

# BEFORE THE RECLAMATION COMMISSION

OHIOAMERICAN ENERGY, INC., *et al.*, : Case No. RC-10-021  
: :  
Appellants, : :  
: : Review of Civil Penalty Assessment  
-vs- : : 12499; Permit D-425  
: :  
: :  
DIVISION OF MINERAL RESOURCES : :  
MANAGEMENT, : :  
: : REPORT OF THE  
: : HEARING OFFICER  
Appellee. : :

Appearances: Mark S. Stemm, Counsel for Appellants OhioAmerican Energy, Inc., *et al.*; Molly Corey, George Horvath, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management.

## FINDINGS, CONCLUSIONS

On November 23, 2010, Appellants OhioAmerican Energy, Inc., *et al.*, filed with the Reclamation Commission a notice of appeal from the Division Chief's issuance of Civil Penalty Assessment 12499. This Penalty was assessed in the amount of \$91,000. The Penalty related to the Chief's issuance of Imminent Harm Cessation Order I-13136, for violations associated with mining permit D-425. This cause was assigned case number RC-10-021. Accompanying Appellants' notice of appeal was a draft in the amount of \$91,000, as required by O.R.C. §1513.02(E)(3).

On July 12, 2012, Appellants filed a request to withdraw this appeal with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-10-021 is hereby **DISMISSED** without further action required by the Reclamation Commission. Additionally, the \$91,000 (plus any interest accrued) paid by the Appellants into escrow upon appeal, shall be transferred to the Division of Mineral Resources Management.

7/12/2012  
DATE

  
LINDA WILHELM OSTERMAN  
Hearing Officer

OhioAmerican Energy, *et al.*  
RC-10-021

**DISTRIBUTION:**

Mark Stemm, via e-mail [MStemm@porterwright.com], fax [614-227-2100] & Regular Mail  
Molly Corey, George Horvath, via e-mail [molly.corey@ohioattorneygeneral.gov;  
george.horvath@ohioattorneygeneral.gov], fax [614-268-8871] & Regular Inter-Office Mail

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**RECLAMATION  
COMMISSION**

**BEFORE THE RECLAMATION COMMISSION  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF OHIO**

OhioAmerican Energy, Inc.,	:	
American Energy Corporation,	:	
	:	
Appellants,	:	Case No. RC-10-021
	:	
-vs-	:	Review of Civil Penalty
	:	Assessment No. 12499
	:	
Chief, Division of Mineral Resources	:	
Management, Ohio Department	:	Permit D-0425
of Natural Resources,	:	
	:	
Appellee.	:	

**APPELLANTS' NOTICE OF APPEAL WITHDRAWAL**

Appellants OhioAmerican Energy, Inc.(OAEI) and American Energy Corporation (AEC) [also hereinafter "Appellants"] hereby withdraw their notice of appeal in this matter. Appellants respectfully ask the Commission Hearing Officer to close this case and issue escrow instructions to release to Appellee Division the \$91,000 deposited by Appellants when filing this appeal.

Appellants thank the Commission for its patience.

Respectfully submitted,

*Mark S. Stemm*

Mark S. Stemm  
Porter, Wright, Morris & Arthur, LLP  
41 South High Street Suite 3100  
Columbus, Ohio 43215  
(614) 227-2092  
mstemm@porterwright.com  
Attorneys for Appellants

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Notice was served via email and regular U.S. mail., postage prepaid, on July 12, 2012, to the following:

Molly Corey  
Associate Assistant Attorney General  
Ohio Department of Natural Resources  
2045 Morse Road, Building D-2  
Columbus, Ohio 43229-6605

*Attorney for the Division of Mineral Resources Management*

*Mark S. Stemm*  
Mark S. Stemm