

The Takeoff



News for Landmen

Published by the Michael Late Benedum Chapter of AAPL

July 2012 Issue



MLBC-AAPL
P.O. Box 955
Bridgeport, WV 26330

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The Presidential Address

The July meeting was a return to Zanesville Ohio after many years and our first summer meeting for the MLBC. Turn out was higher than expected and Eaglesticks did a great job.

Kevin West from Steptoe & Johnson was the evening speaker and gave us an update on current and future Ohio legislation affecting our industry. We appreciate the

time our speakers take from their busy schedules to prepare and attend our meetings. Please remember to thank them. Also, Jud Byrd addressed the proposed Ohio Legislation challenging independent contractor status requiring licensing of landmen. The MLBC Executive Committee feels that this is a very important issue and voted to form a committee specifically to contact our elected repre-

Cont.

EXECUTIVE COMMITTEE

President

Richard B. Robb
Vantage Energy

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Charles E. Heilmann, CPL
EQT Production

Secretary

Cynthia L. Torbeck, CPL
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Aaron R. Yost, CPL
Mason Dixon Energy, LLC

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Director

Anthony Farr, RPL
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Director

Rex Cecil Ray
EQT Production

Director

Britney Robinson, RPL
Mason Dixon Energy, LLC

President Emeritus

Mark A. Acree, CPL
Noble Energy, Inc.

National Director

Arnold L. Schulberg, CPL
Huron Land Services, LLC



The Presidential Address

representatives. We have a representative for each of the three states served by the MLBC. Aaron Yost for West Virginia, Richard Dailey for Ohio and Jim Bourbeau for Pennsylvania. The independent contractor status directly affects each and everyone in our industry, so please stay informed and get involved.

AAPL has several education opportunities planned for Appalachia and your newsletter now has a new section devoted to keeping you abreast of upcoming events. Anthony Farr is resigning as Education Chair, and Britney Robinson has agreed to take those duties. Please join me in thanking Anthony for the great job. Tara White has agreed to assist Britney as Meeting Coordinator.

MLBC's next meeting is August 16th and will be a social event aboard the Gateway Clipper in Pittsburgh. Dinner Cruise will include a DJ and a photographer. This promises to be a great evening. We hope to see every-

one there. Sign-up early and bring a guest. You cannot come late to this event because the boat leaves at 5:45 and returns at 8:30.

In September we will return to Nemaquin Woodlands for golf and sporting clays followed by a cookout. We will also offer a tour of Falling Waters. This year will be a charity event to benefit Big Brothers and Big Sisters of Pittsburgh.

In October we have the Appalachian Land Institute during the day and our evening meeting featuring Monte Carlo Night at the Doubletree Hotel on Race Track Road in Washington PA.

I hope to see everyone on the Gateway Clipper.

Richard Robb
MLBC President
2012-2013

"We appreciate the time our speakers take from their busy schedules to prepare and attend our meetings. Please remember to thank them."

AAPL National Director's Report



Arnold L. Schulberg
AAPL National Director

One of my goals as an AAPL Director is to make the local membership aware of the many ways in which AAPL acts to promote the interests of its members and landmen in general by protecting the profession, raising the awareness of the public as to what landmen do, educating the membership and providing networking opportunities.

This summer has been a busy time with regard to all of these action items. At this very moment AAPL is actively working with the Ohio Oil and Gas Association and other interested parties to address legislation that the state's Commerce Department plans to introduce what would require the registration of landmen under the Real Estate Code. The MLBC is represented in this group by former President and National Director, Jud Byrd.

Please see his article in this issue to get the latest information on where things stand regarding this issue.

In the last couple of issues of the newsletter you have seen articles by Britney Robinson who is a member of AAPL's Marketing Committee, alerting you to AAPL's new Member Mark program that provides a new logo for use on letterhead, business cards, etc. to identify AAPL members. AAPL is also planning promotional efforts to make the general public aware of the Member Mark and to the benefits of working with a landman who is a member of AAPL, an organization that has a Code of Ethics and Standards of Practice.

On the educational and networking front, AAPL is putting on a Field Landman Seminar in Boardman, Ohio (near Youngstown) on Thursday and Friday, August 9-10, 2012 at Holiday Inn Boardman. Registration closes on August 3, 2012, so act quickly. The description is as follows:

The American Association of Professional Landmen and the AAPL Educational Foundation invite you to attend a **FREE** Field Landman Seminar to be held at Holiday Inn Boardman, 7410 South Avenue, Boardman, OH 44512 on Thursday, August 9, 2012, starting at 5:00 pm.

