

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the matter of the request to transfer wells from) Docket No. 25-CONS-3236-CMSC
Quito, Inc. to Emerson Operating, LLC.)
) CONSERVATION DIVISION
)
_____) License No. 33594 & 36165

**PRE-FILED TESTIMONY OF
DUANE SIMS
ON BEHALF OF COMMISSION STAFF
APRIL 11, 2025**

1 **Q. What is your name and business address**

2 A. Duane Sims, 137 E. 21st Street, Chanute, Kansas 66720.

3 **Q. By whom are you employed and in what capacity?**

4 A. I am employed by the Conservation Division of the Kansas Corporation Commission (KCC
5 or Commission), District #3 Office, as Manager for the Underground Injection Control (UIC)
6 Program, and as an Environmental Compliance and Regulatory Specialist (ECRS).

7 **Q. Would you please briefly describe your background and work experience?**

8 A. I started working for the Conservation Division's District #3 Office as an ECRS in December
9 2007. In December 2019, I was promoted to UIC Program Manager. As an ECRS, I was
10 primarily responsible for the witnessing and monitoring of oil and gas related activities in
11 Chautauqua, Elk, and the west half of Montgomery County, Kansas. My responsibilities
12 included the witnessing and verification of the drilling and completion of oil, gas, injection,
13 and disposal wells. I investigated spills and complaints directly related to current and
14 historical oil and gas activities in those areas. I also witnessed mechanical integrity tests
15 (MITs) and casing integrity tests (CITs), wells being plugged, and well casing repairs.

16 Now, in addition to my role as UIC Program Manager, I fill in for other ECRSs within
17 District #3 as needed. This generally includes conducting GPS surveys on new and abandoned
18 wells to verify the exact location and the status of wells on operators' well inventories.
19 Further, I work with District Staff and Central Office Staff to complete various projects and
20 requests.

21 **Q. What are your duties as the UIC Program Manager?**

22 A. As UIC Program Manager, I track and monitor approximately 9,500 injection and disposal
23 wells in District #3. I have oversight of the witnessing of routine and non-routine MIT tests.

1 Additionally, I witness UIC wells being plugged or repaired. I provide technical support
2 directly to industry, field, and administrative Staff, in order to implement the District's UIC
3 program. This process involves both the direct review and oversight of District Staff by
4 checking documentation in permits to ensure that KOLAR forms are processed in adherence
5 with the associated permits when MITs are conducted. My position also entails generating
6 written notifications specifying testing deadlines within current tracking cycles on subject
7 wells. I am also responsible for generating the 14-day Notice of Violation (NOV) letters and
8 the failed MIT NOV letters for District #3, and tracking those deadlines to ensure compliance.
9 Finally, I work directly with field Staff to train them on their daily activities and to give them
10 a better understanding of the rules and regulations of the Commission.

11 **Q. Have you previously testified before the Commission?**

12 A. Yes.

13 **Q. What is the purpose of your testimony in this matter?**

14 A. The purpose of my testimony is to discuss my knowledge of the relationship between Mr. Joe
15 Harper of Emerson Operating, LLC (Emerson) and Mr. Mark McCann of Quito, Inc. (Quito).

16 **Q. Are you familiar with Mr. Joe Harper?**

17 A. I am aware of who Mr. Harper is. He is the president of Emerson Operating LLC, License
18 No. 36165.

19 **Q. Are you familiar with Mr. Mark McCann?**

20 A. Yes, I have known Mr. McCann since the beginning of my employment with the KCC and
21 have had many interactions with him.

1 **Q. To your knowledge has Mr. Harper performed work for Mr. McCann or any of**
2 **Mr. McCann's companies?**

3 A. Yes. It is my understanding that Mr. Harper has performed work for Mr. McCann. On March
4 3, 2025, I received an email from Mr. Harper about scheduling MITs for injection wells
5 belonging to Quito. These wells are not included as part of the Request for Change of
6 Operator (T-1) forms between Quito and Emerson. In that email Mr. Harper stated that
7 Emerson was working for Quito as an independent contractor. I have attached a copy of that
8 email to my testimony as *Exhibit DS-1*.

