

CHARLES TENOPIR
AND
GEORGIA G. TENOPIR

IBLA 72-296

Decided February 26, 1973

Appeal from a decision (R-4598) of the Riverside, California, District and Land Office, Bureau of Land Management, rejecting oil and gas lease offer (simultaneous drawing).

Affirmed

Oil and Gas Leases: Applications: Generally

An oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure which is signed "Charles & Georgia G. Tenopir" in the handwriting of one individual is properly rejected as not being signed and fully executed by each offeror.

APPEARANCES: Charles Tenopir and Georgia G. Tenopir, pro se.

OPINION BY MRS. LEWIS

Charles Tenopir and Georgia G. Tenopir have appealed from a decision of the Riverside, California, District and Land Office, Bureau of Land Management, dated February 1, 1972, rejecting their oil and gas lease offer filed on December 23, 1971, pursuant to the regulations pertaining to simultaneous offers in 43 CFR Subpart 3112. Their offer was the sole offer filed for parcel 144-12.

The offer was rejected for the following reasons:

The regulation 43 CFR 3112.2-1(a) provides, in pertinent part, that a Simultaneous Oil and Gas Entry Card must be signed and fully executed by the applicant. The entry card * * * bears the signature "Charles and Georgia G. Tenopir" in what appears to be the handwriting of one individual. Nothing in the regulations can be construed to allow one individual to sign for two persons in a combined signature. It is permissible for two people to file an offer but each must sign his own name. The regulation at 43 CFR 3111.1-1(d) states that an offer which is not filed in accordance with the regulations in this part will be rejected and will afford the offeror no priority.

Appellants do not directly challenge the correctness of the decision but merely state that the oil and gas entry card was signed in the names of "Charles and Georgia G. Tenopir" in ignorance of the provisions of regulation 43 CFR 3112.2-1(a) and was done strictly for convenience, as "All of our accounts are listed thusly." 1/

The rejection of the offer for the reasons given by the District and Land Office was proper. In addition to those reasons, we might add that 43 CFR 3112.2-1(a) permits an oil and gas entry card to be signed by an agent in behalf of an applicant, in which case compliance must be made with 43 CFR 3102.6-1 by filing evidence of the authority of the attorney-in-fact or agent to sign the offer, together with the necessary statements of interest called for in that regulation. The appellants did not furnish such evidence.

The requirements of the cited regulations are mandatory, and the rejection of the lease offer for failure to adhere to those requirements is mandatory. Cf. Hiroshi Mizoguchi, 4 IBLA 249 (January 12, 1972). Strict compliance with the Department's regulations may not be waived to favor applicants who plead ignorance of the law or regulations. Richard Hubbard, 78 I.D. 170, 172 (1971); Leonard V. Chew, 2 IBLA 232, 234 (1971); Hiroshi Mizoguchi, *supra*.

Accordingly, the offer is rejected. Appellants are at liberty to file a properly executed "Simultaneous Oil and Gas Entry Card" when parcel 144-12 is included in the next simultaneous filing drawing procedure to be held pursuant to 43 CFR 3112.5-1. 2/

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision below is affirmed.

Anne Poindexter Lewis, Member

We concur:

Joan B. Thompson, Member

Martin Ritvo, Member.

1/ Presumably, by "accounts" they mean bank accounts.

2/ In the event their appeal was not granted, appellants have requested a refund. When the case record is returned to the local Bureau office, a refund for advance rental payment will be processed there.