The Trustees of the AAPL Educational Foundation initiated these events to provide a forum for field landmen to gather for education, networking, and good food, all at no cost to all AAPL Active Members and \$50.00 to non-members attending. This program is designed for Field Landmen to have the opportunity to register to become a member of the AAPL.

The \$50.00 registration fee covers this education class, happy hour, dinner, plus your first year of membership dues. Please note: You can fill out your application prior to

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AAPL Regional Director's Report

attending this seminar and bring it with you for processing.

The program begins with happy hour and a buffet dinner, and will be followed by an AAPL Update. We then have two interesting and informative presentations:

Russell Shinevar, CPL

“Landman Ethics & Lessons Learned”

and

Jason Lucas, Steptoe & Johnson

“Ohio Pooling & Unitization, Regulatory Developments”

We also are very excited to AAPL and its partners holding the first regional NAPE, NAPE Pittsburgh, on April 10-12, 2013 at the David Lawrence Convention Center.

With all of these activities and with AAPL Active or Associate Membership available for only \$100, I am a firm believer that this is the best value in the oil and gas business. If you wish to join the AAPL please contact me at aschulberg@suddenlink.net or our Membership Chairman, Jeremy Preston at JPreston@eqt.com.

2012 AAPL Regional Events

August 13th	Advanced Contracts-Area of Mutual Interests, etc. Coraopolis, PA
October 10th-11th	The Appalachian Land Institute Pittsburgh, PA
November 30th	Oil and Gas Titles Workshop Pittsburgh, PA
December 6th-7th	Fundamentals of Land Practices & RPL Exam Williamsport, PA



Ohio Licensing

This article is intended to provide a follow-up to the report I gave at the MLBC meeting in Zanesville, Ohio on July 12, 2012.

The Ohio Department of Commerce has taken the position that Ohio Revised Code Sections 4735.01 and 4735.02 provide that any person, for another, for compensation (fee, commission, valuable consideration) or the expectation of compensation, must have a license to perform several functions including, but not limited to, a person that sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or **leasing** of any real estate.

The Commerce Department views the leasing of oil and gas and possible other oil and gas

related transactions as a **real estate** transaction.

Exempted from the current code is any person defined as a “regular employee”, when the employee is performing the acts or transactions for his employer’s account. The term regular employee typically means a W-2 employee. This would obviously not include “Independent Landmen”.

Additionally driving the debate is a bill, HB 493, introduced by Rep. Mark Okey (D). The bill, which will not pass in this General Assembly, has impacted the discussion with the Department of Commerce. Commerce understands that the bill goes too far. However, HB 493 was the starting point for registration requirements for landmen.

-
- I. The proposed H. B. 493, amends ORC 4735 to include “Land Professionals”, who are defined as someone who is:
 - a. Negotiating the acquisition or divestiture of mineral rights for oil and gas specifically,
 - b. Negotiating business agreement to provide for the exploration and development of oil and gas, and
 - c. Securing pooling of interest for oil and gas products.
 - II. Defines a Landman as a real estate broker.
 - III. Creates a professional Landman registration under new ORC 4735.023:
 - a. Cannot operate in the state (Ohio) as a Landman without registering and obtaining a registration certificate,
 - b. Registration is annual, as it expires every December 31st,
 - c. Provides for rule making authority to the Ohio Superintendent of Real Estate for the following areas:
 - i. Creation of a registration form and renewal form,



Ohio Licensing

- ii. Fees (to be put in a new fund yet not named),
- iii. Registration numbers to be issued to each Landman,
- iv. Any other relevant rules.
- iv. Creates of oil and gas disclosure forms that must be presented to each landowner, which includes the signature of the landowner and the failure to comply with this may make the agreement voidable.

Whether additional legislation will be introduced to register landmen with the state remains to be seen. However, I believe I can speak for most Landmen by saying we oppose licensing of Landmen in all forms. The proposed legislation to license Landmen is not consistent with other oil and gas producing states and the Ohio Oil & Gas Association (OOGA) along with representatives from the AAPL,

MLBC and NALA and other professional oil and/or gas associations are actively working on behalf of **all** Landmen on this proposed Legislation.

Jud Byrd
Ethics Committee

Treasurer's Report



Aaron Yost reports the bank balance is \$82, 127.64.

Secretary's Report



Our chapter is continually growing and showing much potential for our region. We are very excited about this upcoming

year and providing many educational opportunities to our members. The executive committee is actively pursuing different ways to educate and equip our membership with ways to grow and achieve great things in our industry. We are excited to announce that Britney Robinson will be taking over as edu-

cation chair for the MLBC. We know that Britney will to a great job as education chair and are eager to hear about the new educational events. Also, we are excited about the August meeting aboard the Gateway Clipper. We encourage our membership to register for the event and join us on this social event. We are looking forward to seeing everyone in Pittsburgh!

