

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

JULY 19, 2010

The following is a summary of the July 19, 2010 Meeting:

- I. Meeting called to order at 9:10 AM by Frank Linkous, Chairman. Members present were Frank Linkous, Joseph Buchanan, and Arvil McConnell, Jr. Members Gerald Kendrick and Ricky O'Quinn were absent. Also present were Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Assistant Attorney General.**
- II. Opening statement delivered by Frank Linkous, Chairman.**
- III. Motion made and seconded to accept July 19, 2010, meeting agenda and approve June 1, 2010, meeting summary. All members were in favor to approve.**
- IV. Review of cases of Virginia certificate holders
Jimmy Tackett
Board Decision: Special Investigator Robert Clay of the U.S. Department of Labor Mine Safety Health Administration (MSHA) presented a case file with timeline of events of a special investigation regarding a U.S. District Court criminal complaint against Jimmy Tackett, date-of-birth 03/12/69. Based upon the special investigation, MSHA is recommending that all Virginia certifications issued to Jimmy Tackett be revoked. The Board, based upon justification of the case as presented, voted to temporarily suspend certifications held in Virginia by Mr. Tackett, until he appears before the Board to show cause why his certifications should not be revoked and to notify Mr. Tackett by certified letter of the Board's action.**
- 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 reminded the Board of the date of the next meeting set for August 10, 2010, which is a diversion from the usual first Tuesday of the month.

Ms. Gibson provided the Board with a copy of the latest status report to the Attorney General's office on the oxycontin settlement grant.

Mr. Linkous explained the reason that the allotment of funds had not been expended fully was that priority was given on expending the Webb grant monies which must be used or forfeited. DMME has committed to complete in August one additional project under the educational pursuits, a flyer to be given to every Virginia coal miner. Funds expended to date on educational projects total \$22,000.

Ms. Gibson emphasized the importance for continued interaction and guidance from Dr. Mary McMasters through her expertise especially in the area of drug screening. Dr. McMasters generously has given her time for several different projects of DMME's substance abuse program.

Mr. Linkous asked for a breakdown to be prepared for the next Board meeting of the variety of costs of drug screenings that are initiated/ordered by DMME for the past fiscal year.

Mr. Linkous advised the Board to be mindful of any needed changes to the "DMME" drug screening panel which can be addressed through rulemaking. The Board of Coal Mining Examiners regulations will be reviewed in the near future which will allow the opportunity to change the panel.

VII. Next Meeting

Next meeting will be August 10, 2010.

VIII. Adjournment

Meeting adjourned at 1:00 PM.