

FILED

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

APR 13 2005

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)
PERMIT NO. 874ET)**

ORDER FOR BOND FORFEITURE

THIS MATTER came before the Wyoming Environmental Quality Council on a motion from the Department of Environmental Quality for bond forfeiture against John Gianunzio holding Permit 207LE. The Council, having reviewed the motion, and having been otherwise fully informed in the premises,

MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

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 that if no demand is made by the operator within thirty days of his receipt of the notice, then 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.
12. The Council has jurisdiction over this matter and the parties hereto pursuant to WYO. STAT. ANN. § 35-11-421(c).

THEREFORE, IT IS HEREBY ORDERED THAT:


- a. The aforementioned reclamation performance bond be forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the Department for the reclamation of all lands affected by the aforementioned operation.
- b. Any proceeds remaining after reclamation shall be subject to any claim by the people of the State of Wyoming.

INTENTIONALLY LEFT BLANK

- c. Any funds remaining after reclamation and payment of other claims shall be returned to John Gianunzio, if he can be found.

DATED this 11 day of April, 2005.

WYOMING ENVIRONMENTAL QUALITY COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Terri Lorenzon, do hereby certify that the foregoing ORDER FOR BOND FORFEITURE was served on this 13th day of April, 2005, to the following:

Mr. John Gianunzio
918 East Pershing Avenue
Riverton, Wyoming 82501

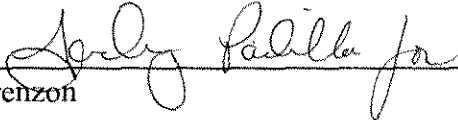
U.S. Mail, postage prepaid
 Facsimile
 Hand Delivery

AND also to the following person via interoffice mail of the State of Wyoming:

John Corra, Director
Department of Environmental Quality
Herschler Building
Cheyenne, WY 82002

Richard Chancellor, Land Quality Administrator
Department of Environmental Quality
Herschler Building
Cheyenne, WY 82002

John S. Burbridge
Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002



Terri Lorenzon