

## BOARD OF COAL MINING EXAMINERS

### SUMMARY OF MEETING

June 4, 2019

**The following is a summary of the June Meeting:**

- I. The Meeting was called to order at 9:02 a.m. by Board Chairman, Randy Moore. Members polled indicating their presence was Bennie Johnson Jr., Douglas Deel and Larance E. Middleton. Board member Phillip Hale was absent from the meeting. Also present were DMME Deputy Director, Bradley Lambert; Regulatory Board Administrator, Mary Gibson; and DMME Hearings Coordinator, Darlene Gibson.
- II. Motion and seconded to accept June 4, 2019 Meeting Agenda by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve.
- III. Motion and seconded to approve the May 7, 2019 Meeting Summary by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve.
- IV. Review of Virginia Substance Abuse Cases (Closed Session)  
Motion and seconded to approve to enter into Closed Session at 9:05 a.m. by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve. Of the cases that resulted in hearings, evidence were 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/or took other disciplinary actions including revocation of all certifications held by miners.
- V. Open Session reconvened at 10:40 a.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Douglas Deel. The following Board members were polled by Darlene Gibson certifying the statement to be true as follows: Randy Moore, Bennie Johnson, Jr., Douglas Deel and Larance Eugene Middleton. Phillip Hale was absent.

Summary of Closed Session Activity was read into record by Regulatory Board Administrator, Mary Gibson for the following docket items:

#11032-04 Review Only  
#11186-07 Review Only  
#13064-05 Attended  
#15223-01 2<sup>nd</sup> Violation- Rescheduled

#15244-02 Review Only  
#17311-01 Attended  
#19127-01 Attended  
#19155-01 Rescheduled  
#19155-02 Rescheduled  
#19155-03 Rescheduled  
#19155-04 Rescheduled  
#19155-05 Rescheduled

Motion and seconded to approve by Bennie Johnson, Jr. and Larance E. Middleton, respectively; with all members present in favor to approve for Regulatory Board Administrator, Mary Gibson to follow-through on the actions agreed upon during closed sessions.

- VI. Open Agenda items were discussed as follows as presented by Regulatory Board Administrator, Mary Gibson and Board Chairman, Randy Moore:
- a. The Memorandum of Agreement (MOA) from Ohio with final comments was received on June 3, 2019. After review of comments from Mary Gibson, final review will be completed by Randy Moore prior to implementation.
  - b. Randy Moore and Terri Gibson met with DMME OMIS staff on June 3, 2019 in regards to the final programming to removing the twenty-five first aid questions as previously voted upon by the board. Programming is completed where the selected questions can be easily removed from the testing. Anticipated date of July 1, 2019 was discussed to begin the new testing criterion to prevent any conflict with the segmented test(s) currently in progress. Finalizing the requirement sheets are tentatively complete and will be posted to the website once an implementation date is decided.
- VII. Next Meeting  
July 9, 2019
- VIII. Adjournment  
Motion and seconded to adjourn the meeting at 10:48 a.m. by Larance Eugene Middleton and Bennie Johnson, Jr., respectively. All members present were in favor to approve.