

PIRINDEL INVESTMENT RESEARCH

IBLA 82-783

Decided June 24, 1982

Appeal from decision of Montana State Office, Bureau of Land Management, rejecting simultaneous noncompetitive oil and gas lease application. M 52761 (SD).

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: First-Qualified Applicant

An application drawn first in a simultaneous drawing which is filed in the name of a partnership but which is not accompanied by statements required by the pertinent regulations and which does not refer to the file serial number of the record where the statements have previously been filed is defective and must be rejected.

2. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: First-Qualified Applicant

A partnership's defective simultaneous noncompetitive oil and gas lease application is not curable by submission of required evidence of qualifications after the drawing.

APPEARANCES: Joseph Pirinea, for appellant.

## OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Pirindel Investment Research appeals the March 30, 1982, decision of the Montana State Office, Bureau of Land Management (BLM), which rejected its simultaneous oil and gas lease application M 52761 (SD) for failure to submit evidence of its qualifications as required by 43 CFR 3102. The application was given first priority for Parcel MT 184 in the July 1981 drawings.

The application names Pirindel Investment Research as applicant on the face of the card. On the reverse, Pirindel Research is named as applicant, with Joseph Pirinea signing as agent. No statement of qualifications of Pirindel Investment Research accompanied this offer, nor is there any reference to a serial number where the information had been filed earlier.

Joseph Pirinea states that Pirindel Investment Research is a limited partnership and that he is the only general partner. Pirindel Research is a sole proprietorship owned by him. He avers that he filed the application in the name of Pirindel Investment Research for convenience in receiving correspondence at his business address where he is known as Pirindel Investment Research, not as Joseph Pirinea.

The regulation, 43 CFR 3102.2-4 (45 FR 35162, May 23, 1980), requires that an application for an oil and gas lease from a partnership shall be accompanied by a certified copy of its articles of partnership, a statement that it is authorized to hold oil and gas leases, and a complete list of all general partners showing their citizenship and identifying those authorized to act on behalf of the partnership for oil and gas leases. <sup>1/</sup>

[1] As the required information was not submitted with the application nor was any reference given to any previously filed statements of qualification of Pirindel Investment Research, it was proper for BLM to reject this application. Stephen A. Pitt, 57 IBLA 365 (1981); SID Partnership, 37 IBLA 165 (1978); Norcross Partners, 31 IBLA 181 (1977).

[2] We cannot, as appellant requests, consider the statement of Joseph Pirinea on appeal as satisfying the pertinent disclosure requirements. The regulation clearly requires the information to be submitted with a partnership's application. Appellant has not submitted such information. Giving an unqualified applicant, such as appellant, additional time to cure the application by waiving mandatory requirements would illegally infringe upon the rights of the second-drawn applicant. Don C. Bell II (Trustee), 42 IBLA 21 (1979); Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974), aff'd, 544 F.2d 1067 (10th Cir. 1976).

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<sup>1/</sup> The Board has held that a sole proprietorship is not an entity defined in 43 CFR 3102.1-1 as one which may hold interests in Federal oil and gas leases. J.F.C. Oil and Gas, 60 IBLA 191 (1981); Tom Milner, 45 IBLA 119 (1980).

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:

Edward W. Stuebing  
Administrative Judge

C. Randall Grant, Jr.  
Administrative Judge

