

# The Takeoff

News for Landmen

Published by the Michael Late Benedum Chapter of AAPL

September 2011 Issue

## The Presidential Address



I hope everyone had a good time at the September meeting. According to all accounts, the golf on Mystic Rock, sporting clays at the Field Club and tour at Falling waters were fun events. We had an enjoyable social time, dinner and intriguing speech by Joe Hardy. I know the raffle and golf tournament gifts were a big hit. Many thanks go out to the sponsors of this event and our golf event co-chairman Steve Carr and Brandon Ward for their leadership.

In order for us to have such a good time, many things had to happen behind the scenes. The preparation for all MLBC events, big and small, take lots of dedication by our board members and volunteers. Many hours of work go into conceptualizing and organizing these events. Planning months in advance and coordinating the activities from beginning to end take more hours than most can imagine. Its almost like having another job, and in some cases, it is. Several of our committee members work tireless hours on their primary job

and then contribute hours a week on MLBC events. Some of our member companies provide allowances for these individuals to accomplish our organizations tasks while maintaining their heavy workloads. To those companies, we offer a great deal of thanks for supporting this organization.

Now on to a topic that continues to arise in our organization and industry, "Landman Ethics". We hear all the time that Landmen are using unethical tactics, and many times, out right lies to push or coerce landowners into executing documents. Sometimes, it may be due to a lack of understanding, as many of the Landman new to this region may not be aware of particular state rules, regulations and statutes. Or maybe, they simply don't "get" the culture of the region, and this ultimately leads them into "hot water" with a landowner. Just because a certain tactic works in Louisiana, Oklahoma or Texas, does not mean it's appropriate in Ohio, Pennsylvania or West Virginia. Facts are facts, lies are lies, and what may be the grey area in between, is sometimes hard to explain. But, being armed with the correct information puts you ahead of the game, and being up front and honest in your dealings is always a good policy.

Landman and their companies should be pre-

pared when entering a new area and make sure they understand the customs, culture, laws and regulations of the state they are working. Many will say, "leasing is leasing" or "land work is land work" wherever you go. While the concept is reasonable, the characteristics of each area may be vastly different. It is up to the Landmen and the companies employing them to seek out these differences and make sure they understand them prior to working in a new area. Knowledge is a powerful tool for negotiations.

The issues created from unethical behavior can be much farther reaching than just a specific issue with a landowner. Occasionally, as has been the case in recent years, issues have reached all the way to state government in the form of potential legislation that could cause a great upheaval in the way we conduct our business and make a living. The unlawful practice of law and licensing scenarios have taken root in several states causing the AAPL and its local associations to wage battle with the states on these issues. Should state legislators obtain victory on these issues, our livelihood will certainly change and a career as a Landman will definitely become more difficult and expensive.

“ . . . being up front and honest in your dealings is always a good policy.”



### Inside this issue:

|                          |   |
|--------------------------|---|
| The Presidential Address | 1 |
| Secretary's Report       | 2 |
| Treasurer's Report       | 2 |
| Golf Outing              | 3 |
| Clay Shoot Up-Date       | 4 |
| AAPL Regional Director's | 5 |
| Letter to the Editor     | 6 |
| Meeting Schedule         | 7 |
| Membership               | 8 |

## The Presidential Address (con't.)

Members of the MLBC and AAPL should be mindful of the code of ethics they swore to uphold as a condition of their membership. Moreover, all Landmen should be aware that most companies that hire them have specific ethical standards in their mission statements. For the sake of the reputations of our members and our organizations, reported incidences of members' ethical misconduct need to be taken seriously and regularly addressed at meetings and reviews. A Landman under review

should not treat this as an insignificant event; an ethical investigation has the potential to ruin a career.

In our line of work, too often Landmen are labeled successful when they get documents executed quickly (a/k/a "ink getters"). Some work tirelessly on negotiating, while others resort to pressure and obscure threats, without considering the reputation that is developing. Let us remember the wise saying, "Patience is a Virtue". The positive goodwill for your

employer/client that you generate by spending extra time in honest negotiation will be the cornerstone of your career as a Landman. Equally important, you are also creating a positive view of the Land profession, and our industry as a whole.

Hope to see you at the upcoming meeting in Wheeling. Until then, be safe, productive and happy in what you do each day.

*Mark A. Acree  
MLBC President  
2011-2012*

"Let us  
remember the  
wise saying,  
"Patience is a  
Virtue."

