

BEFORE THE OHIO OIL AND GAS BOARD OF REVIEW

KATHERINE HASELBERGER :
EXECUTRIX OF THE ESTATE OF :
NOVA CHRISTMAN :

Appellant. : Appeal No. 527

v. : Chief's Order No. 93-77

RICHARD J. SIMMERS, :
ACTING CHIEF :
DIVISION OF OIL AND GAS, :


Appellee. :

ORDER


Having read and considered the Joint Motion for Consent Decision filed by Appellant and Appellee, the Board HEREBY DISMISSES Appeal No. 527 with prejudice.



Benita Kahn



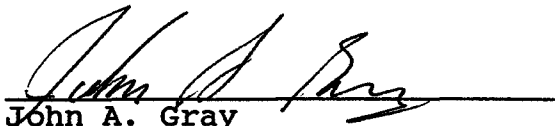
William J. Taylor



Gail Ignatz-Hoover



James H. Cameron



John A. Gray

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served on Charles H. Bean, Esq., Thornburg-Bean Building, 113 W. Main Street, P.O. Box 96, St. Clairsville, Ohio 43950 and Raymond Studer, Assistant Attorney General, Division of Oil and Gas, Environmental Enforcement Section, 4435 Fountain Square, Building A, Columbus, Ohio 43224 by regular U.S. Mail, postage prepaid this 29 day of September, 1994.



Benita Kahn

1-268-4316

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

KATHERINE HASELBERGER,
EXECUTRIX OF THE ESTATE
OF NOVA CHRISTMAN, DECEASED,
203 MAPLE AVENUE
WOODSFIELD, OH, 43793,

Appellant,

vs.

APPEAL NO. 527

CHIEF'S ORDER 93-77

RICHARD J. SIMMERS,
ACTING CHIEF
DIVISION OF OIL AND GAS
4383 FOUNTAIN SQ., BLDG. B-3
COLUMBUS, OH, 43224,

Appellee.

CONSENT AGREEMENT

Now comes the parties, Appellant, Katherine Haselberger, Executrix of the Estate of Nova Christman, and Appellee, Richard J. Simmers, Acting Chief of the Division of Oil and Gas, who, in order to settle the administrative proceeding captioned: Katherine Haselberger, Executrix of the Estate of Nova Christman vs. Richard J. Simmers, Acting Chief, Division of Oil and Gas, presently pending before the Oil and Gas Board of Review as Appeal No. 527 (Chief's Order 93-77), stipulate to the following facts and conditions.



FAXED
 BY: THORNBURG & BEAN
 SEP 27 1994
 TIME _____

FACTS

1. The late Nova Christman was the owner of the following oil and gas wells.

<u>COUNTY</u>	<u>TOWNSHIP</u>	<u>PERMIT #</u>	<u>WELL #</u>	<u>LEASE NAME</u>
Medina	Chatham		W-2	Clapp
Medina	Chatham		W-3	Clapp
Medina	Chatham		W-4	Clapp
Medina	Chatham	4596	W-19	Clapp
Medina	Chatham	4597	W-20	Clapp
Medina	Chatham	4598	W-21	Clapp

2. Pursuant to Section 1509.07 of the Ohio Revised Code, Nova Christman had deposited with the Division of Oil and Gas a Certificate of Deposit in the amount of \$15,000.00.

3. On or about August 31, 1990, the wells listed in Paragraph 1 were plugged.

4. Section 1509.072(B) of the Ohio Revised Code requires that, within six months after an oil and gas well is plugged, the restoration required by that provision be completed.

5. Section 1509.071 of the Ohio Revised Code provides for the forfeiture of certificates of deposit when the restoration requirements of Section 1509.072 are not met.

6. The restoration required by Section 1509.072(B) has not been completed for the oil and gas wells listed in Paragraph 1.

7. The forfeiture of the \$15,000.00 Certificate of Deposit by Nova Christman is the subject of this appeal.

CONDITIONS

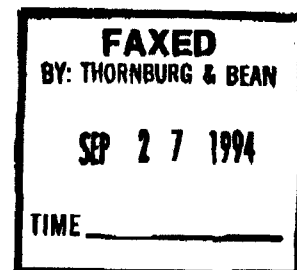
In order to settle this matter the parties hereby stipulate the following:

1. If the restoration required for the six wells listed in Paragraph 1 is completed by November 23, 1994, the Division of Oil and Gas will not forfeit the certificate of deposit for the non-timely restoration of those wells.

2. If the restoration of the six wells is completed by November 23, 1994, the certificate of deposit will not be released by the Division and is subject to forfeiture for violations of Ohio Revised Code Chapter 1509, and Ohio Administrative Code Chapter 1501, which may exist or occur at other oil and gas wells subject to the Estate of Nova Christman. Such conditions are not admitted by the Estate of Nova Christman, deceased, and are denied.

3. Nothing in this CONSENT AGREEMENT shall be construed so as to prejudice the right of the Division of Oil and Gas to issue other decisions and orders to enforce the provisions of Revised Code Chapter 1509, and Chapter 1501, of the Ohio Administrative Code; nor, shall anything in this CONSENT AGREEMENT be construed as an admission of liability by the Estate of Nova Christman, deceased, or a waiver of any defenses to any past, present or future claims by the Division of Oil and Gas.

4. The parties state that they have read this CONSENT AGREEMENT, understand its terms, have the ability to comply with its terms, and agree to comply fully.



5. Appeal No. 527 is dismissed with prejudice.

Katherine Haselberger
KATHERINE HASELBERGER,
Executrix of the Estate of
Nova Christman,
203 Maple Avenue
Woodsfield, OH 43793
Appellant

9-27-94
Date

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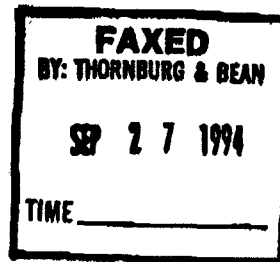
9-27-94
Date

Richard J. Simmers
RICHARD J. SIMMERS,
Acting Chief
Division of Oil and Gas
Ohio Department of Natural Resources
Appellee

Sept. 28, 1994
Date

Raymond J. Studer
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September 27, 1994
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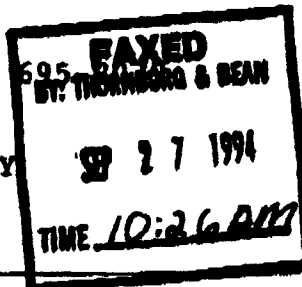
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CHARLES H. BEAN
ELIZABETH L. GLICK *

* ADMITTED IN OHIO & W. VA



DATE: _____
TO: Ray Studer, Esq.
FROM: Charlie Bean
NO. OF PAGES INCLUDING THIS: 5
SENDER: chb
SUBJECT: Consent Order
Christman

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