

**STATE OF
COLORADO****Cunningham - DNR, Michael** <michaela.cunningham@state.co.us>

Notice of Telephonic Mined Land Reclamation Board Hearing

Cunningham - DNR, Michael <michaela.cunningham@state.co.us>

Mon, Apr 13, 2020 at 1:13 PM

To: J M <maldonadojuliet21@gmail.com>, Juliet <julietmoores@gmail.com>, mymaryjane@outlook.com, wild fire <jac.1845@outlook.com>

Cc: "Scott - DNR, Eric" <eric.scott@state.co.us>, Christy Sylvester <christy@virtuallydirt.com>, Jeff Fugate <Jeff.Fugate@coag.gov>

Ms. Moores,

The Division is in receipt of your request to present materials and witnesses to the Mined Land Reclamation Board (MLRB) at your enforcement hearing scheduled for April 22, 2020. As such, the Division has attached a new notice with instructions for participating in the hearing via Zoom video conference or by telephone. As stated in the attached notice, you will need to provide copies of your presentation materials, as well as your witness list, to Camie Mojar by close of business April 20, 2020. Email addresses must be provided for all persons who will participate in the hearing via Zoom video conferencing. Your witness list shall include the following for each witness: name, address, telephone number, email, and affiliation with Elk Creek Sand & Gravel, LLC. A copy of the Division's Board packet, which includes materials that will be presented to the MLRB at your enforcement hearing, has been attached for your reference.

Michael Cunningham

Senior Environmental Protection Specialist

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

P 303.866.3567 x8116 | F 303.832.8106

1313 Sherman Street, Room 215, Denver, CO 80203

michaela.cunningham@state.co.us | www.colorado.gov/drms

[Quoted text hidden]

2 attachments

**MLRB ZOOM meeting due to Covid-19.pdf**

59K

**Shaffers Crossing MLRB Packet.pdf**

3152K



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

1313 Sherman Street, Room 215
Denver, CO 80203

April 13, 2020

Juliet Moores
Elk Creek Sand & Gravel, LLC
P.O. Box 416
Conifer, CO 80433
Permit Number: M-1978-208
Email address: maldonadojuliet21@gmail.com
julietmoores@gmail.com
mymaryjane@outlook.com
jac.1845@outlook.com

Notice of Virtual or Telephonic Hearing

Mined Land Reclamation Board Hearing April 22, 2020

The Mined Land Reclamation Board's April 22, 2020 meeting will be held VIRTUALLY in accordance with guidance from the Colorado Department of Public Health and Environment (CDPHE) and the Centers for Disease Control and Prevention (CDC) related to COVID-19.

Due to the impacts of the COVID-19 virus on availability of State facilities and Division resources, notice is hereby given that your matter noticed for the April 22, 2020 Mined Land Reclamation Board hearing will be heard via ZOOM video conference or by telephone.

The meeting will start promptly at 9:00 AM on April 22nd, 2020. Please sign in or call at 9:00 AM to:

To join Zoom Meeting

<https://zoom.us/j/651286519?pwd=ZHJLTURaT0xJd2UvUIJUTVdTZiREQT09>

Meeting ID: 651 286 519

Password: 018607

Telephone Number: (669)900-6833

Please note: In order to access and participate in the hearing you must provide a valid e-mail address to Camie Mojar at: 303.866.3567, ext 8136 or camille.mojar@state.co.us.



Additionally, if you plan to submit documents or other materials to the Board at the hearing they must be provided to Ms. Mojar by close of business April 20, 2020.

The virtual hearing is in support of Governor Jared Polis's direction and the CDPHE's recommendations to limit meetings as part of the social distancing objectives set out by the State of Colorado to help control the spread of COVID-19.

The Board and the Division appreciate your patience during this time. If further changes to the MLRB schedule are necessary you will be contacted.

