



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

March 1, 2019

Daniel Robinson
Robinson Sons, Inc.
1228 East 7th Street
Trinidad, Colorado 81082

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing;
Robinson Sons Gravel Pit No. 1; File No. M-2008-076**

Dear Mr. Robinson,

On December 21, 2018, the Division mailed notice to you requiring a financial warranty increase in the amount \$120,915.00, to be submitted by February 19, 2019. To date, the required additional financial warranty has not been submitted to the Division.

The Division believes this is a violation of:

- C.R.S. § 34-32.5-117(4)(c)(II) and Rule 4.2.1(2) for failure to post additional financial warranty within 60 days of the date of notice of adjustment.

Therefore, the Division has reason to believe a violation exists to the Mined Land Reclamation Act, 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 April 24 and 25, 2019 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 April 24, 2019, 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.



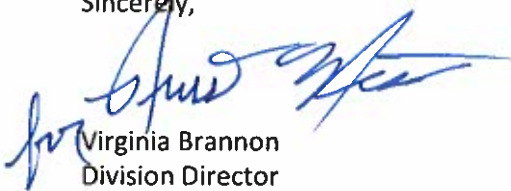
March 1, 2019

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 violation noted above does not exist or has 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 Jared L. Ebert at (303) 866-3567 ext. 8120 or Jared.Ebert@state.co.us.

Sincerely,



Virginia Brannon
Division Director

CERTIFIED MAIL NO. **7016 2710 0000 2965 0068**
Return Receipt Requested

cc: Russ Means, DRMS
Michael Cunningham, DRMS
Jared Ebert, DRMS
Jeff Fugate, AGO