

COGCC 4th Quarter 2021 HB 14-1356 Report

Operator	Operator #	NOAV Nos.	NOAV Date	Violations in Order	Penalty (Total)	Penalty Imposed on Defunct and/or Non-Responsive Operator (Y/N)	Penalty (Suspended)	Penalty Days	Daily Penalty	Aggravating Factors	Mitigating Factors	Pattern of Violation (Y/N)	Gross Negligence or Knowing & Willful misconduct (Y/N)	AOC or OFV	Other Rationale	Docket No.	Order No. (1V)	Final Order Date
Alanco Energy Services, Inc.	10493	401884321; 402418570; 402429494; 402453585	12/21/18; 6/12/20; 6/26/20; 8/18/20	210.b; 302.b; 309; 319.b; 326.c; 603.f	\$353,680	Y	N	7,664	\$46	N	N	N	N	OFV	Commission Hearing; Duration Matrix; Financial Assurance Foreclosure	200700198	767	10/6/2021
Smith Energy Corp.	70385	402068193	6/7/2019	707.a.	\$50,550	Y	N	161	\$314	N	N	N	N	OFV	Commission Hearing; Duration Matrix; Financial Assurance Foreclosure	191200688	757	10/6/2021
Javernick *Larry	44394	402236371	11/11/2019	605.d.; 912.b.	\$319,485	Y	N	82	\$3,896	N	N	N	N	OFV	Commission Hearing; Domestic Well; Duration Matrix; Financial Assurance Foreclosure	191200755	768	10/6/2021
Woodard* Sandra K.	10342	402462134; 402462147; 402462164	8/7/2020	907.e; 912.b	\$1,596,120	Y	\$1,596,120	3,667	\$435	N	N	N	N	OFV	Commission Hearing; Duration Matrix; Suspended Penalty; Financial Assurance Foreclosure; Settlement Inducement	210800133	765	10/6/2021
PCR Operating, LLC	10657	40241859; 402429563; 402431005; 42453588	7/10/20; 8/26/20	309; 326.b.	\$4,390	Y	N	569	\$8	N	N	N	N	OFV	Duration Matrix	201100264	769	10/25/2021
KP Kauffman Company Inc.	46290	402206828; 402363430; 402494406; 402523412; 402548397; 402550681; 402571143	10/16/2019; 4/7/2020; 9/21/2020; 11/2/2020; 12/7/2020; 12/10/2020; 01/12/2021	210.b.; 324A.a.; 603.f.; 605.c.; 901.c. (3x); 905.b.; 906.a.; 906.b. (2x); 907.a. (3x); 907.e.; 908.; 1002.f; 1102.i.(2.); 1102.j.(1).	\$2,014,530	N	\$1,219,530	2,148	\$938	7	N	Y	N	OFV	Commission Hearing; Consolidation of Violations; Duration Matrix; Suspended Penalty; Inability to Pay	201200274; 201100261; 201100262; 210200010	772	11/5/2021
HighPoint Operating Corporation	10071	401781493; 402174648; 402174651; 402174653; 402174654; 402174662; 402174663; 402174667; 402174668; 402174669	10/4/2018; 9/12/2019	308A; 308B; 316C; 326.b; C.R.S. 34-60-121(1)	\$433,164	N	N	2,651	\$163	N	N	N	N	AOC	Duration Matrix; Settlement Inducement	210100009	770	11/15/2021

Total Penalties Assessed \$4,771,919

A. Aggravating Factors

1. The violator acted with gross negligence or knowing and willful misconduct.
2. The violation resulted in significant waste of oil and gas resources.

B. Mitigating Factors

1. The violator self-reported the violation.
2. The violator demonstrated prompt, effective and prudent response to the violation, including assistance to any impacted parties.

3. The violation had a significant negative impact on correlative rights of other parties.
4. The violator was recalcitrant or uncooperative with the Commission or other agencies in correcting or responding to the violation.
5. The violator falsified reports or records.
6. The violator benefited economically from the violation, in which case the amount of such benefit shall be taken into consideration.
7. The violator has engaged in a pattern of violations.
8. The violation led to death or serious injury.

3. The cause of the violation was outside of the violator's reasonable control and responsibility, or is customarily considered to be force majeure.
4. The violator made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation.
5. The cost of correcting the violation reduced or eliminated any economic benefit to the violator, excluding circumstances in which increased costs stemmed from non-compliance.
6. The violator has demonstrated a history of compliance with the Act, and Commission rules, orders, and permits.