

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

August 13, 2019

The following is a summary of the August Meeting:

- I. The Meeting was called to order at 9:06 a.m. by Board member, Phillip Hale. Members polled indicating their presence was Bennie Johnson Jr., Douglas Deel and Larance E. Middleton. Board Chairman Randy Moore and DMME Deputy Director Bradley Lambert were absent from the meeting. Also present were Regulatory Board Administrator, Mary Gibson and Administrative and Office Specialist, Eva Bellamy.
- II. Motion and seconded to accept August 13, 2019, Meeting Agenda by Bennie Johnson, Jr. and Larance Middleton, respectively. All members present were in favor to approve.
- III. Motion and seconded to approve the July 9, 2019, Meeting Summary by Bennie Johnson, Jr. and Larance Middleton, 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 9:10 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 12:00 p.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Bennie Johnson. The following Board members were polled by Eva Bellamy certifying the statement to be true as follows: Phillip Hale, Bennie Johnson, Jr., Douglas Deel and Larance Eugene Middleton. Randy Moore was absent.

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

#08126-04 Attended

#08091-22 Revoke

#10306-12 Attended

#11305-07 Review Only
#19155-04 Attended
#19190-02 Attended
#19190-03 Attended
#19225-01 Amended Screen Received
#19225-02 Attended

Motion and seconded to approve by Phillip Hale and Bennie Johnson, Jr., 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:
- a. Buchanan Minerals has a new policy regarding the use of CBD and positive drug screens. Board members were given a copy of the new policy.
 - b. Board members and new employees have not received Substance Abuse training. Ms. Gibson would like to use Educational Grant funds to provide a Substance Abuse seminar for those individuals. This will be further discussed at a future meeting.

Motion and seconded to adjourn for lunch at 12:10 p.m. by Douglas Deel and Bennie Johnson, Jr. respectively; with all members present in favor.

Motion and seconded to reconvene for open session at 1:00 p.m. motion and seconded by Bennie Johnson, Jr. and Larance Middleton respectively.

Individual David Scott Inscore of 218 Chickasaw Street, North Tazewell, VA, was present for the Boards' review of Mr. Inscore's Electrician Certificate (54242). Mr. Inscore was represented by Mr. Eric Frye, and brought witnesses, Wilburn (Buck) Cole and Joel Stanley. David Scott Inscore was sworn in and gave testimony regarding the incident of June 19, 2019, that led to Virginia temporarily suspending his Electrical Certification on July 9, 2019. After David Scott Inscore's testimony, Timothy Lyall and Opie McKinney from the Division of Mines gave statements. Board members and Mr. Frye questioned Mr. McKinney, Mr. Lyall, Mr. Inscore, and his witnesses.

Motion and seconded to approve the determination by the BCME in regards to the Electrical Certification (54242) of David Scott Inscore by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve as follows:

David Scott Inscore's electrical certification will be reinstated immediately and probation will remain in effect pending the outcome of the final action taken from West Virginia; and upon returning before the BCME for their final decision on the pending case concerning high-voltage circuits being bypassed at the D-18 mine on November 27, 2018

It is noted that Suspension of David Scott Inscore's Electrical Certificate (54242) will be immediate should any further action taken by David Scott Inscore as an Electrician or by others under the watch of David Scott Inscore acting in the capacity of Chief Electrician while employed in the State of Virginia where such action(s) should cause imminent danger to self or others as well as the willful act or knowledge of others under the watch of David Scott Inscore acting in the capacity of Chief Electrician or actions deemed negligent of David Scott Inscore at the discretion of the Mines Divisions Chief of the VA DMME Enforcement Department.

VII. Next Meeting
September 10, 2019

VIII. Adjournment
Motion and seconded to adjourn the meeting at 1:50 p.m. by Larance Eugene Middleton and Bennie Johnson, Jr., respectively. All members present were in favor to approve.