

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

September 10, 2019

The following is a summary of the September Meeting:

- I. The Meeting was called to order at 9:05 a.m. by Board Chairman, Randy Moore. Members polled indicating their presence was Bennie Johnson Jr., Douglas Deel, Larance E. 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 September 10, 2019 meeting agenda by Phillip Hale and Bennie Johnson, Jr, respectively. All members present were in favor to approve.
- III. Motion and seconded to approve the August 13, 2019 meeting summary by Bennie Johnson, Jr. and Larance E Middleton, 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 9:07 a.m. by Bennie Johnson, Jr. and Larance E. Middleton, respectively after the motion for closed session was read into record by Phillip Hale. 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 09:40 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:

#13225-04 Remain in revoke

#19064-04 Attended

#19127-03 Remain in revoke
#19253-01 Rescheduled
#19253-02 Rescheduled

Motion and seconded to approve by Bennie Johnson, Jr. and Phillip Hale, 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. Ms. Mary Gibson provided documentation of the final decision regarding the West Virginia case on David Inscore indicating the WV Board of Mine Examiners found in favor of David Inscore on August 29, 2019 and ordered an immediate reinstatement of Mr. Inscore's electrical certification in West Virginia

At the March 5, 2019 BCME meeting, David Inscore had been placed on probation by the VA BCME and would remain on probation pending the outcome of the final action taken from West Virginia and upon returning before the BCME for their final decision after the review of West Virginia's final decision.

Mr. Randy Moore will make contact with Mr. Inscore and his attorney, Mr. Eric Frye on their availability to appear before the BCME meeting scheduled in October at 1:00 p.m. to allow the Board to make a decision on the probation placed upon Mr. Inscore. It was determined the Attorney General Representative would not be required to attend the October meeting.

Mr. Inscore will remain on probation till his appearance before the Board should he not be able to attend the October, 2019 meeting.

(It is noted the purpose of the October 1, 2019 hearing is to present to the BOARD the D18 violations and findings by DM INSPECTION Staff - at that time the probation could be extended or lifted depending on the outcome of the hearing to resolve the DM actions involving D-18.)

- b. Due to limited docket items for the upcoming meetings, a motion and a second to omit the scheduled November meeting by Bennie Johnson, Jr. and Larence Eugene Middleton, respectively; with all members present in favor to approve.

- c. New law books have been issued (\$27.00 each). Currently the law books are being truncated in Richmond which may require the law books to be re-issued again.

VII. Next Meeting
October 1, 2019

VIII. Adjournment

Motion and seconded to adjourn the meeting at 10:00 a.m. by Phillip Hale and Bennie Johnson, Jr, respectively. All members present were in favor to approve.