

UNITED STATES  
v.  
SCOTT JOHNSON

IBLA 80-922

Decided October 27, 1981

Appeal from decision of Administrative Law Judge Joseph E. McGuire declaring the Orion-Tao placer mining claim null and void. Contest No. CA 5088.

Affirmed.

1. Administrative Procedure: Administrative Review -- Mining Claims: Contests

Where the facts and the law are properly set forth and applied in an Administrative Law Judge's decision holding a placer mining claim null and void for a lack of discovery of a valuable mineral deposit, and appellant has made no showing that the decision is in error, the decision may be adopted by the Board of Land Appeals and affirmed.

2. Mining Claims: Determination of Validity -- Mining Claims: Discovery: Generally

The prudent man test cannot be satisfied by a claimant's assertion that he is willing to accept a meager income from the claim. Determination of the validity of a mining claim can rest only on objective criteria, not subjective considerations.

APPEARANCES: Scott Johnson, pro se.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

Scott Johnson has appealed from a July 8, 1980, decision of Administrative Law Judge Joseph E. McGuire declaring the Orion-Tao placer mining claim null and void for lack of discovery of valuable minerals on the claim. The claim is located in sec. 5, T. 36 N., R. 12 W., Mount Diablo meridian, Trinity County, California.

The California State Office, Bureau of Land Management (BLM), instituted contest No. CA-5088, May 19, 1978, on behalf of the Forest Service, U.S. Department of Agriculture. The complaint charged that there were not presently disclosed within the boundaries of the mining claim minerals of a variety subject to the mining laws, sufficient in quantity, quality, and value to constitute a discovery; the land embraced within the claim was nonmineral in character; and the claim was not held in good faith for mining purposes.

After the contestee filed a timely answer denying the charges, a hearing was held before Judge McGuire on May 4, 1979, in Eureka, California. The Judge concluded from the evidence presented at the hearing that the uncontroverted testimony of the contestant's expert witnesses, plus the failure of the contestee to produce any evidence of his own to show the discovery of a valuable mineral deposit, required a finding that contestee did not have a valid placer mining claim. Therefore, he declared the Orion-Tao placer mining claim null and void.

[1] We have thoroughly reviewed the record of this case and the arguments advanced by appellant. The Judge's decision sets out a full summary of the testimony, the relevant evidence, and applicable law. We agree with the Judge's findings and conclusions and adopt his decision as the decision of the Board. A copy of the Judge's decision is attached as appendix A.

Appellant disagrees with the Judge's conclusions arguing on appeal his interpretation of the facts without presenting anything of real substance to overcome the Government's presentation of a prima facie case at the hearing. He raises primarily the same arguments previously considered by Judge McGuire. We find that the Judge's decision fully responds to appellant on these points and that further discussion is therefore not necessary.

Appellant has contended additionally on appeal that, in his circumstances, he thinks he can make a profit from this claim. He states:

The court fails to take into consideration my personal values and priorities which do not consider working in an industrial city for minimum wage equal by any means to working in the mountains for less or more than minimum wage. \* \* \* that USFS geologist values and views of life do not apply to me or any miner and violate their right to pursue happiness in honest work in owning and maintaining a placer mining claim.

[2] This type of argument has repeatedly been rejected by this Board. The fact that appellant is willing to accept a return which is relatively meager does not satisfy the prudent man test, as a prudent

man would not invest his labor and means if his only expectations were meager profits at best. United States v. Becker, 33 IBLA 301 (1978); United States v. Reynders, 26 IBLA 131 (1976); United States v. Heard, 18 IBLA 43 (1974). The prudent man test is objective, and subjective considerations, such as willingness to work for little or no return, have no place in the calculus of prudence. United States v. Reynders, supra; United States v. Arcand, 23 IBLA 226 (1976).

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.

Gail M. Frazier  
Administrative Judge

We concur:

Anne Poindexter Lewis  
Administrative Judge

Bruce R. Harris  
Administrative Judge

July 8, 1980

UNITED STATES OF AMERICA, : Contest No. CA-5088

Contestant :  
:  
the ORION-TAO Placer : Mining Claim situated in sec. 5  
:  
SCOTT JOHNSON, : of protracted T. 36 N., R. 12 W.,  
Contestee : Mount Diablo meridian, and is  
:  
: more fully described in the  
:  
: notice as recorded in Book 62 of  
:  
: Mining Locations, page 210, of  
:  
: Trinity County, California.

v. : Involving

Appearances: Charles F. Lawrence, Esq., Office of the General Counsel, Department of  
Agriculture, San Francisco, California, for contestant; William R. Neill, Esq., Weaverville,  
California, for contestee.