9 **Q. Is there anything else in your opinion that establishes a relationship between**
10 **Mr. Harper and Mr. McCann?**

11 A. Yes. I have attached the five U-7s that Mr. Harper has been a part of performing on Quito's
12 leases to my testimony as *Exhibit DS-2*. It is my understanding based on communications
13 that I have had with the KCC ECRS assigned to that particular area, Mr. Thad Triboulet, that
14 all decisions made during MITs performed by Emerson are made through phone calls or text
15 messages between Mr. McCann and Mr. Harper. This is similar to the way decisions were
16 previously made when a company named Thor Operating, LLC (Thor) was conducting work
17 on some of Quito's leases after Quito's license had been denied by the Commission.

18 **Q. Do you believe that Mr. McCann is using Mr. Harper/Emerson to operate select wells?**

19 A. Yes. As I mentioned above, it is my understanding based on my discussions with ECRS Thad
20 Triboulet that Mr. McCann has been very much involved with routine decision making while
21 the MITs were being performed on these wells.

1 **Q. Do you have any knowledge of Mr. McCann attempting to do this before?**

2 A. Yes. I previously was involved with and testified in a docket regarding the connection
3 between Mr. McCann and Mr. Scott Goetz of Thor. In a similar fashion, Mr. Goetz obtained
4 an operator's license and attempted to operate specific wells around the time that Quito lost
5 its license due to Commission order. The Commission determined that Mr. McCann could
6 not operate his wells through Mr. Goetz/Thor. Here, it appears that Mr. McCann is now
7 attempting to do something similar through Emerson.

8 **Q. Does this conclude your testimony?**

9 A. Yes.

Duane Sims [KCC]

From: Joe H Harper <jhharper11@aol.com>
Sent: Tuesday, March 4, 2025 1:50 PM
To: Duane Sims [KCC]
Cc: Troy Russell [KCC]; Kelcey Marsh [KCC]; Tristan Kimbrell [KCC]
Subject: Re: MIT tests

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Got it. Thanks

[Sent from the all new AOL app for iOS](#)

On Tuesday, March 4, 2025, 9:58 AM, Duane Sims [KCC] <Duane.Sims@ks.gov> wrote:

Joe,

On February 26, 2025 the authorization of the injection/disposal wells listed on Quito, Inc's license have been revoked and put on the PL list. Any further questions concerning these wells will need to be communicated with the Kansas Corporation Commission Legal Staff. Thanks.

Duane A. Sims

UIC Coordinator | Environmental Compliance and Regulatory Specialist



Conservation Division

Kansas Corporation Commission

137 E. 21st Street | Chanute, KS | 66720

Office (620) 905-6542 | Cell (620)212-3029

New Email Address | Duane.Sims@ks.gov

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From: Joe H Harper <jhharper11@aol.com>
Sent: Monday, March 3, 2025 4:22 PM
To: Duane Sims [KCC] <Duane.Sims@ks.gov>
Subject: MIT tests

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Duane Sims, I was scheduled to conduct MIT tests on Morton 3 and 28 and Flossie white 14 wells with Thad Triboulet last Friday, February 28, but it was canceled . Emerson Operating,LLC is providing this service as an independent contractor to Quito, Inc to conduct MIT tests it was directed to do on this well and others. What do I need to do to re-schedule thes wells? Thank you for your time and assistance. Joe. h Harper for Emerson Operating, LLC

[Sent from the all new AOL app for iOS](#)

**KANSAS CORPORATION COMMISSION
OIL & GAS CONSERVATION DIVISION
CASING MECHANICAL INTEGRITY TEST**

Form U-7
August 2019

Disposal: Enhanced Recovery: KCC District No.: 3
 Operator License No.: 33594 Name: Quito Inc.
 Address 1: 1613 W 6th St.
 Address 2: _____
 City: Bartlesville State: KS Zip: 74003 + 3712
 Contact Person: Mark McCann Phone: (918) 798-4365