If you have any questions please call or e-mail Camie Mojar at: 303.866.3567, ext 8136 or camille.mojar@state.co.us

Sincerely,



Russ Means
Minerals Program Director
Division of Reclamation Mining and Safety

Cc: Virginia Brannon, DRMS Director
Charles Kooyman, MLRB AGO
Jeff Fugate, DRMS AGO
Scott Schultz, DRMS AGO



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

MEMORANDUM

DATE: April 10, 2020

TO: Mined Land Reclamation Board

FROM: Eric Scott, Environmental Protection Specialist

RE: Enforcement Hearing – Elk Meadows Sand and Gravel; Shaffers Crossing, Permit M-1978-208

Consideration of Violation pursuant to C.R.S. 34-32.5-124 for failure to comply with the condition of an order, permit, or regulation; and Forfeiture of Financial Warranty under C.R.S. 34-32.5-118(1)(b) for the Operator's failure to cure a default under its Performance Warranty.

The Board packet contains the following documents, all documents have been bookmarked for easy reference in this PDF file:

1. Board Order from December 2019 MLRB hearing issued February 4, 2020.
2. Notice of Withdrawal as Counsel from Gary Tucker Esq., Cohen, LLC dated February 19, 2020
3. Reason to Believe a Violation Exists and Notice of Enforcement Hearing and Hearing for Forfeiture of Financial Warrantee issued by DRMS staff on March 13, 2020.
4. MLRB Presentation Form for April 2020 Board Hearing.
5. E-mail correspondence from Operator to DRMS. Email received by DRMS on February 1, 2020 included.





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

February 4, 2020

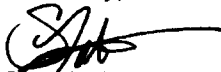
UPDATED FEBRUARY 4, 2020

Juliet Moores
Elk Creek Sand & Gravel, LLC
P.O. Box 416
Conifer, CO 80433

Re: Findings of Fact, Conclusions of Law, and Order, Elk Creek Sand & Gravel, LLC
File No. M-1978-208, MV-2019-022

On January 22, 2020 the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. We strongly advise that you read this document carefully since it may contain deadlines for corrective actions, civil penalties, cease and desist orders or other actions that may require your immediate attention to avoid future board actions.

Sincerely,


Scottie Tate
Program Assistant

Enclosure(s)

Certified Mail
7017 2400 0000 9119 1150

cc:
Eric Scott
Michael Cunningham
Jeff Fugate
Scott Schultz
Charles Kooyman
Gary Tucker



BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

Notice of Violation No. MV-2019-022

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

IN THE MATTER OF THE POSSIBLE VIOLATION OF ELK CREEK SAND AND GRAVEL, LLC, REVOCATION, AND FORFEITURE OF FINANCIAL WARRANTY FOR FAILING TO PAY ANNUAL FEES AND FAILURE TO SUBMIT ANNUAL REPORTS, FILE NO. M-1978-208

THIS MATTER came before the Mined Land Reclamation Board ("Board") on December 11, 2019 in Denver, Colorado to consider the forfeiture of financial warranty of Elk Creek Sand and Gravel, LLC ("Operator") for failing to pay annual fees and failure to submit annual reports, file number M-1978-208. Eric Scott, Michael Cunningham, and First Assistant Attorney General Jeff Fugate appeared on behalf of the Division of Reclamation, Mining and Safety ("Division"). Juliet Moores and Gary Tucker, Esq. appeared on behalf of Operator.

The Board, having considered the materials presented and having been otherwise fully informed of the facts in the matter, enters the following:

FINDINGS OF FACT

1. By an order effective October 25, 2019 (the "October 2019 Order"), the Board revoked Operator's permit for the site known as Schaffers Crossing, located in Section 32, Township 6 South, Range 71 West, 6th Principal Meridian, in Jefferson County. The October 2019 Order revoked the permit due to Operator's failure to submit the required annual report, fee, and map and ordered that the financial warranty was subject to forfeiture.

