

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

October 1, 2019

The following is a summary of the October Meeting:

- I. The Meeting was called to order at 9:10 a.m. by Board Chairman, Randy Moore. Members polled indicating their presence was Bennie Johnson Jr., Douglas Deel, Larance Eugene Middleton and Phillip Hale. 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 the October 1, 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 September 10, 2019 meeting summary by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve.
- IV. Review of the Virginia Substance Abuse Cases (Closed Session)
Motion and seconded to approve to enter into Closed Session at 9:12 a.m. by Phillip Hale and Bennie Johnson, Jr. 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 10:22 a.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Phillip Hale. Randy Moore, Chairman confirmed the statement to be true. The following Board members were polled by Darlene Gibson certifying the statement to be true as follows: Bennie Johnson, Jr., Douglas Deel, Larance Eugene Middleton and Phillip Hale.

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

#19155-02 Attended

#19253-01 Revoked

#19253-02 Revoked

#19274-01 Rescheduled for the December docket

#19274-02 Rescheduled for the December docket

Motion and seconded to approve by Bennie Johnson, Jr. and Douglas Deel, 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. A reminder to the Board of the cancelled November meeting and the next scheduled meeting will be December 3, 2019.
- b. A brief update on the David Inscore case was provided. An email notification to Mr. Eric Frye, Counsel for David Inscore was sent for notification of the cancelled November meeting. Due to the unavailability of DMME staff and the cancelled November meeting, Mr. Inscore will be scheduled for the December 3, 2019 board meeting at 1:00 p.m. There was no feed-back from Mr. Frye from the email notification, however; to ensure proper notice is provided, a written notice to David Inscore with a copy to Mr. Frye will be made.

Currently Mr. Inscore remains on probation as previously imposed by the Board and is actively working at Jewel Valley Mines (D18). He is not in a supervisory position.

VII. Next Meeting
December 3, 2019

VIII. Adjournment
Motion and seconded to adjourn the meeting at 10:29 a.m. by Bennie Johnson, Jr, and Larance Eugene Middleton, respectively. All members present were in favor to approve.