

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

MAY 3, 2011

The following is a summary of the May 3, 2011 Meeting:

- I. Meeting called to order at 9:02 AM by Mike Willis, Chairman. Members present were Mike Willis, Gerald Kendrick, Ricky O'Quinn, Arvil McConnell, Jr., and Joseph Buchanan. Also present were Butch Lambert, Deputy Director, Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Senior Assistant Attorney General, Opie McKinney, Inspector Supervisor and Terry Ratliff, Inspector.**
- II. Opening statement delivered by Mike Willis, Chairman.**
- III. Motion made and seconded to accept May 3, 2011, meeting agenda and approve March 1, 2011, meeting summary. All members were in favor to approve.**
- IV. Review of cases of Virginia certificate holders**
John K. Beasley
In response to letter to Sharon Pigeon, Senior Assistant Attorney General, from John Beasley's attorney, Thomas Scott, requesting that DMME drop administrative appeals and sanctions and restore Mr. Beasley's mining certifications, Opie McKinney and Terry Ratliff presented a summary of his certifications. This request followed the dismissal of criminal charges filed by Inspector Ratliff in Buchanan County General District Court at a preliminary hearing held on March 7, 2011. On March 2, 2010, the Board suspended his certifications based on Notice of Violation for possessing smoker's articles underground at Consol's Buchanan #1 mine.
After review of the information presented by Mr. McKinney and Mr. Ratliff and the administrative process to date, the Board agreed not to change their position and for the certifications to remain in suspension pending Mr. Beasley's appearance before the Board set for June 13, 2011.
- 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

Mike Willis advised of some requests from foreman who have missed the required continuing education over two cycles, a four year period, and whose certifications are now in revoke status, and who request that the certifications be reinstated without retaking the foreman examinations.

Mary provided a copy of the current procedure used in addressing missed continuing education due to medical conditions verified and documented by a doctor and for military deployment.

The Board agreed that exceptions cannot be made since the Board is governed by statutes. The Board believes that the four year window in which to take the continuing education refutes the validity of a request to be excused for medical or military reasons. An individual who wishes to challenge the statutes should request to appear before the Board to do so.

VII. Next Meeting

Next meeting will be June 7, 2011.

VIII. Adjournment

Meeting adjourned at 5:40 PM.