## Secretary's Report

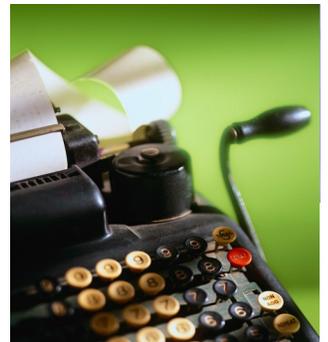


This month's newsletter underwent a dramatic change in format. This new format is designed to improve "readability" of the newsletter. I would like to take this opportunity to thank my assistant, Misty Christie, for doing such a wonderful job.

She worked very hard to improve our newsletter. I would also like to thank everyone that contributed to "The Takeoff." I hope you enjoy the new format. Misty welcomes your suggestions and comments at [mchristie@eqt.com](mailto:mchristie@eqt.com).

## Treasurer's Report

Cynthia Torbeck reports that the bank balance is \$49,311.80. There are no outstanding bills. MLBC 2010 fiscal year taxes are in the hands of our new accountant Randy Preston, and will be filed with the IRS by November 15, 2011.



## Golf Outing

The MLBC Fall Golf Outing was held at beautiful Mystic Rock Golf Course, part of the Nema-colin Woodlands Resort, followed by a reception, dinner meeting and prizes. The event was coordinated by Brandon Ward and Steve Carr of T.S. Dudley Land Company, Inc. After a weeklong storm rolled through the area, blue skies cleared the way for all 148 golfers to enjoy a day of catching up with clients or old friends, and trying to hit the ball around the brutal PGA proven Mystic Rock. Prizes in an amount exceeding \$17,000 were given away at this year's event due to our generous sponsors, with over 40 golf enthusiasts leaving with more than they arrived with. Prizes included cash, flat screen LED televisions,

drivers, iron sets, putters, and other golf related items.

Due to the high demand for this year's registration, the MLBC expects next year's event to fill two squads of golfers and utilize both courses. We look forward to next year's event! Below are a few pictures taken during the golf outing. Additional pictures are available on the MLBC website.



## October Sponsors

*EQT Production Company*

*Mason Dixon Energy*

*Arnold L. Schulberg, Esq.*

*Honor Resources*

*Terra Services, LLC*

*Huntley & Huntley, Inc.*

*Stephoe & Johnson, PLLC*

## MLBC Clay Shoot Up-Date

The MLBC Meeting – Clay Shoot – was a success. The weather turned out nice for the afternoon and everyone enjoyed the time to socialize with other Land men, while showing off their shooting talents. This was a co-ed Clay Shoot made up of a total of 12 people. Although the men outnumbered the ladies, I believe the women felt both comfortable and confident

in their shooting abilities while competing with the guys. This was just a fun shoot. No one kept score. So if you were to ask who was the top scorer, they would all say “I was.”



Cindy Torbeck



The Gang!



Rich Robb and John Agostinelli



The clays had no chance.



Sherry Gorman, Carol Hoch, Marlene Heilmann, and Doug Richards—toured Falling Waters

## AAPL Regional Director's Report



**T**he September 2011 Board Meeting of the AAPL was held at the Four Seasons Palm Beach, in Palm Beach, Florida on Sunday, September 11, 2011. The following is my report:

- ◆ Attendance at Summer NAPE was about the same as Summer NAPE 2010. Official numbers are still being tabulated but there were approximately 5,200-5,300 attendees. There was a drop in exhibitor booths by 42. Considering the short time in which the operational management was changed, the smoothness in carrying out Summer NAPE was remarkable. AAPL has hired a new Director of NAPE Operations, Traci Cook Lee, who has a strong background in event management.

- ◆ AAPL membership is currently ~13,100. There are roughly 1,200 renewals outstanding. AAPL's Membership Committee is preparing a formal value proposition as to AAPL dues that will lay out the excellence of that minimal investment to members and prospective members.

- ◆ AAPL is working with a marketing firm as to "branding" AAPL. Efforts are underway to trademark the AAPL name, initials and logo.

- ◆ Current treasury balance is \$22.8 million. A large part of that represents resurgence in value of the AAPL investment portfolio.

- ◆ The By-laws and Policy Manual Review Committee presented its draft of initial revisions to the By-laws. The expectation is that the revisions will be finalized and presented at the December 2011 meeting, voted upon by the Board of Directors at the March 2012 meeting and put to the membership for a vote at the Annual Meeting in June 2010 in San Francisco. Changes to the Policy Manual will follow in the year after that

and will require approval of the Board only.

- ◆ Greg Zerkel is chairman of the Annual Meeting in San Francisco. Best of luck, Greg!

- ◆ A vote was taken and approved to have the 2013 Annual Meeting in Washington, DC.

- ◆ The Forms Committee will be working on a set of horizontal drilling provisions to the Model Form Joint Operating Agreement. Fred McDonald will be heading up that project.