Cynthia Torbeck
MLBC Secretary
2012-2013

**July 2012 Zanesville,
Ohio Photos**



August 2012 Meeting Sponsors

Arnold L. Schulberg, Attorney

Bryson Kuba, LP

Exterra Resources, LLC

MW Gary & Associates, LLC

PDC Mountaineer

Steptoe & Johnson, PLLC

XTO Energy

Thank You for Your Support!



Annual Fall Charity Golf Outing

Nemacolin Woodlands Resort

Friday, September 14, 2012

Proceeds benefit the Big Brothers

Big Sisters of Greater Pittsburgh

Cost

\$150 per golfer

Golf includes 18 holes on Mystic Rock, forecaddie, cart, box lunch on course and raffle for prizes afterwards . Registration available soon on website!

Starting time

Registration begins at 8:30 AM

Tee time at 10:00 AM

Prizes

Hole in one, closest to the pin and longest drive

Payments

Credit card payments will be set up on the website (preferred).

Checks can be mailed to:

Steve Carr

T. S. Dudley Land Company, Inc.

375 Southpointe Blvd., Suite 210

Canonsburg, PA 15317

Please see the sponsorship form on the following page for your companies chance to help in this great event.





P. O. Box 955, Bridgeport, WV 26330-0098

SPONSORSHIP FORM

It is again time for the Annual MLBC Fall Charity Golf Outing at Nemaocolin Woodlands Resort & Spa. It is scheduled for Friday, September 14th, 2012. This year, we will be raising funds to help Big Brothers Big Sisters of Greater Pittsburgh. The agency serves nearly 1,200 children facing adversity with one-to-one mentoring relationships in Allegheny, Washington and Greene counties. To learn more about the agency visit: www.bbbspgh.org. With the record turn out last year, we are hoping for an even better contribution from our members, and their companies, as we have moved to donate most of this year's funds to charity. We have several sponsorship opportunities this year, as shown below.

We are very appreciative of the numerous companies and individuals who help sponsor our golf tournament each year. Your generosity continues to provide the MLBC with these networking events and allows us all to "Start something" positive for Big Brothers Big Sisters of Greater Pittsburgh and the children they serve. Sponsorship monies, minus the expenses, will all be donated to this charity and a receipt will be provided to your company for that amount. If you would like to sponsor this year's event, please complete and return this form with a check payable to "MLBC" to:

Steve Carr
T. S. Dudley Land Company, Inc.
375 Southpointe Blvd., Suite 210
Canonsburg, PA 15317.

Thank you for your support, should you have any questions please feel free to contact Steve Carr stephencarr@tsdudlev.com – (724) 745-4717 x103.

- _____ **Platinum Sponsor - \$4,000.00** – Includes: Team of 4 golfers, 4 MLBC Dinner tickets, Tee Sponsor (see below), Recognition at Dinner, Full Ad in Program, Gift to be given away at the Dinner raffle. (\$700 – example: golf clubs, range finders, golf bags...etc).
- _____ **Gold Sponsor - \$2,500.00** – Includes: Team of 4 golfers, 4 MLBC Dinner tickets, Tee sponsor (see below), Half Page ad in Program, Gift to be given away at the Dinner raffle. (\$500 – example: golf clubs, range finders, golf bags...etc).
- _____ **Silver Sponsor - \$1,750.00** – Includes: 2 golfers, 2 MLBC Dinner tickets, Tee sponsor (see below), Name/Logo in Program, Gift to be given away at the Dinner raffle (\$300 – example: golf clubs, range finders, golf bags...etc).
- _____ **Flag Sponsors - \$1000.00 (two available)** – Includes nine (9) hole flags with your company logo imprinted on them displayed on alternative holes on the golf course. Also, a member of your group will be given a framed flag to display in your offices. (Deadline for this sponsorship is August 31st so we will have time to get them printed)
- _____ **Beverage Cart Sponsor - \$1,500.00** – Only four (4) available. First come, First serve. Includes company logo on the beverage cart as well as Name/Logo in Program.
- _____ **Tee Sponsor - \$500.00:** Your Company name/logo will be posted on a sign in a visible location on one of the tee boxes.
- _____ **Additional Sponsorship:** Golf Balls, Golf Tees, Golf Towels, Ball Markers, Golf Shirts, Etc. with your company logo on these for each golfer participating (144 golfers).