Before: Administrative Law Judge McGuire

### Background

This proceeding, which contests the validity of a placer mining claim located under the General Mining Laws of 1872, as amended, 30 U.S.C. §§ 22-54 (1976), was initiated by the California State Director, Bureau of Land Management, Department of the Interior, on behalf of the Forest Service, Department of Agriculture (contestant).

Pursuant to 43 CFR 4.451, the Bureau of Land Management issued a complaint alleging that the contestee's placer mining claim is invalid because: (1) there is not disclosed within the boundaries of the mining claim minerals of a variety subject to the mining laws sufficient in quantity, quality, and value to constitute a discovery; (2) the land embraced within the claim is nonmineral in character; and (3) the claim is not held in good faith for mining purposes. Contestant seeks to have contestee's mining claim declared null and void. The contestee filed a timely responsive pleading and after due notice a hearing was conducted as scheduled on May 4, 1979, in Eureka, California. At the outset of the hearing, contestee's counsel filed an oral motion for continuance based upon the unavailability of contestee's examining

geologist, Bert L. White. Contestee's counsel was advised on the record that his motion for continuance would be entertained on the following conditions: (1) That the remainder of contestee's evidence was to be submitted at the May 4, 1979, hearing; (2) that Bert L. White's unavailability be documented in writing by his attending physician and that said documentation be incorporated in a written motion for continuance; and (3) that said written motion also contain a summary of the testimony that Bert L. White would have given had he been physically able to testify at the May 4, 1979, hearing. Counsel were advised that my ruling on contestee's motion for continuance would be issued upon receipt of the written motion in that form. Simultaneously, contestee's counsel filed an oral request for a change of venue, an oral motion to amend contestee's responsive pleading filed on June 12, 1978, and captioned "Defendant's Objection to Contest of Mining Claims Under 43 C.F.R., Part 4 Rule," and a motion to dismiss, all of which were denied.

#### Summary of Evidence

Contestant's evidence took the form of the testimony of Robert W. Manchester and Michael Owens, as well twenty-seven (27) documentary exhibits: Certified copy of notice of location of placer claim concerning ORION-TAO placer mining claim, recorded by N. Scott Johnson on November 4, 1979 (Contestant's Exh. 1); a 1977 edition U.S. Department of Agriculture map of Shasta Trinity National Forest (Contestant's Exh. 2); a topographic map of Cecil Lake Quadrangle (Contestant's Exh. 3); a sketch map prepared by witness Robert W. Manchester, based upon an aerial map and depicting the points observed by him on the ORION-TAO placer mining claim in the course of his examination of that claim on September 13, 1977 (Contestant's Exh. 4); copy of general instructions to assayer concerning samples from the ORION-TAO placer mining claim (Contestant's Exh. 5); copy of specific instructions to assayer concerning those samples (Contestant's Exh. 6); copy of assayer's report of analysis concerning those samples (Contestant's Exh. 7); copy of assayer's spectrographic analysis of those samples (Contestant's Exh. 8); and photographs depicting various locations on the ORION-TAO placer mining claim taken in the course of the examination of that claim on September 13, 1977 (Contestant's Exhs. 9A through 9S).

Contestee's evidence consisted of his testimony and one (1) documentary exhibit, a photograph depicting the area in which the samples were taken in the course of the September 13, 1977, inspection of contestee's placer mining claim (Contestee's Exh. A).

The undersigned has marked and entered as exhibits the following six (6) documents: Copy of Charles F. Lawrence, Esq.'s letter of June 29, 1979, to the undersigned (Court's Exh. 1); copy of Charles F.

