

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

JANUARY 5, 2010

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

- I. Meeting called to order at 9:15 AM by Frank Linkous, Chairman. Meeting was convened late to allow for late arrival of those who may have been delayed due to the inclement weather. Members present were Frank Linkous, Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Also present were Butch Lambert, DMME Deputy Director and Mary Gibson, Regulatory Boards Administrator.
- II. Opening statement delivered by Frank Linkous, Chairman.
- III. Motions made and seconded to accept January 5, 2010, meeting agenda and approve December 1, 2009, meeting summary. All members were in favor to approve.
- IV. Review of cases of Virginia certificate holders
Douglas Cowan
Board Decision: Mr. Cowan addressed the Board on actions taken against his mine foreman certification in Kentucky. These actions have been resolved, and his Kentucky certifications are in good standing. The Board granted approval for Mr. Cowan's First Class Mine Foreman Reciprocity certification in Virginia. Mr. Cowan's First Class Mine Foreman Reciprocity certification will be placed on a six-month probation from the date that Mr. Cowan notifies the Division of Mines (DM) that he has assumed a position of mine foreman. During the probationary period, a DM Inspector will evaluate his performance of duties and effectiveness of required safety examinations. Should Mr. Cowan exhibit willful neglect of mine foreman duties as mandated by law, his Virginia First Class Mine Foreman certification will be revoked.
- 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. The Board asked the Board Administrator to reschedule those docketed cases under old business for the February 2, 2010, meeting due to the inclement weather.

VI. Open Agenda

The Board reviewed and approved the finalized format of the substance abuse case recap summary sheet which provides a clear and complete data summary spreadsheet of the work of the Board.

Mr. Linkous advised that the report to the Office of the Attorney General (AAG) of the activities related to the expenditures of the Attorney General Office oxycontin grant monies has been finalized.

Mr. Linkous reported that a flyer is included in correspondence to miners related to substance abuse advising the miners of the opportunities afforded to them to apply for funds to cover costs related to their treatment programs.

The Board discussed means of utilizing these funds to aid miners who may approach the substance abuse service providers for help with their substance abuse problem on their own initiative. Tracking of the costs charged to the oxycontin grant will present a challenge to be addressed. Legal issues will be reviewed through the AAG's office prior to implementation.

The Board agreed that when the DMME Buchanan Smith Building is closed due to inclement weather on a Board meeting date, the meeting will be cancelled. The notification of cancellation will be announced along with the public service announcements of closing made by DMME officials.

VII. Next Meeting

Next meeting will be February 2, 2010.

VIII. Adjournment

Meeting adjourned at 11:30 AM.