

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

DECEMBER 2, 2008

The following is a summary of the December 2, 2008 Meeting:

- I. Meeting called to order at 9:01 AM by Frank Linkous, Chairman. Members present were Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Also present was Mary Gibson, Regulatory Boards Administrator.**
- II. Opening statement delivered by Frank Linkous, Chairman**
- III. Motions made and seconded to accept December 2, 2008 meeting agenda and approve November 4, 2008 meeting summary. All members were in favor to approve.**
- IV. Review of Traditional Case for Violation of Safety Laws (Open Session)**

DM Supervisor John Thomas and DM Inspector Brett Childress presented testimony regarding violations of the Mine Safety Act and the roof control plan for Banner Coal Company, Premium No. 1 Mine. The Board, after hearing the testimony, unanimously agreed to place the individual on probation for one year. Individual was instructed to retake and pass the State and Federal Mine Law sections of the Mine Foreman Examination within the next 45 days. Further, the DM Mine Inspector will conduct a planned observation at the mine site within the next 30 days to monitor the individual's performance in conducting the duties and responsibilities as a certified Mine Foreman. If the individual fails the examination, or the inspector finds any violations during the planned observation of performance, then the individual is subject to further appearance before the Board for review of his certification.

In the matter of a second case for open session, the individual scheduled before the Board did not appear. The Board voted unanimously to allow the individual one more opportunity to appear and if he fails to do so, his certification will then be revoked.

- V. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

VI. Open Agenda

There were no items for discussion in the open agenda. Mr. Linkous and the Board thanked Benny Wampler for his valuable service to the Board. Mr. Wampler will be retiring from the Department of Mines, Minerals and Energy at the end of the year.

VII. Next Meeting

Next meeting will be January 6, 2009.

VIII. Adjournment

Meeting adjourned at 12:40 PM.