Lawrence, Esq.'s letter of July 6, 1979, to the undersigned and enclosure, consisting of a copy of Bert L. White's letter of June 27, 1979, to Attorney William R. Neill (Court's Exh. 2); copy of William R. Neill, Esq.'s letter of July 24, 1979, to the undersigned (Court's Exh. 3); copy of the undersigned's order dated August 9, 1979 (Court's Exh. 4); copy of contestee's counsel's Declaration & Request, filed on August 20, 1979 (Court's Exh. 5); and copy of Charles F. Lawrence, Esq.'s letter of December 4, 1979, to the undersigned (Court's Exh. 6).

Robert W. Manchester, a qualified geologist for the Forest service, Department of Agriculture, testified that he inspected contestee's claim, which is located some 6 miles from the nearest road, on September 13, 1977, in the company of contestee, who pointed out the corners and discovery points, all of which were visited. Mr. Johnson stated that the bases for his discovery were gold and platinum. While on the claim he visited a residence which contestee had built and observed mining equipment consisting of hand tools, winches, and a small suction dredge in the east fork of the New River. After visiting all of the workings that contestee had wanted him to see, he took some five samples plus two for assaying at three different areas on the claim. While preparing one of the sample sites a small nugget of gold, estimated at being 1/2-pennyweight in size, was found laying on the bedrock, and not in the gravels, by Michael Owens, another Forest Service employee, who handed the nugget to the contestee. Assuming that the value of gold was \$240 an ounce, the value of the nugget found would be about \$6. The sample materials were passed through a Denver Gold Saver, a machine designed to obtain concentrates of gold from mined material. Concentrates from the riffles and the tail sluice were retained, placed in double plastic bags, labeled and then sealed in canvas bags and delivered to Metallurgical Laboratories, Inc., on September 19, 1977, for determination of gold and platinum content and a semi-quantitative analysis. Based upon gold being valued at \$251.60 per ounce, the five samples disclosed in-place gold values of slightly in excess of \$0.01 per cubic yard, \$0.03 per cubic yard, \$9.09 per cubic yard, \$0.67 per cubic yard, and none, respectively. Five assays of the tails for amalgamation for samples OT-1-A and OT-1-B showed traces of gold at the rate of 100 troy ounces per ton and nil for platinum, or a mineral value of less than one-half cent per ton. Samples OT-2-A and OT-2-B contained 400 troy ounces per ton and nil for platinum and its mineral value was less than 2-1/2 cents per ton. Sample OT-3 showed a trace of gold and its platinum content was nil. Based upon his samplings, the amount of material that remains that could be worked, the type and size of the materials, the mining methods that could be employed and the limited volume of material, among other factors, he did not believe a man or ordinary prudence would be justified in expending further time and effort because there was not a reasonable prospect of success in developing a paying mine on contestee's claim (Tr. 53).

Michael Owens stated that he has a Master of Science degree in geology and was employed as a regional geologist for Homestake Mining Company in Denver, Colorado. Prior employment included that with Inspiration Copper Company, Occidental Mineral Corporation, and the U.S. Forest Service. In the course of the latter association he was present and assisted William Manchester in his inspection of contestee's claim on September 13, 1977. He was present during the taking of all samples and found the gold nugget while preparing a site for sampling. The nugget was not a part of the sample material and for that reason was given to contestee immediately after being found. Nuggets of any size are rarely found in placer mining operations in California. He has frequently evaluated properties for their mineral values and, if called upon to have examined contestee's placer mining claim for a potential mineral buyer, would not have recommended that it be purchased because, based upon his observations in the course of being on the claim together with the information supplied by the contestee in the course of the latter's testifying at the hearing, he did not believe that a prudent man would be justified in expending time, money, and effort on that claim with any reasonable hope of developing a paying mine (Tr. 220).

Neville Scott Johnson testified that he located the placer mining claim at issue in November 1971 and has been engaged in mining thereon since that time. He spent three summers building a cabin on the claim and has moved some 120 yards of material in the last 7-1/2 years. However, he had no estimate of the number of days he has worked or lived on the claim since locating it. The point of discovery was found after working for several months. Nuggets comprise most of the gold recovered on the claim to date and the largest nugget found weighed 3 pennyweight. Almost all gold found to date has been bartered, only occasionally has any sold but when he did so it has brought twice and three times its market value for use in jewelry. In the course of Mr. Manchester's inspection of his claim, he pointed out the discovery point as well as the corners and the inspector found a 1-1/4 pennyweight nugget weighing some 30 grams after removing less than a square foot of material within the area that had been cleaned. He questioned Mr. Manchester's testing methods and does not believe that valid conclusions can be reached by testing just 300 to 400 pounds of material on a claim that contains millions of pounds of material in total. In September 1977 he delivered several jars of black sand recovered from various points on the claim to a geologist, Bert White, for assay purposes, requesting that he be advised of what the sand contains. During the intervening 21-month period he has not learned whether Bert White, who has not visited his claim, has performed the assay nor has he received a report from Bert White.