2. Through a letter dated October 25, 2019, the Division informed Operator and all financial warrantors that the financial warranty was subject to forfeiture and that a hearing would be held at the Board's December 2019 meeting.

3. At the December 11, 2019 Board meeting, the Division presented testimony regarding Operator's history of violations, including a previous revocation for failure to submit required annual report, fee, and map. Operator had, however, submitted the required annual report on December 10, 2019, which was due on June 16.

4. At the hearing, the Operator requested reinstatement of the permit, M-1978-208, because it had submitted the required annual report, fee, and map.

5. At the hearing, the Operator, through counsel, stated that it was implementing a compliance program to ensure that future annual reports were submitted on time. The Operator also indicated that it was in the process of working to comply with corrective actions from a previous Board order that required Operator to submit a permit conversion application.

CONCLUSIONS OF LAW

6. The Board has jurisdiction over this matter pursuant to the Colorado Land Reclamation Act for the Extraction of Construction Materials, Article 32.5 of Title 34, C.R.S. (2019) ("Act").

7. Operators are required to submit annual reports and maps, and pay annual fees for each year of operation. § 34-32.5-116(3), C.R.S. (2019).

8. Pursuant to section 34-32.5-124(6)(b), C.R.S., once a permit has been revoked by the Board, an operator may continue mining operations only for the purpose of bringing the operation into compliance with the provisions of the permit. Once the operation has satisfied the Board that it is in compliance, the permit shall be reinstated. 34-32.5-124(6)(b), C.R.S. (2019). By submitting the required annual report, fee, and map for 2019, Operator is now in compliance with section 34-32.5-116(3), C.R.S.

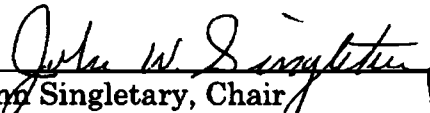
ORDER

Based on the foregoing findings of fact and conclusions of law, the Board hereby reinstates permit number M-1978-208 with the following conditions and requirements:

1. All prior corrective actions, civil penalties, and cease and desist orders from the Board's previous orders, including the Order effective July 26, 2019 and the October 2019 Order, are and remain in full effect.
2. Operator shall, within 90 days of the December 11, 2019 Board meeting, submit a complete 110c to 112c conversion application to the Division to, at minimum, expand the permit area sufficiently to allow the highwall to be modified to conform to the existing permit requirements as outlined in the July 2019 Order.

DONE AND ORDERED this 22nd day of January, 2020.

**FOR THE COLORADO MINED LAND
RECLAMATION BOARD**


John Singletary, Chair

NOTICE OF APPEAL RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a complaint with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2019) and the Colorado Rules of Civil Procedure. In the event that a complaint for judicial review is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Camie Mojar

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 4th day of February 2020 addressed as follows:

By certified mail:

7018 2290 0001 8923 5838

Juliet Moores
Ms. Juliet A. Moores
Elk Creek Sand & Gravel, LLC
PO Box 416
Conifer, CO 80433
julietmoores@gmail.com

Gary Tucker
Cohen, LLC
The Citadel
3200 Cherry Creek South D
Denver, CO 80209

By electronic mail to:

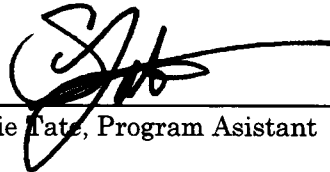
Eric Scott
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Michael Cunningham
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Charles J. Kooyman
Assistant Attorney General
Office of the Attorney General
1300 Broadway, 8th Floor
Denver, CO 80203

Jeff Fugate
First Assistant Attorney General
Department of Law
Natural Resources Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203

Scott Schultz
Assistant Attorney General
Department of Law
Natural Resources Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203



Scottie Tate, Program Assistant

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

Notice of Violation No. MV-2019-022

NOTICE OF WITHDRAWAL AS COUNSEL

IN THE MATTER OF THE POSSIBLE VIOLATION OF ELK CREEK SAND AND GRAVEL, LLC, REVOCATION, AND FORFEITURE OF FINANCIAL WARRANTY FOR FAILING TO PAY ANUALL FEES AND FAILURE TO SUBMIT ANNUAL REPORTS, FILE NO. M-1978-208

Please take notice that Gary Tucker, Esq., Cohen, LLC, 1600 Broadway, Suite 1660, Denver, Colorado 80202 is no longer representing the interest of the Operator, Elk Creek Sand & Gravel, LLC.

