

BEFORE THE RECLAMATION COMMISSION

T.L. DARLINGTON, : Case No. RC-08-001
: :
Appellant, : :
: :
-vs- : :
: :
DIVISION OF MINERAL RESOURCES : :
MANAGEMENT, : :
: :
Appellee. : :

Review of Individual Civil Penalty
Assessment I-671; Permit D-712

**REPORT OF THE
HEARING OFFICER**

Appearances: William C. Martin, Counsel for Appellant T.L. Darlington; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

FINDINGS, CONCLUSIONS

On February 5, 2008, Appellant T.L. Darlington filed with the Reclamation Commission a notice of appeal from Individual Civil Penalty Assessment I-671. Accompanying Appellant's notice of appeal was a payment in the amount of \$1,000.00, as required by O.R.C. §1513.02(E)(3). This cause was assigned case number RC-08-001.

On May 23, 2008, Appellee and Appellant filed a Joint Notice of Withdrawal. A copy of the Notice is attached hereto. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-08-001 is hereby **DISMISSED** without further action required by the Reclamation Commission. Additionally, in accordance with the parties' agreement, the \$1,000.00 prepaid to the Commission shall be transferred to the Division, with interest as provided by law.

6/3/08
DATE


LINDA WILHELM OSTERMAN
Hearing Officer
Reclamation Commission

DISTRIBUTION:

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MAY 23 2008

RECLAMATION
COMMISSION

BEFORE THE
RECLAMATION COMMISSION
STATE OF OHIO

T. L. DARLINGTON,

Appellant,

v.

DIVISION OF MINERALS RESOURCES
MANAGEMENT,

Appellee.

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Case No. RC-08-001

Review of Individual Civil Penalty
Assessment No. 671

Permit D-712

JOINT NOTICE OF WITHDRAWAL

Now come the parties to the above-captioned case and jointly give notice withdrawing the appeal in this matter. The parties have reached an agreement resolving their differences over the appeal's subject matter and a decision by the Commission on the merits is no longer needed.

For these reasons, the parties request that the instant appeal be dismissed and the case closed. Pursuant to the terms of the agreement, the monies held in escrow by the Commission should be forwarded to the Division.

Respectfully submitted,

MARC DANN,
ATTORNEY GENERAL OF OHIO



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Division of Mineral Resources Management