

LOVE ENTERPRISES

IBLA 71-14

Decided January 28, 1971

Oil and Gas Leases: Applications: Generally

Unless appropriate reference is made to a previous filing of such information, offers by corporations to lease for oil and gas will be rejected for failure to include statements of corporate qualifications as required by regulation.

1 IBLA 248

IBLA 71-14 :

W 25109

LOVE ENTERPRISES

: Noncompetitive offer
: to lease for oil and
: gas rejected

: Affirmed

DECISION

Love Enterprises has appealed to the Board of Land Appeals from a Wyoming land office decision of August 19, 1970. The land office rejected Love Enterprises' oil and gas lease offer for Parcel #39 for the reason that corporate qualification statements did not accompany its drawing card 213-9089, nor was there any reference to a serial number where said papers might be filed, pursuant to the requirements of 43 CFR 3102.4-1 (formerly 43 CFR 3123.2(g)).

Love Enterprises contends that it filed its corporate qualifications statements on June 12, 1970, with a different offer (W-0313270), but did not receive approval of its qualifications and assignment of the serial number for that offer from the land office until July 31, 1970. Therefore, it argues, it could not include the serial number reference on its drawing card 213-9089 dated July 22, 1970, and filed in the land office on July 27, 1970. 1/

The record shows that the corporate qualifications statements filed on June 12, 1970, were incomplete, as Love Enterprises had not included an individual statement of citizenship and holdings from each of the two stockholders owning more than 10% of the stock. The land office requested this information on July 22, 1970, which Love Enterprises forwarded on July 23, 1970, and which was received by the land office on July 24, 1970.

1/ The final date for simultaneous filing on Parcel #39 was July 27, 1970.

Therefore, on July 22, the date appellant prepared its drawing entry card, the land office did not have all of the required information in any file. However, the letter written on that same date to appellant, requesting that the statements be furnished, did give the serial number of the file where the record of corporate qualifications was maintained. Since appellant responded with the requested information on July 23, we must assume that it had received the land office's letter and was informed of the serial number on that date.

The regulation, supra, requires that an offer be accompanied by the statements of corporate qualifications therein listed or, alternatively, by a reference to the serial number under which such material was previously filed. It is undisputed that appellant supplied neither when filing the offer represented by drawing entry card 213-9089. Appellant could have accompanied the drawing entry card offer with a new submission of the required statements, or it could have made reference to the serial number under which the information had been filed. Or, if at any time prior to receipt of the land office letter of July 22 appellant wished to avoid the necessity of re-filing the statements, it could have sought to ascertain the number of the prior-filed offer so that the appropriate reference could accompany the drawing entry card.

Instead, appellant simply made no effort whatever to furnish the required information with the drawing entry card, and now seeks to excuse its failure by blaming the land office for not acting more expeditiously to approve the showing of corporate qualifications made in connection with the earlier offer and to communicate such approval to appellant prior to the time it desired to submit another offer. 2/ We find appellant's argument to be without merit.

2/ The individual statements of the principal stockholders were received by the land office on July 24. After examination of these documents Love Enterprises was notified of the acceptance and approval of its statements of corporate qualifications by letter dated July 31 -- a lapse of five working days.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F. R. 12081), the decision is affirmed.

Edward W. Stuebing, Member

I concur:

Francis E. Mayhue, Member

Anne Poindexter Lewis, Member

