

December 2014/January 2015

PRESIDENTIAL ADDRESS

The 2014 year has proven to be a very successful year for the MLBC. The organization has reached throughout the entire Appalachian region to provide educational and networking opportunities to land professionals in the natural gas industry. In 2010, we had 625 members and today, we are proud to announce, that we have a total of 1,631 members within our association.

Our growth in numbers is a result of the volunteers that commit their time and efforts to guide and manage our association and its events. Christa Dotson, our Education Chair and an MLBC Director, has done a tremendous job providing premier educational events to our members. Another Director and our Technology Chair, Jeremy Preston, has worked over the past several years to streamline our technology and registration system and provided our user friendly website. The association also made a great move when we added Tara White as our Executive Assistant. Tara has been an asset to the MLBC and we are very thankful to have her as part of our team. Most importantly, we have you as members! Your involvement and generosity has pushed the MLBC to be one of the fastest growing associations of the AAPL. Since 2011, the MLBC has given over \$238,000 to regional charities and programs. One of the ways we were able to do that is through our charity golf tournaments that our Vice President, Aaron Yost, and member Steve Carr have perfected over the last few years. Your involvement helped the association take an active role in our communities and to give back to the region that has given all of us so much.

With the growth and changes that our association has seen, the bylaw committee made some much needed updates to our bylaws. These changes are available for you to review and we welcome any questions that you may have. I must say that I count it a privilege to be part of such a great organization and I look forward to another successful year. Have a safe and happy holiday!

Anthony D. Farr, RPL MLBC President 2014-2015 **INSIDE THIS ISSUE**

Bridgeport, WV 26330

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Upcoming events

<u>Click Here to Register</u>

Excel Class (More info on page 12) January 6, 2014 WVU Evansdale Campus 317 Percival Hall Morgantown, WV 26506

Click Here to Register

January Luncheon Meeting January 15, 2014 Hilton Garden Inn 1000 Corporate Drive Canonsburg, PA 15317

VETERANS ARTICLE

The Michael Late Benedum Chapter (MLBC) was instrumental in assisting a local Veteran, Lisa G. Moore, procure transportation to get her back and forth from work and to doctor appointments. She was chosen by the Keys to Progress Program to receive a refurbished vehicle. A ceremony was held on Veteran's Day, November 11, 2014, where she was given the keys to her vehicle.

Mrs. Moore served in the United States Air Force from 1983 to 1994 being stationed in Italy, Texas and Ohio. After her honorable discharge from the military, Mrs. Moore, worked in and around Wheeling, West Virginia. She accepted a position with EQT Production Corporation in downtown Pittsburgh in January, 2014. With only one vehicle between her and her husband, Kip, who works in a distant location, coupled with suffering from degenerative disc disease and spinal stenosis , Mrs. Moore inquired about transportation to and from doctor appointments through the Veteran's Affairs. Even though the Veterans do have transportation to and from the hospital, the dates and times are limited and did not coincide with Mrs. Moore's work schedule. She was then contacted by another MLBC member and fellow Veteran, Anthony Romeo, who introduced her to Kate Bielak, Chapter Captain of Team Red, White and Blue for Western Pennsylvania. Kate was aware of the Keys to Progress program and provided Mrs. Moore's information to David Moore, the representative for Keys to Progress.

Mrs. Moore was awarded a vehicle on Veterans Day 2014. With the additional vehicle, Mrs. Moore no longer has to walk from the train station to her apartment and has the flexibility of getting to appointments while her husband is at work.





Jeremy Preston reports the bank balance is \$141,320.94

AAPL New Member Contest – Win a Trip to Costa Rica

REASURER

AAPL's Membership Committee is hosting an exciting **Membership Drive** where one lucky member will win a one-week stay at <u>Casa Vista</u> in Tamarindo, Costa Rica. The incentive runs from October 1-December 31, 2014, where the local association with the largest percentage growth of new members (renewals not included) in that time period will be recognized for its successful efforts. The winning local association will randomly draw one member's name as the lucky winner.

Contact Mona Ables, AAPL Membership Committee chairman, <u>mables@concho.com</u> or 432-221-0420, for more information.

