



**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY**

**CEASE AND DESIST ORDER**

Operator/Company Name:  
**Rock-N-Pine LLC, and associates**

Location (Section, Township, Range):  
**Section T9S, R77W, Section 29**

Address:

Distance and direction from nearest city:  
**Less than 1 mile north of Fairplay, CO**

**Mark Balderson  
P.O. Box 1518  
Fairplay, CO 80440**

**Todd Sullivan  
850 N. Davidson St.  
Eloy, AZ 85131**

Permit/NOI number: **M-2003-074**

Phone: **Mark Balderson (719) 839-0946  
Todd Sullivan (863) 660-0763**

County: **Park**

Operation  
Type: **110c**

Commodity  
Mined/Prospected:  
**Sand and gravel**

The emergency response authority of the Division of Reclamation, Mining and Safety (the "Division") is set forth in Section 34-32.5-123 of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials ("Act") and Rule 8 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials ("Rules"). As outlined in Section 34-32.5-123 and Rule 8.4, this emergency response authority includes the authority to issue a Cease and Desist Order for an activity suspected of causing an emergency situation. The Division has determined that unpermitted mining operations have created an emergency at the above-referenced operation that resulted in an immediate and undue risk of serious harm to persons, property, or the environment and in violation of Section 34-32.5-109 of the Act. To allow the Division time to further inspect the site, evaluate the risk, and evaluate a reclamation plan, the Division orders Rock-N-Pine and his associates to immediately cease and desist all mining and exploration operations on the above-referenced site and on any off-site areas. Until this cease and desist is lifted by the Division, no one associated with Rock-N-Pine is permitted to enter the site to conduct mining, exploration, or prospecting operations.

A handwritten signature in blue ink, appearing to read "Loretta E. Pineda".

Loretta E. Pineda  
Division Director

A handwritten date in blue ink, "July 25, 2013", written over a horizontal line.

Date

RETURN OF SERVICE

STATE OF COLORADO, COUNTY OF DENVER

I declare under oath that I served a copy of the

☒ Cease and Desist Order  
☐ Notice of Violation

to Rock-N-Pine LLC in Fairplay, CO  
Operator

On July 25, 2013 at 15:30 p.m.

At the following location:

☐ By handing it to a person identified to me as the operator.  
☐ By leaving it with the operator who refused service  
☐ By leaving it with  
☒ By Certified Mail to the operator  
☐ Designated to receive for the operator

Tunk G. Chiu

Signature

7/25/13

Date

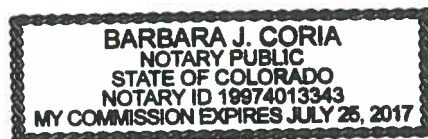
☒ Division personnel  
☐ Private Process server  
☐ Sheriff  
☐ Service \$  
☐ Mileage \$

County

Subscribed and sworn to before me in the County of Denver, State of Colorado, this 25<sup>th</sup> day of July, 2013.

Barbara J. Coria

NOTARY PUBLIC



My commission expires:

07/25/2017

CERTIFIED MAIL NO.  
RETURN RECEIPT REQUESTED

Company/Operator Representative:  
(Signature of Person Served)

(Please print name)

cc: Loretta Pineda, Division of Reclamation, Mining and Safety (via email)  
Julie M. Murphy, Assistant Attorney General; Counsel for DRMS (via email)  
Tony Waldron, Minerals Program Director (via email)  
Mark Balderson, Rock-N-Pine LLC  
Todd Sullivan, associate of Rock-N-Pine LLC