

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

November 6, 2018

The following is a summary of the November 6, 2018 Meeting:

- I. Meeting called to order at 9:12 a.m. by Board Chairman Randy Moore. Members present were Bennie Johnson Jr., Douglas Deel, Phillip Hale, and Larance Middleton. Also present were Bradley Lambert, DMME Deputy Director; Regulatory Board Administrator, Mary Gibson and Megan Sturgill, DMME Administrative Specialist.**
- II. Motions made and seconded to accept November 6, 2018 meeting agenda and to approve the September 11, 2018 meeting summary. All members present were in favor to approve.**
- III. 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.**
- IV. Open Agenda**

Board Chairman Randy Moore discussed the potential of creating a coal certification reciprocity registry between several interested states as discussed at the Fall 2018 Interstate Mining Compact Commission (IMCC) meeting in Mississippi that Deputy Director Butch Lambert attended. This registry would include memorandums of understanding and substance abuse case information including suspensions and revocations. Currently, the Virginia Division of Mines has reciprocity agreements with Kentucky and West Virginia. Ohio has been contacted and in discussion about the registry. Alabama, Illinois, and Pennsylvania will be contacted. Western states are currently not interested in a registry. Mary Gibson added that she has already sent Virginia reciprocity requirement sheets to Ohio. She reminded that terminology regarding potential Virginia law changes needs to be included on the reciprocity requirement sheets as they currently are on the Kentucky and West Virginia reciprocity requirement sheets.

Mary Gibson informed that official notification has been received that Mr. Middleton has been re-appointed as a Board Member.

Mary Gibson reminded that the Board voted the following in May 2011: exceptions cannot be made since the Board is governed by statutes. The Board believes that the four-year window in which to take the continuing education refutes the validity of a request to be excused for medical or military reasons. An individual who wishes to challenge the statutes should request to appear before the Board to do so. She discussed this due to a gentleman who had contacted her regarding being on disability and having surgeries. His last training was in 2011 and his certification was revoked in 2015. She stated that she would write the gentleman a letter regarding the 2011 Board decision.

V. Next Meeting

Next meeting is scheduled for December 4, 2018.

VI. Adjournment

Meeting adjourned at 12:08 PM