The Operator has been advised by letter and is further advised by mailing of this Notice of Withdrawal as Counsel that all notices, mailings, pleadings are to be sent to:

Elk Creek Sand & Gravel, LLC
P. O. Box 416
Conifer, CO 80433
Street address:

Elk Creek Sand & Gravel, LLC
12997 S. Elk Creek Road
Pine, Colorado 80470

Elk Creek Sand & Gravel, LLC has been advised that March 11, 2020 is the last date with in which to act upon the extension of permit number M-1978-208 regarding conversion from 110c to a 112c permit.

Dated February 19, 2020

By: 

Gary Tucker, Esq. Reg. No. 15811
Cohen, LLC
1600 Broadway, Suite 1660
Denver, Colorado 80202
(303) 524-3636

Certificate of Mailing

I certify that on February 18, 2020 I placed this Notice of Withdrawal as Counsel in the US Postal Service, postage prepaid to the following:

Elk Creek Sand & Gravel, LLC
12997 S. Elk Creek Road
Pine, Colorado 80470

Eric Scott
Division of Reclamation, Mining & Safety
1313 Sherman St., #215
Denver, CO 80203

Michael Cunningham
Division of Reclamation, Mining & Safety
1313 Sherman St., #215

Charles Kooyman
Assistant Attorney General
1300 Broadway, 8th Floor
Denver, CO 80203

Jeff Fugate
First Assistant Attorney General
Department of Law
Natural Resources Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203

Scott Schultz
Assistant Attorney General
Department of Law
Natural Resources Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203

By: 

Paralegal



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

March 13, 2020

Juliet A. Moores
Elk Creek Sand & Gravel, LLC
P.O. Box 416
Conifer, CO 80433

Re: Reason to Believe a Violation Exists, and Notice of Enforcement Hearing for Forfeiture of Financial Warranty; Shaffers Crossing; Permit M-1978-208

Ms. Moores,

On February 4, 2020, the Mined Land Reclamation Board (MLRB) issued an Order reinstating Permit M-1978-208. This reinstatement was granted with the following conditions and requirements:

- 1) All prior corrective actions, civil penalties, and cease and desist orders from the Board's previous orders, including the Order effective July 26, 2019 and the October 2019 Order, are and remain in full effect.
- 2) Operator shall, within 90 days of the December 11, 2019 Board Meeting submit a complete 110c to 112c conversion application to the Division to, at a minimum, expand the permit area sufficiently to allow the high-wall to be modified to conform to the existing permit requirements as outlined in the July 2019 Order.

You have failed to submit the required conversion application by the Board-ordered deadline, March 11, 2019. In addition to the failure to submit the conversion application, you have also failed to comply with additional Board Orders. Specifically, the civil penalty of \$4,100 imposed in the July 26, 2019 Board Order (\$2,500 unsuspended and \$1,600 suspended) has not been paid.

The Division believes this is a violation pursuant to C.R.S. 34-32.5-124 for failure to comply with the condition of an order, permit, or regulation. Therefore, the Division has reason to believe that 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 have scheduled this matter to appear before the Mined Land Reclamation Board.

In addition to the possible violation for failure to comply, the Division will seek forfeiture of the financial warranty associated with Permit M-1978-208. Pursuant to C.R.S. 34-32.5-118(1)(b) a financial warranty shall be subject to forfeiture whenever the Board determines the Operator is in default under a performance warranty and has failed to cure such default although the Operator has been given written notice and ample time to do so.