Special thanks to Rick Frazier, NDAPL director, for his generous offer to donate accommodations and to Roger Soape, AAPL president, for his generous offer to donate air miles for travel.

New Members – November /December 2014

First Name	Last Name	Employer	Member Type
Bennett	Bosley		Active
David	Trzeciak		Active
Justin	Hollingsworth		Active
Danette	Daniell		Active
Robert	Laine		Active
Chris	Arnold		Active
Sarah	Bolen		Active
Kayden	Skinner		Active
Victoria	Nash	Abstract WV, LLC	Associate
Brenda	Blask-Lewis	B.Blask-Lewis, LLC	Active
Will	Hammack	Beta Land Services	Active
Karen	Anspaugh	Bingham Greenebaum Doll	Associate
Ingrid	Rivers	Inflection Energy (PA) LLC	Active
Cristen	Cindric	JRS Land Company	Associate
Sharon	Kyle	Percheron Energy	Associate
Richard	Shackelford	Rex Energy	Active
Joshua	Crist	S.W. Kelly Land Service, Inc.	Active
Ryan	Dotson	Self Employed	Associate
Corinne	Poduch	Self Employed	Active
Travis		Spilman Thomas & Battle, PLLC	Associate
Gale	Eckley Carroll		Active
	Shaffer	Steptoe & Johnson, PLLC	
Christie Ann		Steptoe and Johnson PLLC	Active
Paul	Maxsween	T.S. Dudley	Associate
Justin	McCarthy	Thomas Development Corporation	Active
Christopher	Carlson	Wrangler Land Services, Inc.	Active
Rebecca	Adams	Tioga Resources LLC	Associate
Caleb	Campbell	Campbell Development LLC	Active
Jenna	Campbell	Campbell Development LLC	Active
Joseph	Zirillo	Independent	Active
Karla	Tyson	McDonald Land Services, LLC	Active
Donald	Lawson	Noble Energy	Active
Carrie	Bogle	Shell Exploration & Production	Active
Nick	Hunley	Protégé Energy III LLC	Active
Norman	Tallhamer	Independent	Active
David	Bowyer	Independent	Associate
Robert	Estes	Independent	Associate
Timothy	Henline	Independent	Active
Amanda	Chenoweth	Independent	Associate
Rhonda	Lee	Independent	Active
Heidi	Zapotoceny	Independent	Associate
Kevin	Gholami	Independent	Active
Laura	Bistok	Independent	Active
Steven	Мау	Independent	Active
Keri	Petrie	Belmont	Active
Matt	Lapham	Belmont Resources	Active
Isaac	Bollinger	Bollinger Energy	Active
Elizabeth	Slozat	BOP Land Services, LP	Active
Joceyln	Spellman	CA Murren	Associate
Elizabeth	Welch	Clearwater Land Services	Active
Preston	Patry	Commaron Field Services	Active
Sue	Johnson	David E. Bowyer	Associate
Leila	Elswick	Dominion Transmission Inc.	Associate
Kellie	Bryant	Eclipse Resource	Active
Renee	Metcalf	Eclipse Resources	Active
Robert	Tilly	Eclipse Resources	Associate
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New Members – December 2014 Continued

Ashley Jeffrey Justin Anna Jacqueline Cecily Scott Phil Steve Linda Elizabeth Kendall Elizabeth Charlie Kristin Tabitha Charles Kelly W. Tammy MICHELLE T. J. Steven Lawrence Robert Robert Kacie Mark Tiffany Frank Michael Andy Norma Gene Michael Elliott Larry Chad Alyssa Amy Austin E.M. Daniel Boone Sam Jeffrey

Thomas Drees Anderson Strange Kamicker Petitto Henderson Davis Rhodes Hughes Strother Varnell Murphy Ehredt Burnside Schriml Barrett Lee Whitaker DELBOSQUE Cromwell Brosek Schaeffer Aumaugher Lawson Lawson (Schiefer) Campbell Wilkes Conserette Muller Bell Dean Thompson Paris Emmick Hess Volk Davis Adams Gravbill Forte Musgrave Hodgin Hilton Rogers