#### Issues

The principal issue presented by these facts is whether contestant has successfully assumed the burden of going forward with a

sufficiency of evidence to make a prima facie showing that, as alleged in contestant's complaint, contestees' placer mining claim is invalid because (1) there is not disclosed within the boundaries of said mining claim minerals of a variety subject to the mining laws sufficient in quantity, quality, and value to constitute a discovery; (2) that the land embraced within that claim is nonmineral in character; and (3) that the claim is not held in good faith for mining purposes. If that issue is resolved in the affirmative, a second issue will be introduced, namely, whether the contestee has shown by a preponderance of the evidence that, contrary to the allegations of the contestant, his is a valid mining claim.

### Discussion, Findings, and Conclusions

The General Mining Laws of 1872, as amended, supra, provided that all valuable mineral deposits discovered on unappropriated public lands are open to exploration and purchase. However, no vested rights in a mining claim accrue in the absence of a valid discovery. United States v. Coleman, 390 U.S. 599 (1968). While the aforementioned mining laws do not prescribe a test for determining what constitutes a "discovery" of a valuable mineral deposit, the Department and the courts have decisionally formulated one known as the "prudent man rule." It was first announced in Castle v. Womble, 19 L.D. 455, 457 (1894), in which the Secretary declared:

[W]here minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success, in developing a valuable mine, the requirements of the statute have been met.

That language was approved by the U.S. Supreme Court in Chrisman v. Miller, 197 U.S. 313, 322 (1905); Best v. Humboldt Placer Mining Co., 371 U.S. 334, 335-336 (1963); and United States v. Coleman, supra. A concomitant to the prudent man rule is the requirement that the mineral value be shown to be such that it can be marketed at a profit. As the court stated in Coleman, supra at pp. 600 and 602:

The Secretary of the Interior held that to qualify as "valuable mineral deposits" under 30 U.S.C. § 22 it must be shown that the mineral can be "extracted, removed and marketed at a profit" -- the so-called "marketability test."

\* \* \* \* \*

\* \* \* [T]he marketability test is an admirable effort to identify with greater precision and objectivity the factors relevant to a determination that a mineral deposit is "valuable." It is a logical complement to the "prudent-man test"

which the Secretary has been using to interpret the mining laws since 1894.

\* \* \* \* \*

\* \* \* Under the mining laws Congress has made public lands available to people for the purpose of mining valuable mineral deposits and not for other purposes. The obvious intent was to reward and encourage the discovery of mineral that are valuable in an economic sense. Minerals which no prudent man will extract because there is no demand for them at a price higher than the cost of extraction and transportation are hardly economically valuable. Thus, profitability is an important consideration in applying the prudent-man test, and the marketability test which the Secretary has used here merely recognizes this fact.

While the Coleman case involved building stone, the concept that marketability is an integral part of the prudent man rule extends to all mining claims, regardless of the mineral involved, as announced in Converse v. Udall, 399 F.2d 616 (9th Cir. 1968), cert. denied, 393 U.S. 1025 (1969), at pp. 621, 622:

We think it clear that the marketability test is applicable to all mining claims. We do not agree \* \* \* that marketability has no relevance in a case where the discovery is of precious metals. Such a holding would be contrary to \* \* \* the rationale of the prudent man test. It \* \* \* concerns itself with whether minerals are "valuable in an economic sense."

\* \* \* \* \*

When the claimed discovery is of a lode or vein bearing one or more of the metals listed in 30 U.S.C. § 23 [gold, silver and othes], the fact finder, in applying the prudent man test, may consider evidence as to the cost of extraction and transportation as bearing on whether a person of ordinary prudence would be justified in the further expenditure of his labor and means.