API No.: 15-019-24035-00-01 Permit No.: E 24472.2
 Sec. 7 Twp. 34 S. R. 11 East West
 1977' Feet from North / South Line of Section
 612' Feet from East / West Line of Section
 Lease: M&M Kirchner Well No.: 4
 County: CQ

RECEIVED
KCC Dist #3

Well Construction Details: New well Existing well with changes to construction Existing well with no changes to construction
 Maximum Authorized Injection Pressure: 300 psi Maximum Injection Rate: 200 bbl/d

May 11 2024
Chanute, KS

	Conductor	Surface	Intermediate	Production	Liner	
Size:		7"		4.5"		Size: _____
Set at:		250'		1450'		Set at: _____
Sacks of Cement:		85		165		Type: _____
Cement Top:		0		0		
Cement Bottom:		250'		1450'		

Packer Type: _____ Set at: _____
 DV Tool Port Collar Depth of: _____ feet with _____ sacks of cement TD (and plug back): _____ feet depth
 Zone of Injection Formation: Wayside Top Feet: 1366' Bottom Feet: 1384' Perf. or Open Hole: perf

Is there a Chemical Sealant or a Mechanical Casing patch in the annular space? Yes No

If Dual Completion - Injection is: Above Production Below Production

FIELD DATA

GPS Location: Datum: NAD27 NAD83 WGS84 Lat: 37.103806 Long: -096.238102 Date Acquired: 07/09/2014

Type MIT: Fluid Depression MIT Reason: 5 year test

Time in Minute(s):	20	40	60			
Pressures: Set up 1	<u>70 psi</u>	<u>70 psi</u>	<u>70 psi</u>			
Set up 2						
Set up 3						

Tested: Casing or Casing - Tubing Annulus System Pressure during test: _____ Bbls. to load annulus: _____

Test Date: 11/13/2024 Using: nitrogen company equipment Company's Equipment _____

The zone tested for this well is between 0 feet and 1366' feet.

The test results were verified by operator's representative:

Name: Joe Harper Title: supervisor Phone: (918) 639-2913

KCC Office Use Only	State Agent: <u>Thad Triboulet</u> Title: <u>ECRS</u> Witness: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Remarks: <u>(TP) 1366' - (FL) 1164' = 202' - 50 = 152' x .43 = 65.36 psi. ACO-1 on record (RBDMS).</u>
	All information came from the ACO-1 and matches the permit.
The results were:	
<input checked="" type="checkbox"/> Satisfactory	
<input type="checkbox"/> Not Satisfactory	
Next MIT: <u>11/13/2029</u>	

DAS
APR 08 2025

**KANSAS CORPORATION COMMISSION
OIL & GAS CONSERVATION DIVISION
CASING MECHANICAL INTEGRITY TEST**

Form U-7
August 2019

Disposal: Enhanced Recovery: KCC District No.: 3
 Operator License No.: 33594 Name: Quito Inc.
 Address 1: 1613 W 6th St.
 Address 2: _____
 City: Bartlesville State: KS Zip: 74003 + 3712
 Contact Person: Mark McCann Phone: (918) 798-4365

API No.: 15-019-20614-0001 Permit No.: E 17888.1
 Sec. 23 Twp. 34 S. R. 11 East West
4104' Feet from North / South Line of Section
3687' Feet from East / West Line of Section
 Lease: Smith Lolly Well No.: 2
 County: CQ

RECEIVED
KCC Dist #3

NOV 11 2024

Tubing
Chanute, KS

Well Construction Details: New well Existing well with changes to construction Existing well with no changes to construction
 Maximum Authorized Injection Pressure: 150 psi Maximum Injection Rate: 600 bbl/d