Self Self-employed Steptoe & Johnson Steptoe & Johnson PLLC Steptoe & Johnson PLLC Steptoe & Johnson, PLLC Steptoe & Johnson, PLLC Steptoe & Johnson, PLLC Steptoe and Johnson PLLC Texas Tea LLC Upshur Agency Inc. Varnell Land Services LLC Honor Resources Company Honor Resources Company Independent Independent Independent Kelly Lee Land Services, LLC Kennedy Land Services MGD CONCEPTS LLC Mountaineer Keystone OGTA Premier Land Services, LLC **Premiere Land Services Purple Land Management Purple Land Management** S & A Property Research S & A Property Research **Eclipse Resources Eclipse Resources Eclipse Resources Eclipse Resources Eclipse Resources Eclipse Resources Eclipse Resources** Eclipse Resources Eclipse Resources Eclipse Resources **Eclipse Resources Eclipse Resources** Enexco Hawkeye Research Inc. Honor Resources Company Honor Resources Company Honor Resources Company

Associate Active Active Associate Associate Active Active Active Active Active Associate Associate Associate Active Active Associate Active Active Active Active Associate Associate Active Associate Associate Active Active Associate Active Active Active Active Active Associate Active Associate Active Active Active Active Active Active Active Associate Associate

REAGAN

ENERGY LAND SERVICES FOR THE 21ST CENTURY



Lease Negotiation & Acquisition | Title Service | Project Management | Complex Curative Due Diligence | GIS Data & Mapping | Right of Way Acquisition | Data Analysis & Reporting

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Denver



A Challenge To All Company Owners and Managers

The WV plate program has been given a boost by Honor Resources and S & A Property Research. Honor has agreed to pay 50% of each of it's contractors and employees cost associated with the purchase of WV-MLBC License plate. S & A Property has agreed to donate \$3500.00 to the plate program to cover 50 new applicants. Both Darryl Griwatz and Amy Gough would like to challenge other member owners and managers to make a donation to this program.



Happy Holidays... Ben King, RPL





With membership dues being waived for all new members attending the December and January meetings and the MLBC turning 55 years old you could help brand our chapters name in the communities we all work and live. Now is a perfect time to get involved by help recruiting new members and plate applicants too. For only \$15.00 more each year you can have a Special WV organizational plate on your vehicle. West Virginia still has a chance to be the first state in the US to have an official state issued license plate representing the Oil & Gas industry. We currently have 60 application and must collect a total of 250 applicants to fulfill the first order requirements of the WVDMV. The first 250 members will be given a number between 0001-0250 on a first come first served basis. There is no limit to how many plates an individual or company may purchase. You just need to be a MLBC member. All plates will expire on July 1 after the first year of issue and the initial cost is just \$70.00 for the first year and \$45.00 for renewals. All you need to do is follow the link on the home page of the MLBC website to print an application and pay online or by check. What a great stocking stuffer for a friend or family member. Your support is appreciated.

Pros and Cons: Use of Independent Contractors in the Oil and Gas Industry

By Daniel Clark and Thomas Fusonie Vorys, Sater, Seymour and Pease LLP

The use of independent contractors in the oil and gas industry is typical and its advantages are obvious. However, decisions about when and how to use independent contractors might be made without full consideration of potential problems or the ever-looming and potentially significant risks of misclassification.

Like other industries, the oil and gas industry is under constant scrutiny from the U.S. Department of Labor and investigators from the states in which oil and gas companies operate. In addition to fines and citations issued by governmental agencies, collective actions alleging violations of the Fair Labor Standards Act have exploded in number, and are now more common than employment discrimination cases.

While the use of independent contractors remains a useful tool for oil and gas companies, human resources and legal professionals within these companies should weigh both the pros and cons associated with their use.

Pros:

- 1. **Avoid Costs of Employee Benefits.** Fringe benefits for an employee often add up to 20-50% of the amount paid to an employee as wages. Keeping a newly hired contractor off the company's health insurance or pension plans can provide easily identifiable savings.
- 2. **Reduce Tax Liabilities.** Federal payroll taxes add to an employer's costs for each new employee hired, but are expenditures rarely appreciated by employees. Additionally, workers' compensation and unemployment premiums can be avoided through the use of independent contractors. By avoiding these added costs, companies can often pay contractors more than an employee without increasing the employer's costs.
- 3. **Flexibility.** When utilized properly, independent contractors enhance a company's ability to quickly respond to shifting business needs. A contractor can provide a specialized skill or service that is needed only occasionally or performed remotely. For example, companies may elect to retain well tenders or land agents as independent contractors to monitor particular wells or to secure land rights for specific projects. These arrangements allow for local contractors to be used on tasks that require a particular skill set in a location where the company does not desire to have local employees.

