, discussing matters concerning Mansfield Drilling Company and further requested that his communication be considered as a request for a formal hearing before the Oil and Gas Board of Review in accordance with Ohio Revised Code, Section 1509.35.

Further, on May 9, 1975, the Oil and Gas Board of Review, by its Secretary, rescheduled a hearing on Appeal No. 21 to Adjudication Order No. 212 for Friday, May 23, 1975, at 1:30 p.m. in the Conference Room on the first floor, Building C, Department of Natural Resources, Fountain Square, Morse Road, Columbus, Ohio.

On April 23, 1975, the Oil and Gas Board of Review, acting through its Secretary, set a hearing for May 15, 1975, at 9:30 to hear any appeals to Adjudication Order No. 211. By separate letter under same date the Oil and Gas Board of Review advised Appellant, Theodore D. Ward, that his request for hearing was not in accordance with the provisions of Section 1509.36 of the Revised Code. On May 13, 1975, the Oil and Gas Board of Review delivered requests for briefs and related materials upon all of the parties to Appeal No. 21 and further requested Appellant, Theodore D. Ward to file an Amended Notice of Appeal so as to comply with all of the requirements of Section 1509.36, Revised Code, and the requirements of the Rules and Regulations of Practice and Procedure of the Ohio Oil and Gas Board of Review.

Prior to the hearing on Appeal No. 21 on May 23, 1975, only the Appellee had complied with the order of the Oil and Gas Board of Review for request for briefs and related material.

On Friday, May 23, 1975, the Oil and Gas Board of Review convened in the Conference Room on the first floor, Building C, Department of Natural Resources, Fountain Square, Morse Road, Columbus, Ohio, with all five members of the Board of Review being present.

At that time the Appellants, Mansfield Drilling Company, Inc. and Theodore D. Ward, were called to present their appeal to Adjudication Order No. 212. At the same time, the State of Ohio, acting by and through the Chief, Division of Oil and Gas, Department of Natural Resources, was present.

After the Appellants were called to present their appeal and failed to appear before the Oil and Gas Board of Review, the State of Ohio, acting by and through the Chief, Division of Oil and Gas, Department of Natural Resources, and by Assistant Attorney General, Fred Kass, presented a motion to dismiss the appeal from Adjudication Order No. 212 on the grounds of the failure of the Appellant to comply with the pre-hearing order of the Board of Review requiring Amended Notice of Appeal setting forth the nature of the interest of the Appellant and the parties represented by the Appellants, and on the further basis that it being a time for the appeal and the Appellants failing to appear, that the appeal be dismissed with prejudice for failure to prosecute.

Upon due consideration of all of the members of the Board of the motion of the Appellee and upon consideration of all of the facts set forth above, the Board sustained the motion of the Appellee to dismiss. Therefore, the appeal from Adjudication Order No. 212 be and the same is hereby dismissed with prejudice.

This entry effective this 15th day of July, 1975.

OIL AND GAS BOARD OF REVIEW

By C. Arthur Morrow
C. Arthur Morrow, Secretary,
who certified that the foregoing
is a true and correct copy of the
Entry in the above matters of the
Oil and Gas Board of Review effective
July 15, 1975.


At that time the Appellants, Mansfield Drilling Company, Inc. and Theodore D. Ward, were called to present their appeal to Adjudication Order No. 212. At the same time, the State of Ohio, acting by and through the Chief, Division of Oil and Gas, Department of Natural Resources, was present.

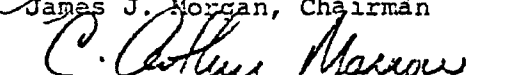
After the Appellants were called to present their appeal and failed to appear before the Oil and Gas Board of Review, the State of Ohio, acting by and through the Chief, Division of Oil and Gas, Department of Natural Resources, and by Assistant Attorney General, Fred Kass, presented a motion to dismiss the appeal from Adjudication Order No. 212 on the grounds of the failure of the Appellant to comply with the pre-hearing order of the Board of Review requiring Amended Notice of Appeal setting forth the nature of the interest of the Appellant and the parties represented by the Appellants, and on the further basis that it being a time for the appeal and the Appellants failing to appear, that the appeal be dismissed with prejudice for failure to prosecute.

Upon due consideration of all of the members of the Board of the motion of the Appellee and upon consideration of all of the facts set forth above, the Board sustained the motion of the Appellee to dismiss. Therefore, the appeal from Adjudication Order No. 212 be and the same is hereby dismissed with prejudice.

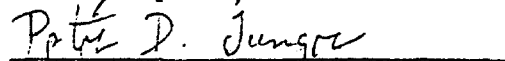
These orders effective this 15th day of July, 1975.


OIL AND GAS BOARD OF REVIEW


James J. Morgan, Chairman


C. Arthur Morrow, Secretary


Elmer Templeton


Peter Junger


Charles Graham