

## COGCC 4th Quarter 2014 HB 14-1356 Report

Operator	Operator #	NOAV Date	NOAV Nos.	Violations in Order	Penalty (Total)	Penalty (Suspended)	Penalty Days	Daily Penalty	Aggravating Factors	Mitigating Factors	Pattern of Violation (Y/N)	Gross Negligence or Knowing & Willful Misconduct (Y/N)	AOC or OFV	Other Rationale	Docket No.	Order No. (1V)	Final Order Date
Energy Search Company	27635	6/10/2013 (4); 6/23/2013 (2)	200407197; 200407198; 200407199; 200407200; 200407843; 200407872	210; 326.b; 605.d; 906.a; 907.a.(1); 907.b.(2) 907.e	\$135,000	\$108,000	150	\$900	None	2, 3, 6	No	No	AOC	Statutory Maximum; with 80% suspended for mitigating factors (see order)	1409-OV-55	490	12/15/2014
Maralex Resources, Inc	10119	3/23/2012; 6/12/2014 (2 NOAV's); 8/19/2014	400625924; 400623453; 200410618; 200344211	204 (2); 210; 326.b.1; 603.f (2); 905 (2); 906 (2); 907.a.(1); 1002.f	\$94,000		114	825	None	None	N	N	OFV	Contested hearing	1410-OV-53	489	10/28/2014
Petro Mex Resources	10059	8/19/2014	400667326	523	\$169,000	\$86,000	52	3250	None	None	N	N	AOC	Class 3 Rule, Minor impact for 52 days	1409-OV-70	484	10/27/2014
Top Operating Company	39560	5/1/2014 (3 NOAV's); 8/19/2014 (3 NOAV's)	200403550, 200410693, 200403377; 200410693, 1772518, 1772519	309 (3); 603.f (3); 605.a; 906.a (2)	\$33,000		44	750	None	2; 3; 4; 6	N	N	AOC	Settlement inducement	1410-OV-57	487	10/27/2014
Wayne L. Wise	97120	9/25/2014	200412873	210.b; 319.b	\$16,000		20	800	None	None	N	N	AOC	20% discount from statutory maximum as settlement inducement	1410-OV-72	488	10/27/2014

**Total Penalties Imposed**      \$312,000

Aggravating factors.

- (1) The violation was intentional or reckless.
- (2) The violation had a significant negative impact, or threat of significant negative impact, on the environment or on public health, safety, or welfare.
- (3) The violation resulted in significant waste of oil and gas resources.
- (4) The violation had a significant negative impact on correlative rights of other parties.
- (5) The violation resulted in or threatened to result in significant loss or damage to public or private property.
- (6) The violation involved recalcitrance or recidivism upon the part of the violator.
- (7) The violation involved intentional false reporting or recordkeeping.
- (8) The violation resulted in economic benefit to the violator, including the economic benefit associated with noncompliance with the applicable rule, in which case the amount of such benefit may be taken into consideration.
- (9) The violation results in significant, avoidable loss of wildlife or wildlife resources, including the ability of the land to produce vegetation supportive of wildlife.

Mitigating factors.

- (1) The violator self-reported the violation.
- (2) The violator demonstrated prompt, effective and prudent response to the violation, including assistance to any impacted parties.
- (3) The violator cooperated with the Commission, or other agencies with respect to the violation.
- (4) The cause(s) of the violation was (were) outside of the violator's reasonable control and responsibility, or is (are) customarily considered to be force majeure.
- (5) The violator made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation.
- (6) The cost of correcting the violation reduced or eliminated any economic benefit to the violator.
- (7) The violator has demonstrated a history of compliance with Commission rules, regulations and orders.