Cons:

1. **Risk of Misclassification.** Under increasing scrutiny from regulators and plaintiff's lawyers, a decision to use independent contractors should be made only after acknowledging the risks of misclassification. Agencies such as the Internal Revenue Service, the Equal Employment Opportunity Commission, and most recently the National Labor Relations Board, will investigate and often challenge a company's classification of an independent contractor. The tests applied by these agencies can vary and are fact specific. More problematic is the reality that relationships that look like contractor relationships at the outset often shift toward employer-employee relationships, making it often difficult to be completely confident that a contractor is properly classified.

- 2. Loss of Workers' Compensation Coverage. Although workers' compensation premiums represent an added cost for companies hiring employees, workers' compensation coverage also protects the employer should an employee be killed or injured on the job. While an independent contractor agreement may provide some protections, any company should consider the risks of the lack of workers' compensation coverage.
- 3. Loss of Control. To be properly classified as an independent contractor, the contractor and not the employer must control the manner in which the work is performed. Contractors are often permitted to determine when and how work is performed and even to hire assistants or subcontractors to get the work done. A company seeking to exercise more direct control over the work being performed may need to accept that it will need to utilize its own employees. Companies exerting or seeking to exert too much control over a contractor frequently result in findings of misclassification.
- 4. **Other Considerations.** Since independent contractors may work at company facilities or have access to a company's electronically stored information, companies must take reasonable steps to protect their trade secrets and confidential proprietary information. Likewise, companies need to take steps to avoid independent contractors engaging in discrimination, harassment or interference of company employees' employment rights.

Independent contractors are a useful and common tool for companies where flexibility and specialized skills are highly valued. However, given the potential cons associated with the use of independent contractors, companies in the oil and gas industry should be aware of situations where it might make more sense to assign work to an employee or to re-evaluate an existing contractor relationship.

If you would like assistance in evaluating your use of independent contractors, contact Daniel Clark (614.464.6436 or djclark@vorys.com) or Tom Fusonie (614.464.8261 or thfusonie@vorys.com).























CONTINUING EDUCATION OPPORTUNITIES

AAPL offers various educational programs, workshops and regional institutes for landmen as well as oil and gas professionals. The association also provides review and testing opportunities for those interested in obtaining RL, RPL and CPL certification designations.

Coming Soon: Ethics 360º Program

Ethics 360° features an interactive format built around nine situational videos that identify ethical practices and sound stewardship with the industry.

Topics Include:

- Misrepresentation / Misuse of CPL Designation
- Professionalism
- Double Billing
- Fraud / Misrepresentation



- Self-Dealing
- lichael Late Benedum Chapter
- •••• Offering Advice Outside Area of Expertise
 - Misuse of Confidential Information
 - Unethical Practices/ Failure to Disclose
 - Breaking the Law

DUE DILIGENCE SEMINAR- PITTSBURGH, PA

Tuesday, March 10, 2015 (8:30 AM-3:00 PM)

FIELD LANDMAN SEMINAR - WILLIAMSPORT, PA

Thursday, March 12, 2015 (5:00 PM-9:00 PM)

MLBC Partners with WVU's Energy Land Management Program

EXCEL CLASS

What:	Spreadsheets and Energy Land Management – An Introduction		
When:	Tues., January 6, 2015 from 9:00 AM to 5:00 PM (1 hour for lunch - on your own)		
Where:	317 Percival Hall, West Virginia University Evansdale Campus, Morgantown, WV 26506		
Description:	Class concentrates on Excel skillsets needed by land professionals. Instruction will cover excel basics as well as moderate and advanced techniques. Topics include formatting, editing, formulas and functions used in land programs such as flowcharting, runsheets and division of interest. Attendees will also use and become familiar with several cloud-based packages including google sheets.		
Cost:	\$75 for members; \$100 for non-members		

CORPORATE SPONSORSHIP LEVELS

Platinum \$5,000.00 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 \$2,500.00 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 \$1,500.00 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 \$750.00 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 \$500.00 per month

Half page ad \$250.00 per month

Dinner Meeting Sponsorship

Cost \$250.00 per meeting. Companies will receive advertising at the dinner meeting as well as your logo displayed on our website for the month of the meeting you sponsor.

