

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

DECEMBER 6, 2011

The following is a summary of the December 6, 2011 Meeting:

- I. Meeting called to order at 9:04 AM by Randy Moore, Chairman. Members present were Randy Moore, Joseph Buchanan, Gerald Kendrick, Arvil McConnell and Ricky O'Quinn. Also present were Mary Gibson, Regulatory Boards Administrator, Sharon Pigeon, Sr. Assistant Attorney General and Deputy Director Butch Lambert.**
- II. Opening statement delivered by Randy Moore, Chairman.**
- III. Motion made and seconded to accept December 6, 2011, meeting agenda and approve November 1, 2011, meeting summary. All members were in favor to approve.**
- 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

In follow-up, Mary Gibson addressed suggestions from the November 1, 2011, Board meeting. A determination was made that it is cost prohibitive for a program change to the computer certification look-up to include notations of certification cards returned undeliverable by the post office. Also, certified mail delivery of initial suspensions and revocations cannot be halted due to the computer system constraints. However, letters regarding follow-up Board actions do not have to be mailed by certified mail; a spreadsheet is maintained to document these mailings.

Randy Moore reported on mailing of the Operators Memorandum clarifying the requirement for certification of the ability to read and speak English. The memorandum was sent to mine operators and BCME instructors.

The Board discussed a potential limited certification with time limitations for issuance to workers performing certain jobs for industry when the need for the workers arises. The MSHA Part 48 training will be a requirement of a limited certification.

Mr. Moore reported on his contacts with John Beasley and his attorney, Mr. Scott, in offering the Board's settlement agreement derived at the November 1, 2011, meeting. Both Mr. Beasley and Mr. Scott declined the agreement. Mr. Scott advised he would get back with Mr. Moore on how they wish to proceed. The Board is agreeable with an appearance before the Board, but may wish to specify what testimony is required since the Board has the transcripts of sworn testimony from the Buchanan County court's preliminary hearing.

VI. Next Meeting

Next meeting will be January 3, 2012.

VII. Adjournment

Meeting adjourned at 3:00 PM.