



BOARD OF OIL AND GAS REVIEW
DIVISION OF OIL AND GAS

DEPARTMENT OF NATURAL RESOURCES, STATE OF OHIO

Sandbar Investments, Inc.
P.O. Box 332
New Concord, Ohio
43762

Appellant

APPEAL NO. 211

vs

RENEE J. HOUSER, CHIEF
Division of Oil & Gas
Ohio Department of Natural Resources
Fountain Square, Columbus
Ohio 43224

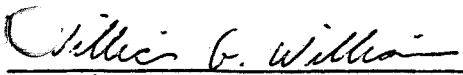
Appellee

Appearances:

For Appellant: Mr. Frank K. Leyshon
114 Southgate Parkway
P.O. Box 129
Cambridge, Ohio
43725-0129

For Appellee: Anthony J. Celebrezze, Jr
Attorney General
By: Edda S. Post
Assistant Attorney General
Fountain Square, Columbus
Ohio, 43224

CERTIFIED TRUE AND CORRECT COPY



William G. Williams, Secretary
Ohio Oil and Gas Board of Review

ENTRY

This matter came on for hearing before the Oil and Gas Board of Review on December 4, 1986, in the First Floor Conference Room Building E., Fountain Square, Columbus, Ohio pursuant to a Notice of Appeal filed by the Appellant. The appeal was taken from the Order of the Chief, Division of Oil and Gas, No. 86-299, to Sandbar Investment, Inc., dated August 20, 1986, regarding the the forfeiture of Bond # 2-308-785.

ISSUES

The specific issue raised in this Appeal is whether the Chief of the Divison of Oil and Gas lawfully and reasonably ordered the forfeiture of the bond after the Order of the Chief to Sandbar Investment, Inc. to plug or produce the Westland No. 2 well had not been appealed by Sandbar to the Board of Oil and Gas Review and had not been complied with by either producing or plugging the well? An additional procedural question is whether the Chief was entitled to a motion to dismiss because of the failure of the Appellant to file a copy of the Appeal with the Chief as provided for under the rules?

FINDINGS OF FACT

Based on the testimony of the witnesses and the documents submitted and accepted by the Board, the Board makes the following findings of fact:

1. The Appellant failed to appeal the prior order to plug or produce the well in question.
2. The Appellant has neither plugged or produced the well in question pursuant to the Order of the Chief.

3. The remedy of bond forfeiture follows from and out of the prior failure to comply with the order to plug or produce.

4. Appellant has failed to submit a plan for plugging of the well.


5. The Ohio Casualty Insurance Company did not appear separately.

6. There is no need to consider the Motion of the State to dismiss the appeal on procedural grounds in as much as the Board affirms the Chief's Order on a substantive basis.

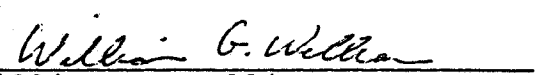
Based on these findings of fact, the Board of Oil and Gas Review

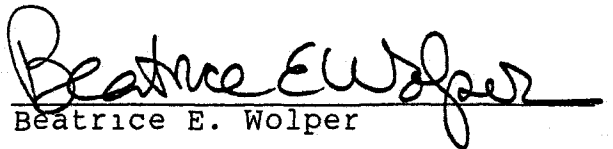
ORDERS, that Appeal 211 is here by **DISMISSED** .
and that the Adjudication Order No. 86-299 be and hereby is **AFFIRMED**.

This order is effective this 4th day of December, 1986,


Alan H. Coogan, Chairman


Robert H. Alexander


William G. Williams


Beatrice E. Wolper



Attorney General
Anthony J. Celebrezze, Jr.

Interoffice Memorandum

To: FILE - Ohio Casualty Insurance Company

From: *EP* Edda Sara Post, Asst. Attorney General

Date: December 5, 1986

Subject: Chief's Order No. 86-299

On December 4, 1986, a hearing was held before the Oil and Gas Board of Review in this case. Upon presentation of the evidence, the Board affirmed Chief's Order No. 86-299 as lawful and reasonable.

cc: Well File
Dick Shockley

*Appeal
211*