To secure a corporate sponsorship, advertise in the Take-Off, or if you have any questions please contact Tara White @ <u>twhite@mlbc-aapl.org</u>. Please contact Jeremy White at <u>jwhite@eqt.com</u> for dinner meeting sponsorships.







2014 EXECUTIVE COMMITTEE



President Anthony Farr, RPL Tioga Resources <u>afarr@tioga-resources.com</u>



Director Rex Cecil Ray EQT Production <u>cray@eqt.com</u>



Vice President Aaron R. Yost, CPL Percheron Energy aaron.yost@percheronllc.com



Director Christa Dotson EQT Production <u>cdotson@eqt.com</u>



Secretary John Kimbleton, CPL Latitude Land and Regulatory jkimbleton@gmail.com



Director Justin Wolford, RPL ECA jwolford@eca.com



Treasurer Jeremy Preston, RPL EQT Production jpreston@eqt.com



National Director Mark A. Acree, CPL Noble Energy, Inc. <u>macree@nobleenergyinc.com</u>



Sergeant-At-Arms Britney Crookshanks, RPL Northeast Natural Energy bcrookshanks@nne-llc.com



President Emeritus Charles E. Heilmann, CPL EQT Production <u>cheilmann@eqt.com</u>



Executive Assistant Tara White MLBC twhite@mlbc-aapl.org

2014—2015 COMMITTEE CHAIRS

Awards	Bruce Turner, CPL	bruce.turner@steptoe-johnson.com
Bylaws	Chris Elswick	chris.elswick@steptoe-johnson.com
Certification	James E. Talkington, Jr., CPL/ESA	jeta@frontier.com
Education	Christa Dotson, RPL	<u>cdotson@eq</u> t.com
Ethics	Doug Richards	honordjr@aol.com
Fall Golf	Steve Carr, RPL	steve.carr@tsdudley.com
Finance	Jeremy White, RPL	jwhite@eqt.com
Historian	David Aman	davidaman@consolenergy.com
Marketing	Jesse Zirillo	jzirillo@dmclaw.com
Membership	Jeremy D. Preston , RPL	jpreston@eqt.com
Directory	Crystal Murphy	<u>cmurphy@tioga-resources.com</u>
NAPE East	Aaron Yost , CPL	<u>aaron.yost@percheronllc.com</u>
Plate Program	Ben King, RPL	<u>benjaminking@suddenlink.net</u>
Photography	Marlene Heilmann	marheilmann@yahoo.com
Spring Golf	Aaron Yost, CPL	aaron.yost@percheronllc.com
Sponsorships	Jeremy White, RPL	jwhite@eqt.com
Website /Job Bank	Jeremy D. Preston , RPL	jpreston@eqt.com

MLBC SCHEDULE				
<u>Date</u>	Location	<u>Speaker</u>	<u>Topic</u>	
January 6, 2015	WVU Evansdale Campus Morgantown, WV	Shawn Gruschecky	Spreadsheets and Energy Land Management	
January 15, 2015	Hilton Garden Inn, Canonsburg, PA	Stacey Brodak Noble Energy	TBD	
February 12, 2015	Bridgeport Conference Center Bridgeport, WV	Seminar	TBD	
March 12, 2015	The Lafayette Marietta, OH	Doug Richards Honor Resources Co.	Ethics	
May 8, 2015	Oglebay Resort, Wheeling, WV		Spring Golf Outing	
June 11, 2015	Location TBD		Officer Induction	



MEMBERSHIP INFORMATION

Michael Late Benedum



"The Great Wildcatter"

The MLBC membership application is located on the website at <u>www.mlbc-aapl.org</u>. 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 <u>twhite@mlbc-aapl.org</u>.

Notice of the application(s) of all potential Chapter members 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.



MLBC WEBSITE

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



JOB BANK

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



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 <u>www.mlbc-aapl.org/VPhoto.php</u>.