

**AOPA COMMITTEE OF THE
NATURAL RESOURCES COMMISSION**

Meeting Minutes of May 15, 2012

MEMBERS PRESENT

Jane Ann Stautz, Chair
Robert Wright
Doug Grant
R. T. Green

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Sandra Jensen
Jennifer Kane

Call to order and introductions

Jane Ann Stautz called the meeting to order at 6:12 p.m., EDT on May 15, 2012 in the DNR Regional Field Office, 14619 West State Road 48, Jasonville, Indiana. With the presence of four of the five members, the Chair observed a quorum.

Consideration and approval of minutes for meeting held on March 20, 2012

The Chair directed attention to modified draft minutes for the March meeting that Steve Lucas forwarded to the Commission by email on May 14. Doug Grant moved to approve the minutes of the meeting held on March 20, including the modifications suggested in the May 14 email. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration of “Findings of Fact and Conclusions of Law with Nonfinal Order” in the Matter of *DNR v. Midwestern Production Corp.*, Administrative Cause No. 11-145G

The Chair said for consideration are “Findings of Fact and Conclusions of Law with Nonfinal Order” entered by Administrative Law Judge, Sandra Jensen, on March 23, as well as the “Motion of Objection to Nonfinal Order” filed on April 12 by Michael Bryan, President of Midwestern Production Corporation. She observed Ihor Boyko was present as attorney for the Department of Natural Resources, but Midwestern Production Corporation was not present through Michael Bryan or otherwise.

Judge Jensen said she checked outside the hearing room of the DNR’s Jasonville Field Office, but Michael Bryan could not be located. She added that notice of the day’s oral argument was sent to Bryan at the same address used previously in this proceeding, and the U.S. Post Office

had not returned the notice showing a failure of service. Judge Jensen added she had not heard from Bryan to indicate he was unable to attend the oral argument.

Ihor Boyko stated, “It seems the only issue [Michael Bryan] is raising is that there is litigation going on in Lawrence Circuit Court in Illinois, and there’s some conflict in the Lawrence Circuit Court with what’s going on here.” He pointed out (as reflected in Findings 29 and 30) that Bryan testified he intended to file a motion with the Lawrence Circuit Court seeking transfer of the subject permits to another individual. But the Department has not received an order from the Lawrence Circuit Court allowing the transfer. “There might be something going on in the court in Illinois, but we haven’t received notice or been served with anything.” Boyko asked that the nonfinal order be affirmed.

R. T. Green moved to approve the “Findings of Fact and Conclusions of Law with Nonfinal Order” of the administrative law judge as the Commission’s final order and disposition. Robert Wright seconded the motion. Upon a voice vote, the motion carried.

Information Item: Howard v. DNR, 13 CADDNAR 36 (2012) [Larry J. Howard and Bernadean M. Howard v. DNR; Paul J. Smith, Gail L. Smith, Lee E. Gross, Chad D. Larsh, Daniel Jones, Jennifer Jones, Thomas E. Warren and Diana L. Warren; and Garry W. Barnes, et al., Administrative Cause No. 10-206W]

The Chair recognized Steve Lucas who was the administrative law judge for this proceeding.

Steve Lucas, Administrative Law Judge, reported this item was placed on the agenda so members could review the final disposition entered by the Chair following significant modifications by the committee during the March meeting. If a member expressed dissatisfaction with the final disposition, the member could have caused the item to be placed on the agenda as an action item. No member expressed dissatisfaction so no action was required.

Adjournment

The meeting adjourned at approximately 6:20 p.m., EDT.