

DARRELL J. SEKIN

IBLA 79-221
IBLA 79-222
IBLA 79-223

Decided March 30, 1979

Appeals from decisions of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offers NM 35857, NM 35861, NM 35919.

Affirmed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: Applications: Drawings

Unsigned and undated drawing entry cards filed in the simultaneous oil and gas leasing drawings must be rejected. The calling out of the No. 1 drawee's name does not constitute acceptance of the offer. Acceptance of the offer cannot occur until the lease itself has been executed by the appropriate official of the Government.

APPEARANCES: Darrell J. Sekin, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

These are consolidated appeals from separate decisions of the New Mexico State Office, Bureau of Land Management (BLM), rejecting oil and gas lease offers NM 35857, NM 35861, NM 35919. The offers were rejected because none of the three drawing entry cards were signed by the appellant as required by 43 CFR 3112.2-1(a). Under this regulation a drawing card must be signed and fully executed by the applicant.

In his statement of reasons appellant asserts that he forgot to sign the cards, "but did specifically refer to the respective bids in the money order forms which accompanied [the cards]." Appellant states

that such references constitute "prima facie" evidence of his intentions in these matters and should be accepted as binding "signatures" to the transactions, notwithstanding the absence of so-called "manual" signatures.

[1] It is well settled that failure to sign the drawing entry card compels the rejection of the lease offer. Regulation 43 CFR 3112.2-1(a) states that a drawing entry card shall be "signed and fully executed by the applicant or by his duly authorized agent in his behalf." The regulations are mandatory and require strict compliance. The Board has consistently held that entry cards which are not signed or dated must be rejected. Jack L. MacDowell, 34 IBLA 202 (1978); Adobe Oil and Gas Corp., 34 IBLA 13 (1978); Milo W. Snider, 33 IBLA 42 (1977); Thomas C. Moran, 32 IBLA 168 (1977). As this Board stated in Thomas Buckman, 23 IBLA 21, 22 (1975), "the signing of the card is the certification of all other statements made on the card."

Moreover, the fact that the offers were the first drawn and announced by the BLM clerk does not constitute acceptance of the offers by the United States. An oil and gas lease offer is not accepted by the United States until a lease is executed and signed by the appropriate officer. 43 CFR 3111.1-1(c); Geral Beveridge, 14 IBLA 351 (1974). If an offer is not filed in accordance with the regulations, it must be rejected. 43 CFR 3111.1-1(d).

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

Douglas E. Henriques
Administrative Judge

We concur.

James L. Burski
Administrative Judge

Edward W. Stuebing
Administrative Judge