Discovery in the context of the mining laws has been defined as meaning the actual physical disclosure of a valuable mineral deposit. United States v. Zweifel, 508 F.2d 1150 (10th Cir. 1975); Converse v. Udall, supra; Henault Mining Company v. Tysk, 419 F.2d (9th Cir. 1969), cert. denied, 398 U.S. 950 (1970); United States v. Wurts, 76 I.D. 6 (1969). Geological inference alone cannot support a discovery. United States v. Walls, 30 IBLA 333 (1977). However, the claimant is not required to prove beyond doubt that the claim contains ore

in commercial quantities, East Tintic Consolidated Mining Co., 43 L.D. 79 (1914), or that he will in fact develop a profitable mine, Converse v. Udall, *supra*. But it is not enough that the mineralization found might justify further prospecting or exploration to determine whether actual mining operations would be warranted. As enunciated in United States v. Ford M. Converse, 72 I.D. 141, 149 (1965):

The Department \* \* \* recognizes a distinct difference between exploration and discovery under the mining laws. Exploration work is that which is done prior to discovery in an effort to determine whether the land contains valuable minerals. Where minerals are found, it is often necessary to do further exploratory work to determine whether those minerals have value and, where the minerals are of low value, there must be more exploration work to determine whether those low-value minerals exist in such quantities that there is a reasonable prospect of success in developing a paying mine. It is only when the exploratory work shows this that it can be said that a prudent man would be justified in going ahead with his development work and that a discovery has been made. [Citations omitted.]

In approving the Department's decision, the court in Converse v. Udall, *supra*, announced: "Thus it was made clear as long ago as 1888 that the finding of some mineral, or even of a vein or lode, is not enough to constitute discovery -- their extent and value are also to be considered."

The function of the Government's mineral examiner is to investigate the workings on a claim and determine whether a mineral deposit has been found which would meet the test of discovery. He has no duty to excavate for minerals, to rehabilitate the claimant's discovery points, to explore or sample beyond a claimant's workings, or to drill or excavate any purportedly mineralized area which is concealed by overburden or is otherwise difficult of access. United States v. Calla Mortenson, 7 IBLA 123 (1972); Humboldt Placer Mining Company v. Secretary of the Department of the Interior, 549 F.2d 622 (9th Cir. 1977); United States v. Ramsey, 14 IBLA 152 (1974); United States v. Woolsey, 13 IBLA 120 (1973); United States v. Taylor, 82 I.D. 68 (1975); United States v. Rukke, *supra*; United States v. Miles, 36 IBLA 213 (1978).

When the Government contests the validity of a mining claim, it assumes the burden of going forward with a sufficiency of evidence to make a prima facie showing that the claim is invalid. The burden is then upon the mining claimant to overcome such showing and prove by the preponderance of the evidence that the claim is valid. Thus, the ultimate burden of proving discovery is always upon the mining claimant. United States v. Zweifel, *supra*; United States v. Springer,

491 F.2d 239, 242 (9th Cir. 1974), cert. denied, 419 U.S. 834 (1974); Foster v. Seaton, 271 F.2d 836 (D.C. Cir. 1959); United States v. Taylor, *supra*.

The Interior Board of Land Appeals has defined that which constitutes a sufficient prima facie showing in United States v. Wayne Winters, 78 I.D. 193, 195 (1971):

Where a government mineral examiner offers his expert opinion that a discovery of a valuable mineral deposit has not been made within the boundaries of a contested claim, a prima facie case of invalidity has been made, provided that such opinion is formed on the basis of probative evidence of the character, quality and extent of the mineralization allegedly discovered by the claimant. Mere unfounded surmise or conjecture will not suffice, regardless of the expert qualifications of the witnesses. But an expert's opinion which is premised on his belief or hypothetical assumption of the existence of certain relevant conditions, if evidence is presented that those conditions do exist, is sufficient to establish a prima facie case and to shift the burden of evidence to the contestee.

That quantum of proof was also held to be sufficient in United States v. Fisher, 37 IBLA 80 (1978); United States v. Miles, *supra*; and United States v. Bechthold, *supra*, 25 IBLA 77 (1976).

In Fisher, the board held that: "A prima facies case has been made when a Government mineral examiner testifies that he has examined the claim and found evidence of mineralization insufficient to support a finding of discovery. United States v. Woolsey, 13 IBLA 20 (1973)."

