

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

SEPTEMBER 1, 2009

The following is a summary of the September 1, 2009 Meeting:

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Member Gerald Kendrick was absent. Also present were Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Senior Assistant Attorney General.**
- II. Opening statement delivered by Frank Linkous, Chairman**
- III. Motions made and seconded to accept September 1, 2009, meeting agenda and approve August 3, 2009, meeting summary. All members were in favor to approve.**
- IV. Review of cases of Virginia certificate holders
Walter Marty Helton
Board Decision: Granted approval for Mr. Helton to make application for First Class Mine Foreman Reciprocity certification with the added electrical section from the entire first class mine foreman examination to his reciprocity examination. Mr. Helton must take the two cycles of the four hours of continuing education which he missed and resulted in the revocation of his first class mine foreman examination, and his First Class Mine Foreman Reciprocity certification will be placed on a one-year probation from the date the certification is issued.**
- 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**

The Board reviewed and approved the proposed meeting dates for the Board of Coal Mining Examiners for year 2010.

The Board discussed their approach on addressing issues and concerns of mine operators' use of drug screening "quick" testing kits. The Board has encountered some docketed cases where these quick tests prove to be problematic in producing reliable results. In these cases where quick tests are administered, results will be more credible with laboratory confirmation

of any positives from the same sample. The Board also agreed to address these concerns and problems in an Operator's Bulletin to be drafted and communicated by Chief Linkous to the mine operators.

VII. Next Meeting

Next meeting will be October 6, 2009.

VIII. Adjournment

Meeting adjourned at 2:45 PM.