A Formal Public Hearing will be held during the April 22-23, 2020 Board Meeting for consideration of the possible violation and subsequent forfeiture of the financial warranty. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on April 22, 2020 or as soon thereafter as the matter can be considered. At that hearing you will have the opportunity to present your defense.



Pursuant to C.R.S. 34-32.5-118(2), the Board is required to notify the operator and all financial warrantors that a financial warranty is subject to forfeiture, and afford the operator and all financial warrantors the right to appear before the Board. Because there is a cash warranty for this site, you are hereby provided notice of the Division's intent to seek forfeiture.

The pertinent information for the financial warranty is:

Financial Warrantor:	Juliet Moores
Bond Type:	Cash/Check
Bond No.:	CA-1978208
Amount:	\$10,400.00
Date of Submittal:	December 1, 2006
Expiration Date:	NA

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 pursuant to C.R.S. 34-32.5-124(2) and/or assess a Civil Penalty in the amount of \$100.00 to \$1000.00 for each day of violation, for each day during which such violation occurs, 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 such permit. Pursuant to C.R.S. 34-32.5-118(3) the Board may determine that the financial warranty, in the amount of \$10,400 should be forfeited.

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, April 20, 2020 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Eric Scott at (303) 866-3567, ext. 8140.

Sincerely,



Virginia Brannon
Division Director

CERTIFIED MAIL # 7019 2280 0001 8255 0282
Return Receipt Requested

cc: Russ Means, DRMS
Michael Cunningham, DRMS
Eric Scott, DRMS
Jeff Fugate, AGO



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

CONSTRUCTION MATERIALS ENFORCEMENT HEARING

Presentation Form
April 22-23, 2020 Board Meeting

GENERAL INFORMATION

Specialist	Eric Scott	Permit Type	110c
Permit No.	M-1978-208	Permit Acreage	9.9
Site	Shaffers Crossing	Commodity	Sand and Gravel
Operator	Elk Creek Sand and Gravel LLC	County	Jefferson
Existing Bond	\$10,400 (Cash/Check)	Bond Adequate?	No

REASON FOR HEARING

Operator has failed to comply with all prior Board Ordered corrective actions. Although the Board granted Operators request for permit reinstatement and an additional 90 days to comply, Operator has failed to do so. The Division is requesting the Board: Find a violation pursuant to C.R.S. 34-32.5-124 for failure to comply with the condition of an order, permit, or regulation; Pursuant to C.R.S. 34-32.5-124(6)(a) revoke the permit for M-1978-208; Pursuant to C.R.S. 34-32.5-118(1)(b) find the financial warranty subject to forfeiture; and pursuant to C.R.S. 34-32.5-118(3)(a) forfeit the financial warranty.

2019-2020 COMPLIANCE HISTORY

<u>February 6, 2019</u>	<u>MLRB conditionally reinstates permit M-1978-208</u> , and requires evaluation of the high-wall configuration with respect to permit requirements as a condition of permit reinstatement.
May 2, 2019	TR05 submitted to DRMS to comply with the February 2019 Board Order. TR05 confirms that the existing highwall configuration does not comply with the approved mining plan.
<u>June 26, 2019</u>	<u>MLRB issues violation for failure comply with a condition of the permit.</u>
June 2019	Annual Fee, Report, and Map due.
<u>July 26, 2019</u>	<u>MLRB Order issued requiring submittal of complete 110c to 112c permit conversion application within 90 days (MV-2019-015).</u>
<u>September 25, 2019</u>	<u>MLRB Revokes Permit for Failure to submit annual fee, report, and map</u>
October 17, 2019	Permittee submits Annual Fee, Civil Penalty and hard copies of various documents – not including annual report, to DRMS office. Permittee also submits incomplete 110-112 conversion application form (form only – no exhibits) and conversion application fee.



