

# BEFORE THE RECLAMATION COMMISSION

JOE PACINO, JR.,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee,

and

OXFORD MINING COMPANY, LLC,

Intervenor.

Case No. RC-12-010

Review of Permit Approval;  
Permit D-2254-2 (Oxford Mining)

## REPORT OF THE HEARING OFFICER

Appearances: Joe Pacino, Jr., Appellant *pro se*; Megan DeLisi, Kristina Tonn, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management; Mark S. Stemm, Michael A. Wehrkamp, Michael B. Gardner, Counsel for Intervenor Oxford Mining Company, LLC.

## FINDINGS, CONCLUSIONS

On October 9, 2012, Appellant Joe Pacino, Jr. filed with the Reclamation Commission a notice of appeal from a decision of the Division Chief. This decision approved Oxford Mining Company's [Oxford's] application for mining and reclamation permit D-2254-2.

On November 20, 2012, Appellant Joe Pacino, Jr. filed a notice of withdrawal of appeal with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-12-010 is hereby **DISMISSED** without further action required by the Reclamation Commission.

11/26/2012  
DATE

  
LINDA WILHELM OSTERMAN  
Hearing Officer, Reclamation Commission

### DISTRIBUTION:

Joe Pacino, Jr., via Regular Mail  
Megan DeLisi, Kristina Tonn, via Regular Inter-Office Mail  
Mark S. Stemm, Michael A. Wehrkamp, via Regular Mail  
Michael B. Gardner, via Regular Mail

**ORIGINAL**

November 20, 2012

Ohio Reclamation Commission  
Linda Osterman  
2045 Morse Road, H-3  
Columbus, OH 43229  
phone: (614) 262-1269  
fax: (614) 262-1306  
cell: (614) 783-8390

**RECEIVED**

NOV 20 2012

RECLAMATION  
COMMISSION

Ms, Osterman,

I am withdrawing my appeal as of November 20, 2012; however, due to the fact ODNR has permitted Oxford to mine my property before any action on my appeal was processed, and they had also affected my property prior to being permitted. A person representing ODNR informed me that the permit would not be approved until an agreement was made between Oxford and us, and that has not happened. So since mining has begun, it would be mute to continue the appeal at this time.

I am requesting under the Freedom of Information Act all correspondence, relating to my appeal including any notes of conversations, meetings between Oxford, Ohio Reclamation Commission, and ODNR.

I want to thank you for the courtesies you have extended to me during this process.

Sincerely,

Joe Pacino  
4035 Palmer Road NE  
New Lexington, Ohio 43764

