

## BOARD OF COAL MINING EXAMINERS

### SUMMARY OF MEETING

OCTOBER 5, 2010

**The following is a summary of the October 5, 2010 Meeting:**

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Frank Linkous, Joseph Buchanan, Arvil McConnell, and Ricky O'Quinn. Member Gerald Kendrick was absent. Also present were Mary Gibson, Regulatory Boards Administrator, Butch Lambert, DMME Deputy Director, and Sharon Pigeon, Assistant Attorney General.
- II. Opening statement delivered by Frank Linkous, Chairman.
- III. Motion made and seconded to accept October 5, 2010, meeting agenda and approve September 7, 2010, meeting summary. All members were in favor to approve.
- IV. Review of cases of Virginia certificate holders
  - **Jimmy Tackett**  
Mr. Tackett's attorney contacted DMME to request a Board meeting for October 26, 2010. The request was granted; the meeting will be held in Room 219 at the Buchanan Smith Building in Big Stone Gap.
  - **Mark Allen Clevinger** – An individual Notice of Violation #V-146721 was issued to Mr. Clevinger in reference to 45.1-161.109.C. of the Coal Mine Safety Laws of Virginia during employment as a mine foreman at Banner Blue Coal Company, Locust Thicket mine.  
  
**Board Decision:** Board voted to place Mr. Clevinger's First Class Mine Foreman Certification #80037 under a six month probationary period effective October 5, 2010 through April 5, 2011. Any violation of the Mine Safety Act during this probationary period will result in an appearance before the Board for possible revocation of mine foreman certification.
  - **Robert Allen Riley** – An individual Notice of Violation #V-144477 was issued to Mr. Riley in reference to 45.1-161.118.A. of the Coal Mine Safety Laws of Virginia during employment as a mine foreman at Banner Blue Coal Company, Locust Thicket mine.

**Board Decision:** Board voted to place Mr. Riley's First Class Mine Foreman Certification #67412 under a twelve month probationary period effective October 5, 2010 through October 5, 2011. Any violation of the Mine Safety Act during this probationary period will result in an appearance before the Board for possible revocation of mine foreman certification.

**V. 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.**

**VI. Open Agenda**

**Mary Gibson gave a status report of the progress of the 28 students who took the on-line Advanced First Aid class through Mountain Empire Community College (MECC) to date. The exam pass rate has been very high, and the on-line class is considered a success. Mr. Linkous stated that recently DMME met with MECC to contemplate broadening the on-line training approach into other areas of miner training such as continuing education. DMME is encouraged that MECC wants to work with the mining industry in several areas of training which will greatly help DMME meet the growing demands due to limited resources for training through DMME staff and external providers.**

**DM continues to work on the format and update of the summary sheet of Board actions.**

**Mr. Linkous reiterated his thanks for the Board's work, patience and participation on behalf of our miners.**

**VII. Next Meeting**

**Next meeting, which was specially called, will be October 26, 2010. The next regularly scheduled meeting will be November 2, 2010.**

**VIII. Adjournment**

**Meeting adjourned at 12:55 PM.**