

**Virginia Department of Mines, Minerals and Energy
Board of Mineral Mining Examiners**

Summary Minutes of June 17, 2004 Hearing

Members Present: George Blair, William Holman, George Rolen, David Ryan, Mike Sheets, and Conrad Spangler

Members Not Present: David Johnson, Mike Riggs, and Virlo Stiltner

DMME Employees Present: Gary Barney, Jim Smith, Jeff Stewart, and Benny Wampler

The Board of Mineral Mining Examiners (BMME) met at 2:00 pm June 17, 2004 to review a case that involved two BMME certified surface blasters, Larry C. Key and Willard C. Vicks, falsifying a blasting report on February 11, 2004 at the Vulcan Construction Materials South Boston Quarry (Permit Number 05640AB). The purpose of the hearing was for the Board to consider whether further disciplinary action is necessary. The hearing was held at the Department of Forestry building in Charlottesville, Virginia.

Neither Mr. Key nor Mr. Vicks attended the hearing. Both had notified DMME before the hearing date that they would not be attending.

Gary Barney, Division of Mineral Mining Inspector Supervisor, and Jim Smith, DMM Inspector, presented the facts of the case to the Board, which are detailed in an Inspection Report (JZS0000606) dated March 3, 2004. Enforcement actions included issuance of two NOVs to Mr. Key and Mr. Vicks on March 2, 2004: (1) NOV for detonating explosives in excess of 40,000 pounds in a single blast without obtaining prior approval; and, (2) NOV for filing a false blast report. Falsification of a blasting report is a violation of Section 45.1-161.292:39 of the Mineral Mine Safety Laws of Virginia and Section 4 VAC 25-40-810 of the Safety and Health Regulations for Mineral Mining.

Based on the facts provided, the Board concluded that Mr. Key knowingly completed a blast report that contained incorrect and false information and Mr. Vicks knowingly signed off on the false blast report. As a result of these findings, the Board acted to suspend Mr. Key's Surface Blaster Certification (#0017326) for six months effective June 17, 2004 through December 16, 2004, during which time he is prohibited from performing duties that require a Surface Blaster Certification. The Board also accepted Mr. Vicks voluntary relinquishment of his Surface Blaster Certification (#12509) effective June 17, 2004, which he volunteered in a letter dated June 16, 2004.

The Board required Mr. Key to complete the following actions within the six-month suspension period in order to have his Surface Blaster Certification re-instated on December 17, 2004: (1) appear before the Board of Mineral Mining Examiners for authorization to retake the Surface Blaster exam; and, (2) attend a Surface Blaster Initial Certification course and pass the Surface Blaster exam. If Mr. Key does not complete these actions by December 16, 2004, then Mr. Key's Surface Blaster Certification will be revoked.

The Board required that if, in the future, Mr. Vicks wants to be considered for a Surface Blaster Certification, then he must: (1) appear before the Board of Mineral Mining Examiners for authorization to apply and retake the Surface Blaster certification exam; and, (2) attend a Surface Blaster Initial Certification course and pass the Surface Blaster certification exam.

That concluded the review of the cases and no further action was taken on either case.

The Board was then presented the following status on two actions that they took at their last meeting: (1) the amendments to the Board's certification regulations are in the Governor's office awaiting his approval; and, (2) work continues on a project to develop a single, unified surface blaster exam that would be accepted by both the Division of Mines and the Division of Mineral Mining for certification.

There was no further business and the meeting was adjourned.