*Arnold L. Schulberg*  
*Regional Director*

## Letter to the Editor

**L**etter to the Editor... actually a letter to my fellow Landmen:

For the past 30+ years it has been my pleasure to be an active member of the MLBC and the AAPL. I have had the opportunity to serve on many committees, as an Officer, and as Regional Director representing the MLBC at the national level. I wish to thank the MLBC Executive Committee for recently granting me Honorary Membership to the MLBC...it is greatly appreciated. It was my honor to serve such a great organization.

I also wish to apologize for my recent outburst at the MLBC Meeting at Nema-colin Woodlands...I should have handled the situation in a more professional manner, but it was obvious

that many of the Landmen in the room didn't understand that there is a time and place to carry on a conversation and there is a time and place to be respectful to others. What truly concerns me about this behavior is that the same may go the root of a lot of the bad press our profession is receiving lately... being a good Landman starts with having respect for others.

I will close by saying that it is the duty of every member Landmen, whether they are associated with the AAPL, the MLBC or another Landman Association to foster ethical standards for fair and honest dealings with the **public at large, our employers, our clients, and with other Landmen.**

*Jud Byrd*



“... there is a time and place to carry on a conversation and there is a time and place to be respectful to others.”

## Next Meeting Scheduled Thursday, October 13, 2011

Join us for our October dinner meeting at Wheeling Island Hotel & Casino. Our guest speaker will be Bill Phillips, Land Manager for Hunt Oil. He will be sharing his international negotiating experience. Registration fee is \$50.00. Social hour scheduled at 5:00 p.m. with dinner at 6:00 p.m. Drinks are free thanks to our meeting sponsors! If you have any questions about the dinner meeting, please contact us at [Reservations@MLBC-AAPL.org](mailto:Reservations@MLBC-AAPL.org).

## 2011-2012 MLBC Meeting Schedule (remains under construction)

| <u>Date</u>                                   | <u>Location</u>                                  | <u>Topic</u>   | <u>Speaker</u> |
|---|--|--|----------------|
| October 13, 2011                              | Wheeling Island Hotel & Casino<br>Wheeling, WV   | Sharing his<br>international<br>negotiating experience     | Bill Phillips  |
| November 10, 2011                             | Shriner's Lodge<br>Marietta, OH                  | Marcellus<br>Development                                   | Corky Demarco  |
| December 8, 2011                              | Hilton Garden Inn<br>Southpointe, PA             | Joint luncheon<br>with NALA                                |                |
| <i>Possible new date:</i><br>January 12, 2012 | Pittsburgh, PA                                   | Joint luncheon<br>with NALA                                |                |
| February 9, 2012                              | Chadwick Event Center<br>Pittsburgh, PA          |  |                |
| March 8, 2012                                 | Waterfront Place Hotel<br>Morgantown, WV         |  |                |
| April 12, 2012                                | Bella Sera<br>Pittsburgh, PA                     |  |                |
| May 10, 2012                                  | Wheeling Island Hotel and Casino<br>Wheeling, WV | Joint seminar with<br>EMLF and<br>MLBC Charity Golf Outing |                |
| June 7, 2012                                  | Bridgeport Conference Center<br>Bridgeport, WV   | Introduction of new officers                               |                |

## Support Your Local Association

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.



## Memberships

The MLBC membership application is located on the website at [www.mlbc-aapl.org](http://www.mlbc-aapl.org). If you failed to renew your MLBC membership timely, please complete a new membership application and submit it with the required reinstatement fee.

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 Jeremy D. Preston at [jpreston@eqt.com](mailto:jpreston@eqt.com).



## September 2011— New Members\*

| <u>First Name</u> | <u>Last Name</u> | <u>Employer</u>            | <u>Member Type</u> |
|-------------------|------------------|----------------------------|--------------------|
| Gwynne            | Anderson         | Anderson Legal Information | Associate          |
| Tyler             | Daffinee         | Arete Acquisitions, LLC    | Active             |
| lisa              | Schawalder       | Brighton Resourse          | Associate          |
| Robin             | Richardson       | EQT Production             | Active             |
| Victoria          | Roark            | EQT Production Company     | Associate          |
| Adam              | Stover           | EQT Production Company     | Associate          |
| Kris              | Sampson          | Hawkeye Research Inc       | Active             |
| Kate              | Bennett          | Holland Service            | Associate          |
| Valerie           | Antonette        | Holland Services           | Associate          |
| Cara              | Davis            | Holland Services           | Active             |
| Michael           | McDine           | Holland Services           | Active             |
| Laura             | Riebe            | Holland Services           | Associate          |
| Barbara           | Bowker           | Holland Services           | Associate          |
| Bryan             | Gaudin           | Holland Services           | Active             |
| Kathleen          | Bremer           | Holland Services           | Associate          |
| Michele           | Kraft            | Honor Resources            | Associate          |
| Rebecca           | Maddox           | Honor Resources            | Active             |
| Sheila            | Salyer           | Mason Dixon Energy         | 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.



