



Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin Street SW
Albany, OR 97321
(541) 967-2083
Fax: (541) 267-2075
www.oregon.gov/dogami

TO: Darren Lee) **SUSPENSION ORDER (ORS 517.880)**
4 Lees' Excavation) DOGAMI ID No. 23-NP0001 (No Permit)
515 Noble Road) County: Malheur
Ontario OR 83672) Township 16S Range 47E, Tax Lot 3200
)

The Department of Geology and Mineral Industries (DOGAMI, Department) has received multiple complaints accompanied by photos and videos alleging 4 Lees Excavation is mining without a permit on Township 16S Range 47E, Tax Lot 3200. DOGAMI contacted the Malheur County Planning Department regarding these complaints and was informed that Darren Lee applied for a Post Acknowledgement Plan Amendment for this parcel and that it was denied by Malheur County Court in August of 2021. Further, DOGAMI was informed that a citation had been issued to the landowner, Mr. Dallas Head, for mining in the EFU zone. In addition to the evidence already cited, review of publicly available aerial imagery indicates Darren Lee and 4 Lees' Excavation have conducted surface mining on Township 16S Range 47E, Tax Lot 3200 in violation of ORS 517.790(1).


The Department hereby issues this Suspension Order pursuant to ORS 517.880(2) which authorizes DOGAMI to suspend operations if the operator is conducting a surface mining operation for which an operating permit is required but has not been issued.

Effective immediately you are ordered to suspend all surface mining operations at the property referenced above, including removal of vegetation, construction of berms, stripping of topsoil or overburden, extraction, processing, and the removal of stockpiled materials.

This Suspension Order remains in effect until withdrawn by written order of the department. If you fail to comply with the Suspension Order, the department intends to take further enforcement action against you. This may include, but is not limited to, assessing civil penalties under ORS 517.992, or referring this matter to the Attorney General to initiate legal proceedings as provided in ORS 517.880(3).

In addition to the statutes and rules cited above, other relevant statutes and rules include the following: ORS 517.750, ORS 517.810, ORS 517.840, ORS 517.850, ORS 517.860, ORS 517.862, ORS 517.890, ORS 517.992, OAR 632-030-0010, OAR 632-030-0016, OAR 632-030-0021, OAR 632-030-0022, OAR 632-030-0025, OAR 632-030-0030, OAR 632-030-0033, OAR 632-030-0040, and OAR 632-030-0056, OAR 632-030-0070.

Issued: March 8, 2023

By 
Sarah L. Lewis
MLRR Program Manager

If you have questions regarding this order, contact Cari Buchner at (541) 231-9820 or cari.buchner@dogami.oregon.gov.

enclosure: Opportunity to Request a Hearing or Informal Review

c: Malheur County Planning Department
Dallas Head, Landowner

Certified Mail

Opportunity to Request a Hearing or Informal Review

You have two options if you wish to challenge this Order:

Option 1 is requesting a contested case hearing conducted according to the Administrative Procedures Act, Oregon Revised Statutes (ORS) Chapter 183. If you want to proceed directly to a contested case hearing, you must file a written Request for a Hearing **within thirty (30) days from the date this Order was personally served on you or mailed to you**. A Request for a Hearing must include an “**Answer**” to the allegations contained in the Order. In the Answer, you must admit or deny each allegation of fact contained in the Order and set out any and all affirmative defenses to the violations alleged in the Order. Except for good cause shown, matters not denied in the Answer will be presumed admitted, and the failure to raise a claim or defense will waive such claim or defense. If you file a timely Request for a Hearing, DOGAMI will refer your request to an Administrative Law Judge at the Office of Administrative Hearings. The Administrative Law Judge will schedule a contested case hearing and inform you of the date, time, and place of the hearing. You will be given information on the procedures, rights of representation and other rights of parties relating to the conduct of the contested case hearing.

Option 2 is informal review by the State Geologist, followed by the opportunity to request a contested case hearing if you disagree with the State Geologist’s decision. If you want to request informal review by the State Geologist, you must file a written Request for Informal Review **within thirty (30) days from the date this order was personally served on you or mailed to you**. If you timely request informal review by the State Geologist, the State Geologist will review the matter and will issue a written decision within 30 days of receipt of your request. If you disagree with the State Geologist’s decision, you must file a written Request for a Hearing **within thirty (30) days from the date you received the State Geologist’s written decision**. A Request for a Hearing must include an “**Answer**” to the allegations contained in the Order. In the Answer, you must admit or deny each allegation of fact contained in the Order and set out any and all affirmative defenses to the violations alleged in the Order. Except for good cause shown, matters not denied in the Answer will be presumed admitted, and the failure to raise a claim or defense will waive such claim or defense. If you file a timely Request for a Hearing, DOGAMI will refer your request to an Administrative Law Judge at the Office of Administrative Hearings. The Administrative Law Judge will schedule a contested case hearing and inform you of the date, time, and place of the hearing. You will be given information on the procedures, rights of representation, and other rights of parties relating to the conduct of the contested case hearing.

Any Request for a Hearing or Request for Informal Review must be mailed to:

229 Broadalbin Street SW
Albany, OR 97321

Alternatively, you may fax your Request for Hearing or Request for Informal Review to 541-967-2075 or email it to cari.buchner@dogami.oregon.gov. Regardless of how you send your Request for Hearing or Request for Informal Review, it must be **received** by DOGAMI within 30 days of the date this Department Order was personally served on you or mailed to you.

NOTICE TO ACTIVE DUTY SERVICE MEMBERS: Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free telephone number.