	Conductor	Surface	Intermediate	Production	Liner	
Size:		<u>7"</u>		<u>4.5"</u>		Size: _____
Set at:		<u>22'</u>		<u>1125'</u>		Set at: _____
Sacks of Cement:		<u>N/A</u>		<u>N/A</u>		Type: _____
Cement Top:		<u>0</u>		<u>0</u>		
Cement Bottom:		<u>22'</u>		<u>1125'</u>		

Packer Type: _____ Set at: _____

DV Tool Port Collar Depth of: _____ feet with _____ sacks of cement TD (and plug back): _____ feet depth

Zone of Injection Formation: Wayside Top Feet: 960' Bottom Feet: 980' Perf. or Open Hole: perf

Is there a Chemical Sealant or a Mechanical Casing patch in the annular space? Yes No

If Dual Completion - Injection is: Above Production Below Production

FIELD DATA

GPS Location: Datum: NAD27 NAD83 WGS84 Lat: 37.080202 Long: -096.176026 Date Acquired: 11/04/2014

Type MIT: Fluid Depression MIT Reason: 5 year test

Time in Minute(s): 20 40 60

Pressures:	Set up 1	Set up 2	Set up 3
	<u>265 psi</u>	<u>265 psi</u>	<u>265 psi</u>
	_____	_____	_____
	_____	_____	_____

Tested: Casing or Casing - Tubing Annulus System Pressure during test: _____ Bbls. to load annulus: _____

Test Date: 11/13/2024 Using: nitrogen company equipment Company's Equipment _____

The zone tested for this well is between 0 feet and 960' feet.

The test results were verified by operator's representative:

Name: Joe Harper Title: supervisor Phone: (918) 639-2913

KCC Office Use Only	State Agent: <u>Thad Triboulet</u> Title: <u>ECRS</u> Witness: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Remarks: <u>(TP) 960' - (FL) 300' = 660' - 50 = 610' x .43 = 262.30 psi. ACO-1 incomplete. (Eastern Kansas).</u>
	All information came from the last U7.
	<u>11/13/2029</u>

DAS
APR 08 2025

**KANSAS CORPORATION COMMISSION
OIL & GAS CONSERVATION DIVISION
CASING MECHANICAL INTEGRITY TEST**

Form U-7
August 2019

Disposal: Enhanced Recovery: KCC District No.: 3
 Operator License No.: 33594 Name: Quito Inc.
 Address 1: 1613 W 6th St.
 Address 2: _____
 City: Bartlesville State: KS Zip: 74003 + 3712
 Contact Person: Mark McCann Phone: (918) 798-4365

API No.: 15-019-20551-00-01 Permit No.: E 17888.3
 NE SE SE NW Sec. 23 Twp. 34 S. R. 11 East West
 _____ Feet from North / South Line of Section
3207'
 _____ Feet from East / West Line of Section
2848'
 Lease: McFarlane Delong Well No.: 7
 County: CQ

Well Construction Details: New well Existing well with changes to construction Existing well with no changes to construction

Maximum Authorized Injection Pressure: 300 psi Maximum Injection Rate: 200 bbl/d

	Conductor	Surface	Intermediate	Production	Liner	Tubing
Size:		<u>7"</u>		<u>4.5"</u>		
Set at:		<u>20'</u>		<u>1307'</u>		
Sacks of Cement:		<u>N/A</u>		<u>145</u>		
Cement Top:		<u>0</u>		<u>0</u>		
Cement Bottom:		<u>20'</u>		<u>1307'</u>		

Packer Type: _____ Set at: _____

DV Tool Port Collar Depth of: _____ feet with _____ sacks of cement TD (and plug back): _____ feet depth
 Zone of Injection Formation: Wayside Top Feet: 1246' Bottom Feet: 1264' Perf. or Open Hole: perf

Is there a Chemical Sealant or a Mechanical Casing patch in the annular space? Yes No

