

## BOARD OF COAL MINING EXAMINERS

### SUMMARY OF MEETING

April 6, 2021

**The following is a summary of the April Meeting:**

- I. The Meeting was called to order at 9:10 a.m. by Board Chairman, Randy Moore. Members polled indicating their presence were Randy Moore, Bennie Johnson, Jr., Phillip Hale, Michael Stiltner and Larance Eugene Middleton. Also present were DMME staff Eva Stanley and Darlene Gibson.
- II. Motion and seconded to accept the April 6, 2021 meeting agenda by Bennie Johnson, Jr. and Eugene Middleton, respectively. All members present were in favor to approve.
- III. Motion and seconded to approve the March 2, 2020 meeting summary by Bennie Johnson, Jr. and Phillip Hale, respectively. All members present were in favor to approve.

***\*It is noted due to the COVID-19 pandemic, all members and attendees were all wearing mask and was socially distanced.***

- IV. Review of the Virginia Substance Abuse Cases (Closed Session)  
Motion and seconded to approve to enter into Closed Session at 9:12 a.m. by Phillip Hale and Bennie Johnson, Jr. respectively. All members present were in favor to approve. Of the cases that resulted in hearings, evidence were 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/or took other disciplinary actions including revocation of all certifications held by miners.

***\*It is noted due to the COVID-19 pandemic, all attendees remained in their individual vehicles until called into the meeting. All attendees were all wearing mask and was socially distanced.***

- V. Open Session reconvened at 10:20 a.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Phillip Hale. Randy Moore, Chairman confirmed the statement to be true. The following Board members were polled by Darlene Gibson certifying the statement to be true as follows: Bennie Johnson Jr., Phillip Hale, Michael Stiltner and Larance Eugene Middleton.

Summary of Closed Session Activity was read into record by Eva Stanley for the following docket items:

#15279-05 Failed to Appear

#17213-02 Appeared

#21033-01 Failed to Appear

#21061-01 Appeared

#21096-01 Appeared

Motion and seconded to approve by Bennie Johnson Jr. and Eugene Middleton, respectively; with all members present in favor to approve for Eva Stanley to follow-through on the actions agreed upon during closed sessions.

VI. Open Agenda items were discussed as follows as presented by Eva Stanley:

Ms. Stanley stated she was understanding that the Governor of Virginia was proposing to legalize marijuana effective July 1 and was questioning if DMME would continue to be allowed to test for that substance. After open discussion, it was determined that Ms. Stanley would conduct some research if testing would continue to be in compliance and would return the information to the Board.

Mr. Moore stated other Boards at DMME were beginning to use the voice recording as the official record of minutes and any FOIA requests; after a brief discussion, it was determined the Board would prefer to continue to have a written summary of minutes to allow the members to have access to reference back if needed for future meetings.

Board member Phillip Hale made a statement of record that the Mining Industry recently lost, Mr. John "Hoppy" Brown, a true friend to the industry. The Board wished to convey sincere appreciation and commitment by Mr. Brown to the Industry and their sincere condolences to his family.

VII. Next Meeting

May 4, 2021

VIII. Adjournment

Motion and seconded to adjourn the meeting at 10:33 a.m. by Bennie Johnson, Jr. and Phillip Hale, respectively. All members present were in favor to approve.