Sponsorship Name to be displayed: _____
(If applicable, please e-mail your logo to brandonward@tsdudlev.com)

May 30, 2012

Michael Late Benedum
Chapter of the American Assoc. of Professional Landmen
PO Box 4942
Charleston, WV 25304

Dear Friends of WVU Children's Hospital,

Please accept our sincerest thank you and appreciation for your recent donation (In Honor Of Friends of NICU) to WVU Children's Hospital. It is kindness such as yours that allows us to continue to fulfill our mission of providing state-of-the-art patient care to children across this great state of West Virginia as well as the surrounding regions.

We do our best to make hospital stays for our young patients and families as comfortable and stress-free as possible. Please know that your gift enables us to continue to do so.

Thanks again for your generous support of WVU Children's Hospital.

Sincerely,



Bobby Nicholas
Manager, Development Programs
(304) 598-4346



Foundation

Wednesday, June 13, 2012

Michael L Benedum Chapter of the Am Assoc of Profess Landmen
3945 Forbes Ave #451
Pittsburg, PA 15213

Dear Michael L Benedum Chapter of the Am Assoc of Profess Landmen:

I want to take a moment to thank you for your recent contribution of \$3,500.00 to the Glenville State College Foundation. As we move forward to meet the challenges before us, there are limited dollars in support of our mission from state and federal sources. This places an even higher importance on private funds, and we recognize the sacrifice on your part to make this gift a reality.

As requested, the contribution will be added to Michael Late Benedum Chapter Scholarship. I can tell you that contributions such as yours are primarily responsible for expanding the opportunity to attend college for hundreds of young men and women from central West Virginia and beyond and allowing them to attain the financial and personal gain associated with a college degree.

Once again, thank you for your support, and continue to keep us in your thoughts throughout the year.

Sincerely,

Dennis J. Pounds
Executive Director, GSC Foundation
Vice President for College Advancement

Please retain this letter as a receipt of your contribution. In compliance with Internal Revenue Code Section 170(F)(8), I am required to confirm with you that no goods, services or benefits were provided by the Glenville State College Foundation, Inc. or

'The world cannot afford to lose the talents of half its people if we are to solve the many problems that beset us.'
Rosalyn Sussman



Corporate Sponsorship Levels



Platinum \$5000.00 per year

Benefits of Platinum Sponsor

- Logo on the corporate sponsor board at every meeting along with the meeting sponsor board.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive three meeting/dinner passes for each meeting for one year.
- Receive one free Full Page advertising ad
- Receive free Half Page ad in the takeoff per year.
- Logo on Golf Outing sponsorship boards.

Gold \$2500.00 per year

Benefits of Gold Sponsor

- Logo on the corporate sponsor board at every meeting.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive one free Half Page advertising ad in the Takeoff per year.
- Logo on Golf Outing sponsorship boards.

Silver \$1500.00 per year

Benefits of Silver Sponsor

- Logo on the corporate sponsor board at six meetings.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive one free Half Page advertising ad in the Takeoff per year.

Bronze \$500 per year

Benefits of Bronze Sponsor

- Logo on the corporate sponsor board at three meetings.
- Logo on the back of every Takeoff.

Advertising in The TakeOff

Full page ad \$500 per month

Half page ad \$250 per month

To secure a corporate sponsorship, advertise in The Takeoff or if you have any questions, please contact Tara White at twhite@mlbc-aapl.org.



2012-2013 MLBC Meeting Schedule

<u>Date</u>	<u>Location</u>	<u>Topic</u>	<u>Speaker</u>
July 12, 2012	Eaglessticks Golf Club Zainsville, OH	An Overview of New Regulation in Ohio	Kevin West
August 16, 2012	Gateway Clippers Station Square Pittsburgh, PA	Social/Networking	
September 14, 2012	Nemacolin Woodlands Resort Nemacolin, PA	TBD	TBD
October 11, 2012	Doubletree Hotel Washington, PA	Joint Meeting with AAPL	TBD
November 8, 2012	Grand Point Conference & Reception Center Vienna, WV	TBD	TBD
January 10, 2013	Cantley, OH	TBD	TBD
February 7, 2013	Sheraton at Mars Pittsburgh, PA	TBD	TBD
March 14, 2013	Waterfront Hotel Morgantown, WV	TBD	TBD
April, 11, 2013	Pittsburgh, PA	TBD	TBD
May 2013	TBD		
June 13, 2013	Bridgeport Conference Center Bridgeport, WV	TBD	TBD



Memberships

The MLBC membership application is located on the website at www.mlbc-aapl.org. Please check your information on the website prior to submitting your renewal. The MLBC website has an updated version of the membership listing. Please use this resource if you can not find yours or others information in the directory. Please report any errors or omissions to Tara White at twhite@mlbc-aapl.org.



