

BEFORE THE
RECLAMATION COMMISSION

CITY AGGREGATES & RECYCLING,	:	
	:	Case No. RC-07-008
Appellant,	:	
	:	Review of Civil Penalty Assessment
-vs-	:	11276; Permit IM-2085
	:	
DIVISION OF MINERAL RESOURCES	:	
MANAGEMENT,	:	<u>REPORT OF THE</u>
	:	<u>HEARING OFFICER</u>
Appellee.	:	

Appearances: John Annichenni, on behalf of Appellant City Aggregates & Recycling; Molly S. Corey, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

FINDINGS, CONCLUSIONS

On July 16, 2007, Appellant City Aggregates & Recycling filed with the Reclamation Commission a notice of appeal from Civil Penalty Assessment 11276. Accompanying Appellant's notice of appeal was a draft in the amount of \$3,000, as required by Ohio law. This cause was assigned case number RC-07-008.

On September 6, 2007, Appellant filed a request to withdraw this appeal with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-07-008 is hereby **DISMISSED** without further action required by the Reclamation Commission. Additionally, the \$3000 placed in escrow upon appeal, shall be transferred to the Division of Mineral Resources Management.

9/14/07
DATE


LINDA WILHELM OSTERMAN
Hearing Officer, Reclamation Commission

DISTRIBUTION:

John Annichenni, Via Regular Mail
Molly Corey, Via Inter-Office Mail