If Dual Completion - Injection is: Above Production Below Production

FIELD DATA

GPS Location: Datum: NAD27 NAD83 WGS84 Lat: 37.077714 Long: -096.173157 Date Acquired: 07/09/2014

Type MIT: Fluid Depression MIT Reason: 5 year test

Time in Minute(s):	20	40	60			
Pressures: Set up 1	<u>165</u>	<u>165</u>	<u>165</u>			
Set up 2						
Set up 3						

SCANNED
MAR 04 2025

Tested: Casing or Casing - Tubing Annulus System Pressure during test: _____ Bbls. to load annulus: _____

Test Date: 02/17/2025 Using: nitrogen company equipment Company's Equipment _____

The zone tested for this well is between 0 feet and 1246' feet.

The test results were verified by operator's representative:

Name: Joe Harper Title: supervisor Phone: (918) 639-2913

KCC Office Use Only	State Agent: <u>Thad Triboulet</u> Title: <u>ECRS</u> Witness: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Remarks: <u>(TP) 1246' - (FL) 820' = 426' - 50 = 376' x .43 = 161.68 psi. No ACO-1 on record.</u>
	All information came from permit.
The results were:	
<input checked="" type="checkbox"/> Satisfactory	
<input type="checkbox"/> Not Satisfactory	
Next MIT: <u>02/17/2025</u>	

DAS
MAR 04 2025

**KANSAS CORPORATION COMMISSION
OIL & GAS CONSERVATION DIVISION
CASING MECHANICAL INTEGRITY TEST**

Form U-7
August 2019

Disposal: Enhanced Recovery: KCC District No.: 3
 Operator License No.: 33594 Name: Quito Inc.
 Address 1: 1613 W 6th St.
 Address 2: _____
 City: Bartlesville State: KS Zip: 74003 + 3712
 Contact Person: Mark McCann Phone: (918) 798-4365

API No.: 15-019-20613-00-01 Permit No.: E 17888.1
 sw - se - nE - NW Sec. 23 Twp. 34 S. R. 11 East West
 _____ Feet from North / South Line of Section
4199'
 _____ Feet from East / West Line of Section
3158'
 Lease: Smith Lolly Well No.: 1
 County: CQ

Well Construction Details: New well Existing well with changes to construction Existing well with no changes to construction

Maximum Authorized Injection Pressure: 150 psi Maximum Injection Rate: 600 bbl/d

	Conductor	Surface	Intermediate	Production	Liner	Tubing
Size:		<u>7"</u>		<u>4.5"</u>		
Set at:		<u>59'</u>		<u>1209'</u>		
Sacks of Cement:		<u>5</u>		<u>145</u>		
Cement Top:		<u>0</u>		<u>0</u>		
Cement Bottom:		<u>59"</u>		<u>1209'</u>		

Packer Type: _____ Set at: _____

DV Tool Port Collar Depth of: _____ feet with _____ sacks of cement TD (and plug back): _____ feet depth

Zone of Injection Formation: Wayside Top Feet: 1162' Bottom Feet: 1181' Perf. or Open Hole: perf

Is there a Chemical Sealant or a Mechanical Casing patch in the annular space? Yes No

If Dual Completion - Injection is: Above Production Below Production

FIELD DATA

GPS Location: Datum: NAD27 NAD83 WGS84 Lat: 37.080446 Long: -096.174212 Date Acquired: 11/04/2014

Type MIT: Fluid Depression MIT Reason: 5 year test

Time in Minute(s): 20 40 60

Pressures: Set up 1 350 300 295

Set up 2 _____

Set up 3 _____

Tested: Casing or Casing - Tubing Annulus System Pressure during test: _____ Bbls. to load annulus: _____

Test Date: 02/24/2025 Using: nitrogen company equipment Company's Equipment _____

The zone tested for this well is between 0 feet and 1162' feet.

