

# BOARD OF COAL MINING EXAMINERS

## SUMMARY OF MEETING

APRIL 13, 2009

**The following is a summary of the April 13, 2009 Meeting:**

**I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Also present were Bradley Lambert, Department of Mines Minerals and Energy Assistant Director, Mary Gibson, Regulatory Boards Administrator, and Sharon Pigeon, Senior Assistant Attorney General**

**II. Opening statement delivered by Frank Linkous, Chairman**

**Motions made and seconded to accept April 13, 2009 meeting agenda and approve March 3, 2009, meeting summary. All members were in favor to approve.**

**III. Review of cases of Virginia certificate holders**

- Ronald A. Bowling– An individual Notice of Violation was issued to Mr. Bowling in reference to 45.1-161.177.A. of the Coal Mine Safety Laws of Virginia. Mr. Bowling had been discharged for smoking underground. His General Miner Underground Certification and Gas Detection Certification were temporarily suspended pending appearance before the Board.

**Board Decision:** Board determined that effective April 13, 2009, all certifications granted to Mr. Bowling are revoked permanently.

**IV. 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.

**V. Open Agenda**

The proposal regarding the electrical repairman certification to establish procedures for granting up to six months credit towards experience based upon four criteria was tabled permanently due to an opinion from the Senior Assistant Attorney General that such would require at a minimum a regulatory change. Industry may pursue change through the General Assembly.

The Board decided to rotate the role of Chairman on an "as needed" basis among the Board members in the absence of the established Chairman.

**VI. Next Meeting**

Next meeting will be May 5, 2009.

**VII. Adjournment**

Meeting adjourned at 1:50 PM.