

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

JULY 9, 2013

The following is a summary of the July 9, 2013 Meeting:

- I. Meeting called to order at 9:05 AM by Chairman Randy Moore. Members present were Joseph Buchanan, Arvil McConnell, Gerald Kendrick, and Randy Moore. Member Ricky O'Quinn was absent. Also present were Mary Gibson, Regulatory Boards Administrator, Bradley Lambert, Department of Mines, Minerals and Energy Deputy Director, Sharon Pigeon, Sr. Assistant Attorney General, Sammy Fleming and Hershiel Hayden of DM.**
- II. Opening statement delivered by Chairman Randy Moore.**
- III. Motion made and seconded to accept July 9, 2013, meeting agenda and approve June 4, 2013, meeting summary. All members were in favor to approve.**
- IV. 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.

V. Open Agenda

Board Administrator Mary Gibson informed the Board that due to law changes, the state of Kentucky is now revoking miners' certifications for one, three or five years. Upon these notifications from Kentucky to Virginia, the Virginia Board of Coal Mining Examiners responds to those individuals that they are not eligible for certifications in Virginia or appearance before the Virginia BCME Board until they have resolution in Kentucky.

Ms. Gibson provided spreadsheets with information on recap of substance abuse cases, over 700 to date with 1500 cases reported by Kentucky; no cases have been yet reported from West Virginia.

VI. Review of cases of Virginia certificate holders

Ricky Bledsoe (DM ID#5051145) - An individual Notice of Violation No. HLH0009433 was issued to Mr. Bledsoe in reference to 45.1-161.221.D. of the Coal Mine Safety Laws of Virginia while acting as the day shift 002 section foreman at the Mill Branch Coal Corporation Dorchester mine. Exhibits introduced were: A. Mine Safety and Health Administration Citation Order Number 8202041; B. Partial mine map of Dorchester mine; C. Division of Mines Field Report Form Number HLH0009429, and D. Memorandum from Inspector Hershiel Hayden dated June 27, 2013.

Board Decision: Board voted unanimously for Mr. Bledsoe to make application and pass an examination consisting of the Virginia Mining Laws, Ventilation, and Map sections of the First Class Mine Foreman certification examination. Should Mr. Bledsoe not pass this examination through two takes by July 26, 2013, his First Class Mine Foreman certification will be suspended and he will be required to wait for a period of one year to take and pass the entire examination. At the time of successfully completing the examination, Mr. Bledsoe's First Class Mine certification will be placed under a one year probationary period. If Mr. Bledsoe should receive any personal violations during the probationary period, his foreman certification will be suspended until appearance before the Board for review of action against his certification.

VII. Next Meeting

Next meeting will be August 13, 2013.

VIII. Adjournment

Meeting adjourned at 2:55 PM.