

FILED

FEB 25 2005

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE BOND)	
FORFEITURE PROCEEDINGS)	
AGAINST THE BOND OF)	Docket No. 03-4400
JOHN GIANUNZIO,)	
LICENSE TO EXPLORE 207LE.)	

MOTION FOR BOND FORFEITURE ORDER

The Department of Environmental Quality, Land Quality Division (DEQ), by and through the Office of the Attorney General, pursuant to WYO. STAT. ANN. § 35-11-421(b), moves the Environmental Quality Council, hereafter (Council) for an order requiring John Gianunzio to forfeit his reclamation performance bond, and as grounds for this motion, offers the following:

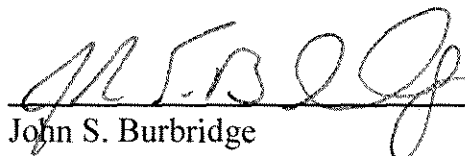
1. On April 8, 1991, the DEQ approved License to Explore 207LE for John Gianunzio to conduct exploration by bulldozer east of Atlantic City, Wyoming. Mr. Gianunzio posted a \$500.00 reclamation performance bond, in the form of Certificate of Deposit No. 2072, issued by the Riverton State Bank.
2. DEQ inspections determined that the exploration site had been inactive since John Gianunzio's death in 1996, and that Gianunzio had failed to reclaim the area disturbed during exploration.
3. Based on these facts, the DEQ determined Mr. Gianunzio's reclamation performance bond should be forfeited.
4. The Council approved the DEQ's request to initiate bond forfeiture proceedings against John Gianunzio on May 27, 2003.
5. The DEQ then requested that the Office of the Attorney General begin this bond forfeiture proceeding.
6. On October 14, 2003, the Office of the Attorney General mailed to David B. Hooper of Hooper Law Offices (thought to be Mr. Gianunzio's probate attorney) notice that the Council would enter an order forfeiting its bond unless a hearing was demanded

- before the Council within thirty days.
7. On October 23, 2003, David Hooper replied stating that he did not probate John Gianunzio's estate and that he was not aware of any surviving next of kin.
 8. After failing to locate Mr. Gianunzio, the Attorney General's office published notification of bond forfeiture in the *Casper Star Tribune* on December 19, 2004, December 26, 2004, January 2, 2005 and January 9, 2005. The original Affidavit of Publication is attached hereto and made a part hereof by this reference.
 9. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Gianunzio or his heirs.
 10. WYO. STAT. ANN. § 35-11-421(b) states if no demand is made by the operator within thirty days of notice, the Council shall order the bond forfeited.
 11. The DEQ and the Attorney General's Office have satisfied all of the statutory prerequisites to this bond forfeiture, and the Council should therefore order the bond forfeited.

WHEREFORE, the DEQ respectfully requests the Council enter an order requiring John Gianunzio to forfeit his reclamation performance bond to the DEQ to be used to reclaim those lands affected by Mr. Gianunzio's exploration activities under License to Explore 207LE.

Respectfully submitted this 25 day of February, 2005.

FOR THE DEPARTMENT OF
ENVIRONMENTAL QUALITY, LAND
QUALITY DIVISION



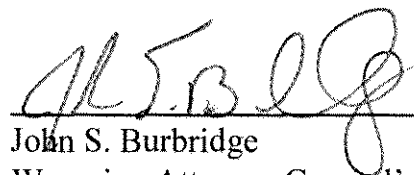
John S. Burbridge
Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002
(307) 777-7823
Fax: (307) 777-3542

CERTIFICATE OF SERVICE

I, John S. Burbridge, hereby certify that on February 25, 2005, I served a true copy of the foregoing Motion For Bond Forfeiture Order as follows:

John Gianunzio
918 East Pershing Avenue
Riverton, Wyoming 82501

U.S. Mail, postage prepaid
 Facsimile
 Hand Delivery
 Express Mail



John S. Burbridge
Wyoming Attorney General's Office

**NOTICE TO: Heirs of
John Gianunzio**

deceased, last known address 918 East Pershing Avenue, Riverton, WY 82501. Holder of License to Explore, No. 207LE located approximately east of Atlantic City, Wyoming, more specifically located in Fremont County in the N 1/2, Section 15, Township 29 North, Range 99 West in the Southpass area of Wyoming.

YOU ARE HEREBY NOTIFIED that the Department of Environmental Quality has authorized the Wyoming Attorney General's Office to forfeit the reclamation bond for the above described location for failure to reclaim in violation of Wyo. Stat. § 35-11-401(e)(viii). Pursuant to Wyo. Stat. § 35-11-421(b), the Attorney General's Office is hereby notifying you that the EQC will order the bond forfeited unless you make a written demand for a hearing to the EQC within thirty (30) days after the last date of publication of this Notice. If you wish to dispute the bond forfeiture, you must send a written demand for a hearing to: Environmental Quality Council, Herschler Building, Room 1714, 122 West 25th Street, Cheyenne, Wyoming 82002 and John S. Burbridge, Senior Assistant Attorney General, Attorney General's Office, 123 Capitol Building, Cheyenne, Wyoming 82002.

Legal No. 628937

Publish: December 19 and 26, 2004 and January 2 and 9, 2005

AFFIDAVIT OF PUBLICATION

STATE OF WYOMING)
COUNTY OF NATRONA)

I, the undersigned, being a person in the employ of the **Casper Star-Tribune**, a newspaper published in CASPER, NATRONA COUNTY, WYOMING, and knowing the facts herein set forth do so solemnly swear that a copy of the notice as per clipping attached was printed and published

daily

weekly

in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4

consecutive

days

weeks

commencing with issue dated

December 19, 2004

ending with issue dated

January 9, 2005
[Signature]

Signed

Subscribed in my presence and sworn to before me this

10 day of January, 2005
[Signature]