Michael Late Benedum Chapter

3945 Forbes Ave., #451  
Pittsburgh, PA 15213



**We are on the web!**  
**[www.mlbc-aapl.org](http://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](mailto:JPreston@eqt.com).

## NEW MAILING ADDRESS

As many of you are aware, we have had a lot of trouble with our existing Post Office Box. Part of that problem is each year we have to forward mail to the newly elected officer and it depends on the USPS to see that the mail reaches that person. In order to make this a seamless process in the future, the Executive Committee voted to use the services of the UPS Store. The UPS Store will forward the mail on a weekly basis to the appropriate officer. This officer and their address can be changed at anytime.

Please make note of our new address: Michael Benedum Chapter of the AAPL (MLBC) 3945 Forbes Ave., #451, Pittsburgh, PA 15213.

## 2010-2011 Officers and Executive Committee

|                    |                          |  |
|--------------------|--------------------------|--|
| President          | Mark A. Acree, CPL       | <a href="mailto:mark.acree@sylvanenergy.com">mark.acree@sylvanenergy.com</a>           |
| Vice President     | Richard B. Robb          | <a href="mailto:RichardBRobb@tanglewoodexp.com">RichardBRobb@tanglewoodexp.com</a>     |
| Secretary          | Charles E. Heilmann, CPL | <a href="mailto:CHeilmann@eqt.com">CHeilmann@eqt.com</a>                               |
| Treasurer          | Cynthia L. Torbeck, CPL  | <a href="mailto:CTorbeck@HawkeyeResearchInc.com">CTorbeck@HawkeyeResearchInc.com</a>   |
| Sergeant at Arms   | Rex Cecil Ray            | <a href="mailto:cray@eqt.com">cray@eqt.com</a>   |
| Director           | Darryl H. Griwatz, CPL   | <a href="mailto:darryl@HonorResourcesCompany.com">darryl@HonorResourcesCompany.com</a> |
| Director           | John Kimbleton, CPL      | <a href="mailto:john.kimbleton@chk.com">john.kimbleton@chk.com</a>                     |
| Director           | Aaron R. Yost, RPL       | <a href="mailto:ayost@mdenergy.com">ayost@mdenergy.com</a>                             |
| President Emeritus | James B. McPherson, CPL  | <a href="mailto:brad.mcpherson@cabotog.com">brad.mcpherson@cabotog.com</a>             |

## 2010-2011 Committee Chairs

|                     |                                   |  |
|---------------------|-----------------------------------|--|
| Regional Director   | Arnold L. Schulberg, CPL          | <a href="mailto:aschulberg@suddenlink.net">aschulberg@suddenlink.net</a>           |
| Certification       | James E. Talkington, Jr., CPL/ESA | <a href="mailto:jeta@frontier.com">jeta@frontier.com</a>                           |
| Membership          | Jeremy D. Preston                 | <a href="mailto:jpreston@eqt.com">jpreston@eqt.com</a>                             |
| Meeting Coordinator | Rich Robb                         | <a href="mailto:RichardBRobb@tanglewoodexp.com">RichardBRobb@tanglewoodexp.com</a> |
| Education           | Anthony Farr                      | <a href="mailto:AFarr@HawkeyeResearchInc.com">AFarr@HawkeyeResearchInc.com</a>     |
| Historian           | Frederick J. Kent, CPL            | <a href="mailto:KentFrederick@Hotmail.com">KentFrederick@Hotmail.com</a>           |
| Ethics              | Carol Hoch                        | <a href="mailto:carol.hoch@cabotog.com">carol.hoch@cabotog.com</a>                 |
| Finance             | Mark Acree, CPL                   | <a href="mailto:mark.acree@sylvanenergy.com">mark.acree@sylvanenergy.com</a>       |
| Meeting Sponsors    | Rex Cecil Ray                     | <a href="mailto:cray@eqt.com">cray@eqt.com</a>                                     |
| Website             | Jeremy Preston                    | <a href="mailto:jpreston@eqt.com">jpreston@eqt.com</a>                             |
| Photography         | Britney Robinson                  | <a href="mailto:brobinson@mdenergy.com">brobinson@mdenergy.com</a>                 |