An examination of contestant's evidence discloses that it has made a prima facie showing that contestee's placer mining claim is invalid because that evidence and the reasonable inferences that can be drawn therefrom support contestant's allegation that a valuable mineral deposit has not been found within the contested mining claim. The testimony of Messrs. Manchester and Owens, both of whom are qualified geologists with extensive experience in evaluating mineral values on properties and on placer mining claims, was persuasive in the matter of whether a man of ordinary prudence would be justified in expending further time, money, and effort on the claim at issue. They testified in the negative because both felt that there was not a reasonable prospect of success in developing a paying mine on contestee's claim (Tr. 53, 220). In addition, the reports of analysis pertaining to the sampled materials from contestee's claim, as well as the spectrographic analysis of the same materials, supplied by an independent assayer firm, Metallurgical Laboratories, Inc., reveal that the

minerals found on contestee's claim are insufficient in quantity, quality, and value to constitute a discovery (Contestant's Exhs. 7, 8).

In view of the foregoing, contestee's evidence will be assessed in order to determine if he has placed on the record evidence of a preponderating character in support of his argument that his is a valid placer mining claim. I find that he has failed to do so for the following reasons. Contestee produced no evidence from which any conclusions can be based involving (1) the amount of mineralization that can be extracted from his placer mining claim, (2) the value of the mineralization that may be extracted, or (3) the costs of extracting and marketing the mineralization. Therefore, a determination that a mineral deposit has been found, the present value of which is significant for mining purposes, is rendered impossible in the absence of some data concerning these factors. Contestee delivered samples of black sand gathered at various points of his claim to a geologist, Bert White, in September 1977 and had not been favored with a report or an opinion concerning the mineral content of those samples by the date of the hearing, or some 21 months later. He testified that Bert White had not visited the claim, as did Messrs. Manchester and Owens. The record reveals that Bert White suffered a heart attack in August 1978 and was incapacitated at the time of the hearing in May 1979. But that reported medical condition did not beset him until almost 1 year after the black sand samples were delivered to him by contestee. It is reasonable to assume that if his geologist had assayed the sample black sands received in September 1977 and reported to him that the type, amount, and value of the mineralization varied significantly from that reported by Metallurgical Laboratories, Inc. (Contestant's Exhs. 6, 7), contestee would have so testified and would have offered Bert White's written assay in evidence, either at the hearing or during the intervening period. The failure to produce such contravening evidence on this critical issue can reasonably be attributed to the fact that evidence of such a character simply does not exist. Contestee has requested that the hearing record be reopened in order to determine what the effect may have been of the significant increase in the value of gold since the hearing date. It has been further urged that failure to take into account the recent substantial rise in gold prices would be result in a denial of due process. In denying contestee's claim, I am granting full consideration of that factor but because of the lack of proven mineralization disclosed by the evidence of record, contestee's claim could not be regarded as valid almost regardless of high the value of gold may eventually rise.

In summary, contestee has been granted every opportunity to come forward with the required evidence and demonstrate that his is a valid placer mining claim but he has failed to do so.

Order

It is therefore ordered that the ORION-TAO placer mining claim be declared null and void.

Joseph E. McGuire  
Administrative Law Judge

Distribution: (Certified Mail)

Charles F. Lawrence, Esq., Office of the General Counsel, Department of Agriculture, Two  
Embarcadero Center, Suite 860, San Francisco, CA 94111

William R. Neill, Esq., P.O. Box 682, Weaverville, CA 96093

Regional Forester, California Region, Forest Service, 630 Sansome St., San  
Francisco, CA 94111

State Director, Bureau of Land Management, Federal Building, Room E 2841,  
2800 Cottage Way, Sacramento, CA 95825

Appeal Information

The contestee, as the party adversely affected by this decision, has the right of appeal to the Interior Board of Land Appeals. The appeal must be in strict compliance with the regulations in 43 CFR Part 4. (See enclosed information pertaining to appeals procedures.)

If an appeal is taken, service can be had upon the adverse party, the Forest Service, by serving the Office of the General Counsel at the address listed below:

Office of the General Counsel U.S. Department of Agriculture Two  
Embarcadero Center, Suite 860 San Francisco, CA 94111

Enclosure: Information Pertaining to Appeals Procedures