<u>October 21, 2019</u>	<u>MLRB signs Order revoking permit and directing Division to set matter for forfeiture at December 11, 2019 MLRB Hearing. Order issued October 25, 2019</u>
October 25, 2019	DRMS returns incomplete conversion application and application fee to operator.
December 4, 2019	DRMS conducts inspection of site to document pre-forfeiture site conditions.
<u>December 11, 2019</u>	<u>MLRB Reinstates Permit and grants an additional 90 days from the date of the hearing for the operator to comply with the corrective actions required by the July 2019 Board Order (MV-2019-015).</u>
March 13, 2020	DRMS mails a Reason to Believe a Violation Exists and Notice of Enforcement Hearing for Forfeiture of Financial Warranty to the Permittee pursuant to C.R.S. 34-32.5-118(2). <u>Corrective Actions/Civil Penalty contained in MV-2019-015 issued in July 2019 remain outstanding to-date.</u>

LEGAL BASIS FOR PERMIT REVOCATION AND FORFEITURE OF FINANCIAL WARRANTY

The Board Ordered Corrective Actions and Civil Penalty for violation MV-2019-015, issued on July 26, 2019, remain outstanding at this time. The permit was reinstated in December 2019 and the Board granted the Operator an additional 90 days to satisfy the requirements of the July 2019 Order. To date, the Operator has not submitted a 110c to 112c conversion application to the Division to expand the permit area sufficiently to allow the highwall to be modified to conform to existing permit requirements.

Pursuant to 34-32.5-124(6)(a) Upon a determination, after a hearing, that a violation of a permit provision has occurred, the board may suspend, modify, or revoke such permit.

Pursuant to C.R.S. 34-32.5-118(1)(b) a financial warranty shall be subject to forfeiture whenever the Board determines the Operator is in default under a performance warranty and has failed to cure such default although the Operator has been given written notice and ample time to do so.

Pursuant to C.R.S. 34-32.5-118(2), when the Board has reason to believe a Financial Warranty is subject to forfeiture, it shall so notify the Operator and all Financial Warrantors. The Board shall grant the Operator and all Financial Warrantors the right to appear before the Board at a hearing to be held not less than thirty days after the parties' receipt of such notice.

Pursuant to C.R.S. 34-32.5-118(3)(a), at a hearing held pursuant to C.R.S. 34-32.5-118(2), the Board may withdraw or modify any determination that the Financial Warranty is subject to forfeiture, settle or compromise the determination, or confirm its determination that the Financial Warranty should be forfeited.

REQUIRED NOTIFICATIONS

March 13, 2020 – DRMS mailed a Reason to Believe a Violation Exists and Notice of Enforcement Hearing for Forfeiture of Financial Warranty to the Permittee pursuant to C.R.S. 34-32.5-118(2). DRMS holds a cash bond for the site, so a separate notice for an additional financial warrantor is not necessary.

April 10, 2020—DRMS mailed via email and express courier mail to Operators last known addresses an AMENDED notice of hearing informing Operator the April 22, 2020 hearing would be virtual, and provided Operator with all necessary information to join the hearing via telephone conference.

STAFF RECOMMENDATION

- Find a violation pursuant to C.R.S. 34-32.5-124 for failure to comply with the condition of an order, permit, or regulation; and therefore a violation exists to the Colorado Land Reclamation Act for the Extraction of Construction Materials, C. R. S. § 34-32.5-101 et seq.
- Pursuant to C.R.S. 34-32.5-124(6)(a) revoke permit M-1978-208.
- Pursuant to C.R.S. 34-32.5-118(1)(b), find the financial warranty for Permit No. M-1978-208, in the amount of \$10,400.00, subject to forfeiture.
- Confirm the determination that the financial warranty, in the amount of \$10,400.00, should be forfeited in accordance with C.R.S. 34-32.5-118(3)(a).
- Issue a written findings of fact and conclusion of law to support its decision and issue an order directing affected financial warrantors to immediately deliver to the board all amounts warranted by applicable financial warranties in accordance with C.R.S. 34-32.5-118(3)(b).

