

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

NOVEMBER 2, 2010

The following is a summary of the November 2, 2010 Meeting:

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Frank Linkous, Joseph Buchanan, Gerald Kendrick, Arvil McConnell, and Ricky O'Quinn. 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 November 2, 2010, meeting agenda and approve October 5, 2010, meeting summary. All members were in favor to approve.**
- IV. Review of cases of Virginia certificate holders**
 - Jimmy Tackett**

The Board continued to review the case as presented on July 19, 2010, by the Mine Safety and Health Administration. The Board specifically reviewed additional information provided by an interview with a mine examiner employed at Calvary Coal during the period of the petition before the Board and also discussed mine records and the current status of the unwarrantable failure orders and citation issued by MSHA. Mr. Tackett's attorney was present.

Board Decision: Board voted to reinstate Mr. Tackett's Advanced First Aid, General Miner - Underground and Gas Detection certifications effective November 2, 2010. Mr. Tackett's First Class Mine Foreman and Shot Firer Certifications will remain in suspension pending resolution of the MSHA unwarrantable failure violations and orders contained in the petition before the Board.
- 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

There were no items offered for discussion.

VII. Next Meeting

Next meeting will be December 7, 2010.

VIII. Adjournment

Meeting adjourned at 1:55 PM.