The test results were verified by operator's representative:

Name: Joe Harper Title: supervisor Phone: (918) 639-2913

KCC Office Use Only The results were: <input type="checkbox"/> Satisfactory <input checked="" type="checkbox"/> Not Satisfactory Next MIT: <u>5/25/2025</u>	State Agent: <u>Thad Triboulet</u> Title: <u>ECRS</u> Witness: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Remarks: <u>(TP) 1162' - (FL) 316' = 846' - 50 = 796' x .43 = 342.28psi. No ACO-1 on record. All information came from permit.</u> <u>This well failed because of leak in the casing at surface about 5' down</u>

**DAS
MAR 04 2025**

KANSAS CORPORATION COMMISSION
OIL & GAS CONSERVATION DIVISION

Form U-7
August 2019

CASING MECHANICAL INTEGRITY TEST

Disposal: Enhanced Recovery: KCC District No.: 3
Operator License No.: 33594 Name: Quito Inc.
Address 1: 1613 W 6th St.
Address 2: _____
City: Bartlesville State: KS Zip: 74003 + 3712
Contact Person: Mark McCann Phone: (918) 798-4365

API No.: 15-019-20633-00-00 Permit No.: E 17888.18
SW NE NW Sec. 23 Twp. 34 S. R. 11 East West
4493' Feet from North / South Line of Section
3922" Feet from East / West Line of Section
Lease: Smith Lolly Well No.: 5
County: CQ

Well Construction Details: New well Existing well with changes to construction Existing well with no changes to construction

Maximum Authorized Injection Pressure: 150 psi Maximum Injection Rate: 600 bbl/d

	Conductor	Surface	Intermediate	Production	Liner	Tubing
Size:		<u>7"</u>		<u>4.5"</u>		
Set at:		<u>22'</u>		<u>1209'</u>		
Sacks of Cement:		<u>5</u>		<u>135</u>		
Cement Top:		<u>0</u>		<u>0</u>		
Cement Bottom:		<u>22'</u>		<u>1209'</u>		

Packer Type: _____ Set at: _____

DV Tool Port Collar Depth of: _____ feet with _____ sacks of cement TD (and plug back): _____ feet depth

Zone of Injection Formation: Red Sand Top Feet: 960' Bottom Feet: 970' Perf. or Open Hole: perf

Is there a Chemical Sealant or a Mechanical Casing patch in the annular space? Yes No

If Dual Completion - Injection is: Above Production Below Production

FIELD DATA

GPS Location: Datum: NAD27 NAD83 WGS84 Lat: 37.081275 Long: -096.176829 Date Acquired: 11/13/2014

Type MIT: Fluid Depression MIT Reason: 5 year test

Time in Minute(s): 20 40 60

Pressures: Set up 1 290 psi 290 psi 290 psi

Set up 2 _____

Set up 3 _____

Tested: Casing or Casing - Tubing Annulus System Pressure during test: _____ Bbls. to load annulus: _____

Test Date: 02/24/2024 Using: nitrogen company equipment Company's Equipment _____

The zone tested for this well is between 0 feet and 960' feet.

The test results were verified by operator's representative:

Name: Joe Harper Title: supervisor Phone: (918) 639-2913

KCC Office Use Only

The results were:

- Satisfactory
 Not Satisfactory

Next MIT: 2/24/2030

Thad Triboulet

Title: ECRS

Witness: Yes No

(TP) 960' - (FL) 245' = 715' - 50 = 665' x .43 = 285.95 psi.
ACO-1 incomplete. (Eastern Kansas). Casing and cement information came from permit.
Perforation information came from most recent U-7. This well is permitted for the Wayside Sand.
This MIT cycle tested to the Redd Sand perforations, which this well is not permitted for. An application to inject into the Redd Sand will be needed for further use of this formation.

CERTIFICATE OF SERVICE

25-CONS-3236-CMSC

I, the undersigned, certify that a true and correct copy of the attached Testimony has been served to the following by means of electronic service on April 11, 2025.

MOLLY ASPAN
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Tulsa, OK 74135
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/s/ Paula J. Murray
Paula J. Murray