COMPLIANCE HISTORY PRIOR TO 2019

MV-2000-003 Failure to submit annual fee, report and map

MV-2005-042 Failure to submit annual fee, report and map

MV-2006-017 Failure to submit annual fee, report and map

MV-2014-045 Failure to submit annual fee, report and map

MV-2017-015 Failure to submit annual fee, report and map

MV-2018-039 Failure to submit annual fee, report and map – permit revoked

CIVIL PENALTIES

Violation No. MV-2019-015, issued on July 26, 2019, imposed civil penalties in the amount of \$4,100 with \$2,500 due within 30 days of the Board Order, and \$1,600 suspended if the operator complied with the corrective actions within the time frame specified. Neither the unsuspended penalty amount, nor the suspended penalty which is now due and payable, have been paid. The full \$4,100 civil penalty for Violation No. MV-2019-015 remains outstanding.



STATE OF
COLORADO

Cunningham - DNR, Michael <michaela.cunningham@state.co.us>

Service

Juliet M <maldonadojuliet21@gmail.com>

Sat, Feb 1, 2020 at 12:43 PM

To: Michael Cunningham - DNR <michaela.cunningham@state.co.us>

Good afternoon MR Cunningham

I want to know if you want to accept service of process individually and severally for you the acts that you committed in your official government capacity for the following

Abuse of process
Malicious prosecution
Various criminal activities
Conversion (theft in tort)

By engaging in or having knowledge and colluding or conspiring to cover up the illegal acts involving payoffs to state staff And various board members and others At the division of mined land, by and through payments made from Bill Hybl La Pomar Foundation Ingersoll trust and others At the direction of the chief of staff at the former Governor Hickenlooper's office, Governor Hickenlooper and others, to constructively and in violation of law deny the legal and valid 112c applications For Mining properties including but not limited to the hitch rack application (Transit Mix, 2017 2018) for which you then demanded that Elk Creek perform precisely the same 112 application Without notifying or offering the applicant the reasonable benefit or opportunity To defend herself reasonably without the prior knowledge that the staff members and board was And continue to remain, Engaged in such illegal conduct. And by doing so you deliberately and willfully miss filed enforcement actions against Moores to constructively terminate her and remove her from the most valuable rock quarry opportunity that the state of Colorado has seen to date by continuing to inflict highly questionable enforcement actions against her under which you had no authority to do given that you had failed to notify Moores that you were acting with unclean hands

If I had known that you folks were On the take way back in 2017 and 18 Michael I never would have gotten involved in this whole nightmare. You deliberately did this to me to break me financially and to ruin me so that you could get me off this property after I told you about this massive expansion.

I cannot find the words to express my contempt for you

Apparently Tony Waldron knows about this as well

How dare you

How dare you suggest you're a 'public ' official

I turned down a very lucrative offer in October from Lafarge because I didn't know that you guys were crooked but all that time you had just been dragging things out and dragging them out and forcing me systematically into bankruptcy

For your edification I was a securities and exchange whistleblower as of June 2017 and thus I was protected this entire nightmarish time by suBarnes Oxley

I'm going to give you a moment for that sink in

As you're well aware this calls into question a number of significant transactions including the sale of Transit Mix and the settlement between Continental Materials and Jim Gidwitz and Bill Hybl. The la Palmer land trust Any transactions that they have made since that time will also be called into question including their efforts to attempt to choir the hitch rack property by and through their own contacts or second or third hand contacts so if I were you at the state I put that lot on hold too

I'd plan on this entire nightmare going on for at least 10 to 20 years now since you bastards now also have me stuck here in this wretched country since I can no longer retire and I have lost absolutely everything.

