

**17-0023 and 17-0024**

**2018 ABPLAB 11**

**Appellants** – Paul Rizko and Jessie MacEachern, **Operator** – Paul Rizko and Jessie MacEachern, **Location** – Municipal District of Opportunity No. 17, **Type of Appeal** – Discontinuance

Notices of Appeal were received from Mr. Les Helm, agent for Mr. Paul Rizko and Ms. Jessie MacEachern, on December 4, 2017. The appeals were with respect to the November 17, 2017 decisions of the Director, Alberta Environment and Parks, to refuse applications for surface material exploration SME 170042 and surface material exploration SME 170043 as the applications did not comply with the Alberta Aggregate (Sand and Gravel) Allocation Directive for Commercial Use on Public Land. The proposed SMEs did not meet the requirement that neither the applicants nor any affiliated entities had applied for nor were the holder of any other surface material dispositions under the *Public Lands Act* within a six mile radius of the disposition area. In rejecting the applications, the Director stated that Paul Rizko and Tim Kalinski are considered affiliated entity, and Jessie MacEachern, Tim Kalinski, Zach Kalinski and Matthew Kalinski are directors for Macinski Land Development Inc. The Appellants alleged the Director who made the decision erred in the determination of a material fact on the face of the record, erred in law, exceeded the Director's or Officer's jurisdiction or legal authority and that the decisions be reversed and the disposition applications be approved.

The Board began processing the appeals when on March 27, 2018 the Appellants withdrew the appeals. Based upon the withdrawal of the appeals, on the same date, the Board discontinued its proceedings and closed its files on March 27, 2018.

Cite: Rizko and MacEachern v. Director, Alberta Environment and Parks (27 March 2018), Appeal Nos. 17-0023 and 17-0024 (A.P.L.A.B.), 2018 ABPLAB 11