

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

July 9, 2019

The following is a summary of the July 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 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 July 9, 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 June 4, 2019 Meeting Summary by Bennie Johnson, Jr. and Douglas Deel, respectively. All members present were in favor to approve.
- IV. *1st Event* of Review of Virginia Substance Abuse Cases (Closed Session)
Motion and seconded to approve to enter into Closed Session at 9:14 a.m. by Bennie Johnson, Jr. and Douglas Deel, 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. *1st Event* of Open Session reconvened at 12:59 a.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Phillip Hale. The following Board members were polled by Darlene Gibson certifying the statement to be true as follows: Randy Moore, 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:

#18226-03 Attended

#15223-01 Revoked*

#15244-02 Permanent Revocation

#16341-07 Attended
#18191-09 Attended
#19064-02 Attended
#19155-02 Revoked
#19155-03 Attended
#19155-04 Attended
#19155-05 Revoked
#19190-01 Attended
#19190-02 Rescheduled
#19190-03 Review Only**
#19190-04 Review Only***

****#15223-01 Revoked- It is so noted that audio of the Meeting reflected #15223-01 as being 2nd violation and rescheduled, however; an error occurred and let the minutes reflect that docket #15223-01 was absent and revoked during closed session.***

*****#19190-03 Suspended – It is so noted a 2nd event of Closed Session occurred and further action taken that docket #19190-03 was suspended during closed session.***

******#19190-04 Action to be carried out by Mary Gibson- It is so noted a 2nd event of Closed Session occurred and further action taken that action will be carried out by Mary Gibson as instructed for docket #19190-04 as provided during closed session.***

Motion and seconded to approve by Bennie Johnson, Jr. and Larance E. Middleton, 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:

- 1) A review of incident(s) occurring at Blackjewel, LLC D-18 Mine of the following violations under the watch of Chief Electrician, David Scott Inscore:
 - a) May 6, 2019, Mark Deel MSHA Inspector issued an electrical violation resulting in the ‘panic bar on the off side of a continuous miner was missing resulting in being bypassed’.

- b) June 19, 2019, Tim Lyall, DMME Inspector issued closure order #TEL0008581 involving bypassing high voltage lid switches on C-4 splitter box.

Chief Randy Moore also provided the following background information regarding David Scott Inscore, acting in the capacity of Chief Electrician at Blackjewel, LLC D-18 Mine.

The BCME board had met with David Inscore at its regularly scheduled meeting of March 5, 2019 and had placed David Scott Inscore on probation in Virginia due to an incident occurring in West Virginia on May 24, 2018 leading to the temporary suspension of Mr. Inscore's West Virginia Electrician Certification till the conclusion of the case between Mr. Inscore and West Virginia.

It was during the March 5, 2019 meeting, the board had added a stipulation to the Virginia probation of David Scott Inscore that an immediate suspension would occur should there be any further action by David Scott Inscore acting in the capacity of Electrician or any incidents 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 Mr. Inscore's watch.

Chief Randy Moore provided detailed information regarding both incidents of May 6 and June 19, 2019, the results of the investigation and the statements received from Electrical Foreman, both on day and night shifts as well as statements from David Scott Inscore at the Blackjewel, LLC D-18 Mine.

After open discussions; a motion and a second was made, by Bennie Johnson, Jr. and Phillip Hale, respectively with all in favor to immediately suspend David Scott Inscore's Virginia's Electrical Certification until the next BCME meeting (August, 2019) in which David Scott Inscore would have the opportunity to further provide information to the Board regarding these incidents.

It was noted should David Scott Inscore fail to appear at the next BCME meeting (August, 2019), Mr. Inscore's Electrical Certification would remain in suspension pending his appearance before the Board as well as the final determination of the Board be made at such time.

VII. *2nd Event* of Review of Virginia Substance Abuse Cases (Closed Session)

A motion and a second to approve to enter into 2nd Closed Session at 1:30 p.m. by Bennie Johnson, Jr. and Douglas Deel, respectively after the motion for closed

session was read into record by Phillip Hale was made. 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.

- VIII. *2nd Event* of Open Session reconvened at 1:35 p.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Phillip Hale. The following Board members were polled by Darlene Gibson certifying the statement to be true as follows: Randy Moore, 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:

#19190-03- Suspended

#19190-04- Action as recommended by the Board in Closed Session.

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

- IX. Next Meeting
August 13, 2019

- X. Adjournment
Motion and seconded to adjourn the meeting at 1:40 p.m. by Larance Eugene Middleton and Douglas Deel, respectively. All members present were in favor to approve.