

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

July 10, 2018

The following is a summary of the July 10, 2018 Meeting:

- I. Meeting called to order at 9:06 a.m. by Board Chairman Randy Moore. Members present were Douglas Deel and Phillip Hale. Also present were Bradley Lambert, DMME Deputy Director; Bob Clay, MSHA; Travis Seals, MSHA; Sammy Fleming, DM Enforcement Supervisor; William Stevans, DM Inspector; Regulatory Board Administrator Mary Gibson and Megan Sturgill, DMME Administrative Specialist. Members absent were Bennie Johnson Jr. and Larance Middleton.**

- II. Motions made and seconded to accept July 10, 2018 meeting agenda and to approve the May 1, 2018 meeting summary. All members present were in favor to approve.**

- III. Review of Traditional Case: Docket # 18191-07**
Chief Randy Moore discussed Mr. William K. Jervis' file summary. The following people were sworn in by Chief Randy Moore and gave testimony regarding Mr. William K. Jervis' individual violations issued on May 24, 2018: Mr. William K. Jervis, Travis Seals, Sammy Fleming, and William Stevans.
The Board voted unanimously to place all certifications issued by the Division of Mines on a 12-month probationary status. The probation will begin when Mr. Jervis accepts employment in Virginia, West Virginia, or Kentucky. Mr. Jervis must immediately notify the Virginia Division of Mines with the Company Name, Immediate Supervisor, Telephone Number, Date of Employment, and Work Shift. Mr. Jervis' certifications will be suspended and he will be required to appear before the BOARD should any violations be written during the probationary period. West Virginia, Kentucky, and the Mine Safety and Health Administration received notification of these actions.

- 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

Mary Gibson advised that the 6 month report regarding the OxyContin Grant Funds was sent to the Attorney General's Office. She stated that a total of 875 people have been served. Kentucky has reported over 2,000 people with almost 400 of those holding Virginia certifications. West Virginia has reported 747 people with 74 of those holding Virginia certifications.

Mary Gibson informed that there are currently 13 miners whose certifications have been permanently revoked.

Chief Randy Moore referred to the Coal Mine Safety Laws of Virginia regarding companies putting people to work before receiving the pre-employment drug screen test results from the lab. § 45.1-161.8 was referenced. Moore stated that some companies complete a "quick test" and allow employees to begin employment if it is negative. The "quick test", whether negative or positive, is then sent off to a certified lab for testing as required by law. These practices were determined acceptable according to § 45.1-161.8.

VI. Next Meeting

Next meeting is scheduled for August 14, 2018.

VII. Adjournment

Meeting adjourned at 2:06 PM