July 2012 — New Members*

<u>First Name</u>	<u>Last Name</u>	<u>Employer</u>	<u>Member Type</u>
Lee	Anderson	Independent	Associate
Natasha	Hart	Abstract WV	Associate
Nicolas	Tysiak	Babst Calland	Associate
Jim	Thomson	Bryson Kuba, LP	Active
Daniel	Ludovici	Bryson Kuba, LP	Active
Adam	Chambers	Chambers OG LLC	Active
Devon	Polk	Dailey Land Professionals	Active
Rick	Minnich	Honor Resources	Active
Nancy	Theason	Honor Resources	Associate
Rory	Graham	Honor Resources	Associate
Susan	Anderson	Honor Resources	Associate
Collen	Gunning	Honor Resources	Associate
Joseph	Zvara	Independent Landman	Active
Shana	Kennedy	Mason Dixon Energy	Active
Wesley	Rosenbaum	Mountainer Keystone	Active
Anthony	Romeo	Mountaineer Keystone	Active
Andrew	Rielly	Noble Energy, Inc.	Active
J Peter	Lambrou II	RKR Resources, LLC	Active
Jansen	Jeffrey	Self-Employed	Associate
Jason	Borkowski	Shell Exploration & Production	Active
Michael	English	T.S. Dudley Land Company	Associate
William Zak	Huffman	White Oak Property Research	Active
Amy	Allphin-Huffman	White Oak Property Research	Active
Brent	Evans	XTO Energy Inc.	Active



* Notice of the application(s) of all potential Chapter member(s) shall be published in the next regularly scheduled monthly Chapter "Takeoff" newsletter. Active members shall have the opportunity during for a period of thirty (30) days following the first publication to object to the potential members' application. Such objections to membership approval may be submitted to any member of the Executive Committee and shall be in writing. The Executive Committee shall take any such objection under counsel in the next regularly scheduled monthly Executive Committee meeting. A decision to accept or reject the membership application shall be determined by a majority vote at such meeting. The Executive Committee shall notify the applicant in writing of rejection.

Application for membership in the Chapter shall be subject to the approval by a majority vote of the Executive Committee at a regularly scheduled meeting, after the aforementioned thirty (30) day newsletter publication period, and shall require the signed approval by the acting President of the Executive Committee, as evidence of the Committee's approval. Names of any and all newly approved members shall be read at the following regularly scheduled general meeting of the Chapter.

2012-2013 Committee Chairs

Certification	James E. Talkington, Jr., CPL/ESA	jeta@frontier.com
Membership	Jeremy D. Preston	jpreston@eqt.com
Meeting Coordinator	Britney Robinson, RPL	brobinson@mdenergy.com
Education	Britney Robinson, RPL	brobinson@mdenergy.com
Historian	Frederick J. Kent, CPL	KentFrederick@Hotmail.com
Ethics	Jud Byrd	jbyrd@artexoil.com
Finance	Mark Acree, CPL	mark.acree@sylvanenergy.com
Meeting Sponsors	Rex Cecil Ray	cray@eqt.com
	Sherry B. Gorman	sgorman@eqt.com
Website	Jeremy D. Preston	jpreston@eqt.com
Photography	Britney Robinson, RPL	brobinson@mdenergy.com

Please remember, this is your Association. The strength of the MLBC is in its people. While the Officers and Executive Committee members of the Association are elected to serve the needs of the organization, we look forward to and encourage volunteerism for many of the important and necessary committee positions. Volunteers are always welcome to participate in registration for meetings and seminars. Please contact any of the officers to see how you can help. The Association is in real need of volunteers for the Education Committee and Photography Committee. Please consider yourself for one of these committees. Your Association needs you!

MLBC-AAPL
P.O. Box 955
Bridgeport, WV 26330



Michael Late Benedum



"The Great Wildcatter"

We are on the web!
www.mlbc-aapl.org

MLBC WEBSITE

If you experience any problems using the website or if you have any suggestions, please contact Jeremy Preston via e-mail at JPreston@eqt.com.

JOB BANK

The direct link for MLBC Job Bank is www.mlbcjobbank.com. If you have any questions, please contact Jeremy Preston via e-mail at JPreston@eqt.com.

PHOTO ALBUM

We would like to share our Photo Album with you to show you what MLBC has been doing throughout the year. The direct link for MLBC Photo Album is www.mlbc-aapl.org/VPhoto.php.

MLBC CORPORATE SPONSORS

Gold Sponsor



Your company logo could be here. See page 12 for details!



MICHAEL LATE BENEDUM CHAPTER
American Association of Professional Landmen