That is such a bad idea for you guys. I was planning on leaving and quietly getting the fuck out of here and I can't now

I can't leave. You ruined me and put me under and you were the ones breaking the law not me, and now I literally have no remaining option Except to fight you guys and Sue endlessly in a court of law

I honestly never would have pursued this or dump the money into it if I had known that you guys were crooked. I had a right to know the truth before entering into this. Why would anyone engage in a 112 or anything else Michael if they knew

that you guys were taking payoffs to deny 112s? You deliberately put me on in an impossible position. Now- conveniently enough - LaFarge Has withdrawn their offer.

They would've been money ahead not to do that but they'll figure that out

This was certainly not what I wanted to do but I literally now have no other option except to sit here and painfully re-open every single application at the mined land board here in the state of Colorado and frankly across the country and in Canada And to further call into question current active operations to ensure reciprocity. I've been told that will get me a lot of enemies. I have to tell you that made me smile. I've been doing this for some 38 years now. I've never been big on giving a shit about what other people think about me, and I don't have a lot of friends because frankly being the only female in the business doesn't generate a lot of friendship so it's not something new to me

I understand there is a somewhat disturbing pattern with Similar shut downs of other smaller Mine operators who are driven into bankruptcy and then find the assets picked up by larger multinationals who then close the gates. That that raises some eyebrows too

Regardless of my gender, which incidentally is a huge problem for you right now and other parties pending, I was probably the worst person that you could've picked to do this to anywhere in the United States or elsewhere. I am very Connected overseas as well

All I wanted was to peacefully leave with all my money and my dignity intact and I can't do that now. Ah well.

I'll bet you didn't know that I am really really good at Rail law also

:-)

Yup

Please note that you are under a litigation hold right now per FRCP for absolutely everything and I don't care if it is scraps of paper everything means everything and you want to know by now that I am very very good at getting to the bottom of stuff

You want to be extraordinarily careful with me because it could be very embarrassing to find out that I have evidence that you claim doesn't exist or you refused to produce

Not everything is sitting in plain site :)

Hell I surprised all the big boys when they realized the extent of the work that I had done on the expansion all by myself. They were pretty damn shocked to see that they had overlooked the single largest rock quarry that the United States has ever seen :-)

So don't lie to me anymore and Hell your buddy In steamboat might even get to keep his coal mine

FYI as a sidebar please don't hack me anymore and tell your friends to stop hacking. It became necessary for me to learn some coding due to the extensive hacking that I've been subject to. C++ and python and some other things. So every time someone puts a virus or a Trojan on my systems I have a way of monitoring it. Can you please just stop underestimating me?

That goes for everybody

Based on my minerals appraisal and some other my damages are in excess of 554 million so far

And going up not down

My time goes for about \$4500 an hour

Should anything happen to me I will ensure that any claims survive my decedence

If I was Hickenlooper I'd be doing some fucking damage control right about now

I want you to know that I will also be filing a wrongful death claim against the state of Colorado and you personally and your buddy Jeff fugate at the Attorney General's office

You people killed my husband

Now you're trying to kill me. That's not gonna happen. I needed those records because I have new evidence that's the suggests that the state and others are at fault in my husbands decapitation and I respectfully request that you provide those. Instead you told me that you lost those and you have no record

At all of his fatality!

Are you kidding me?

How many people have you killed at the division of natural resources?

One and I believe I was married to him. I strongly suggest that you find those records since my evidence suggests that you guys concealed critical evidence related to his fatality from me that's denying me my opportunity to sue the state at that time

I know it's in closing that I am going to have to sell the quarry for pennies on the dollar. It will be entertaining to watch whoever picks it up try to implement the main plan I have built-in some safety features to protect my interests so that any efforts to engage in the expansion that I was planning by parties without my consent, will never work

All I wanted to do ,3 years ago, was leave and spend time with my mother sitting on a beach in Portugal with my mum until she died. You denied me that. Illegally. You made a terrible mistake

Thank you

Juliet

Sent from my iPhone