



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

December 27, 2018

Adam Sotomayor
Smash Brothers Explorations
P.O. Box 73
Divide, CO 80814

**Re: Reason To Believe A Violation Exists and Notice Of Board Hearing
The Bank (NOI No. P-2014-013)**

Dear Mr. Sotomayor:

C.R.S. 34-32-116(4), Rule 5.6, and your notice of intent require you to submit to the Division of Reclamation, Mining and Safety (Division) an annual fee, map and report, due on or before December 12th of each year. The annual fee required for your permit is \$86.00. As of the date of this letter the Division has not received your submittal.

Therefore, the Division has reason to believe this is a violation of C.R.S. 34-32-116(4) *et seq.*, Rule 5.6, and your notice of intent, and has scheduled this matter to appear before the Mined Land Reclamation Board (Board), pursuant to C.R.S. 34-32-124.

A Formal Public Hearing will be held during the February 20, 2019 Board meeting (or the second day of a two day meeting) in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. 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 money 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If you submit all past due annual fees, reports, and maps by **February 15, 2019**, this matter will be withdrawn from Board consideration and the scheduled hearing will be vacated.

If the Board finds a violation at this hearing, it may revoke the notice of intent, 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. 34-32-124(7). If you have evidence indicating that the possible violations noted above do not exist or have been corrected, please provide it to the Division as soon as possible or bring it to the hearing.



If the matter is brought before the Mined Land Reclamation Board, following 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 that you request to review the draft Order. You must include your mailing address and, if possible, an email address. You will be provided a copy of the draft Order for your review as soon as it is available. The Board must receive your comments on the draft Order within ten (10) calendar days of the date the draft Order is mailed, unless that deadline is extended. Please note that the Division of Reclamation, Mining and Safety has requested and will be allowed to review and comment on the draft Board Order prior to mailing to any party. Please submit all comments in writing to: Charles Kooyman, Colorado Department of Law, Business and Licensing Section, 1300 Broadway, 8th Floor Denver, CO, 80203, (720) 508-6440 (phone) (720) 508-6037 (facsimile), or Charles.kooyman@coag.gov. The Board will resolve any issues regarding the form of the order. This process does not affect your right to request reconsideration by the Board or appeal the substance of the order.

Please contact Camille M. Mojar of the Division at (303) 866-3567 ext. 8136 on the Monday prior to the Board Hearing to confirm exactly which day your item will appear before the Board. If you have any questions about this letter or the hearing, please contact Elliott R. Russell at (303) 866-3567 ext. 8132 or Elliott.russell@state.co.us.

Sincerely,



Russ Means
Minerals Program Director

Signing on behalf of:

Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7016 2710 0000 2965 0570
Return Receipt Requested

cc: Russ Means, DRMS
Michael Cunningham, DRMS
Elliott Russell, DRMS
Jeff Fugate, AGO

To file your report, upload your report, map, and pay your fee and civil penalty online now, click on the link below:

https://dnrforms.state.co.us/Forms/DRMSeForms_LandingPage

If you have not yet set up your ePermitting account, click on the link below to get started:

<http://mining.state.co.us/Pages/ePermitting.aspx>