



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

December 1, 2017

Jodi Fitzpatrick
Sanborn Sand and Gravel/dba Golden Cross Aggregates Inc.
601 Bath Street
Metairie, LA 70001

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing;
Gloria Z Mine; Permit No. M-1984-094**

Dear Ms. Fitzpatrick,

On September 21, 2017 the Division mailed notice to you requiring a financial warranty increase in the amount of \$231,630.00, to be submitted within 60 days of the date of notice. To date, the required additional financial warranty has not been submitted to the Division.

The Division believes you are in violation of C.R.S. 34-32.5-117(4)(b)(I) and (4)(c)(II) and Rule 4.2.1(2) for failure to maintain a sufficient amount of financial warranty.

Therefore, the Division has reason to believe a violation exists to the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. § 34-32.5-101 et seq., and has scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Board Hearing will be held during the January 24-25, 2018 Board meeting for consideration of this possible violation. The hearing will occur at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on January 24, 2018, or as soon thereafter as the matter can be considered. At that hearing you will have the opportunity to present your defense.

This is an important legal proceeding and you must appear in person for this hearing. If you fail to appear, an order and financial judgment may be entered against you. In addition, failure to appear at the hearing may result in legal consequences including, but not limited to, loss of party status and your ability to seek reconsideration from the Board or seek judicial appeal in district court.

If the Board finds a violation at this hearing, it may issue a Cease and Desist Order and/or assess a Civil Penalty in the amount of \$100.00 to \$1,000.00 for each day of violation, pursuant to C.R.S. § 34-32.5-124(7). Pursuant to C.R.S. § 34-32.5-124(6)(a), the Board may suspend, modify, or revoke the permit. If you have evidence indicating the possible violations noted



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above do not exist or has been corrected, please provide it to the Division as soon as possible or bring it to the hearing.

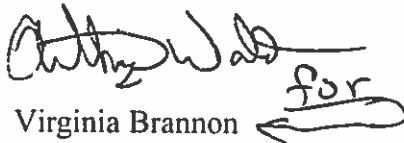
All parties have an opportunity to review and comment on a draft of the Board's Order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft Order prior to or at the time of your hearing, or you must inform the Board orally during the hearing your request to review the draft Order. The Board's attorney must receive your comments on the draft Order within three calendar days of the date the draft Order is e-mailed, unless that deadline is extended by the Board's attorney. Submit all comments to John J. Roberts, First Assistant Attorney General, Colorado Department of Law, by fax at (720) 508-6037, or by email at John.Roberts@coag.gov.

Please note the Division has requested and will be allowed to review and comment on the draft Board Order.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board's Secretary, Camille Mojar by telephone at (303) 866-3567, ext. 8136 or by email at Camille.Mojar@state.co.us on Monday, January 22, 2018, to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Michael Cunningham at (303) 866-3567, ext. 8116.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Brannon", with a stylized flourish underneath.

Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7014 2120 0001 7885 6972
Return Receipt Requested

cc: Tony Waldron, DRMS
Wally Erickson, DRMS
Michael Cunningham, DRMS
Jeff Fugate, AGO