

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. **13-MSRC-072**

COMMONWEALTH OF KENTUCKY,  
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

**FINAL ORDER**

TEDDY W. PLASTER, **DONNIE E. MEADE &  
RANDY SHORTRIDGE**

**RESPONDENTS**

\* \* \* \* \*

This matter having come before the Commission on the Joint Motion to Approve Settlement Agreement between the Complainant, Office of Mine Safety and Licensing (OMSL) and Respondents, Donnie E. Meade And Randy Shortridge and the members of the Commission having reviewed the Settlement Agreement filed on or after January 9 2014 in the matter herein, and the Commissioners being sufficiently advised,

IT IS HEREBY **ORDERED** as follows:

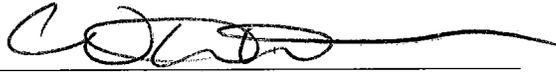
1. The Joint Motion to Approve Settlement Agreement is **GRANTED**;
2. The formal hearing and **pre-hearing** conference are **CANCELLED**;
3. The **Settlement Agreement** signed by the parties and filed with the Commission is hereby **incorporated by reference** as if reproduced herein in full as a material part of this **FINAL ORDER**.

A copy is attached hereto;

4. This Final Order only resolves the matters referenced herein, and any new enforcement action or subsequent penalties imposed during any probationary period are in addition to and not in lieu of those that may be sought by OMSL for the acts or omissions during that probationary period. This Final Order in no way prohibits OMSL from investigating or filing legal action based upon other activities or omissions by the Respondent not arising from the factual basis of the original violation and resolved herein.
5. This Final Order represents a final disposition of all issues between the Complainant and the Respondent, in these matters. Failure to comply with the terms and conditions of this Final Order may result in further action by the Commission; and
6. Appellate rights: Pursuant to KRS 351.194(8) and KRS 13B.140(1), an appeal of an order of the Commission must be filed in the Franklin Circuit Court within thirty (30) days of the entry of this Final Order. The petition shall include the names and addresses of all parties of record in this proceeding and shall include a statement of the grounds upon which review is requested. A copy of this Final Order shall accompany the petition. Copies of the petition must be served upon the Commission and all parties of record in this proceeding.

7.

Entered this the 9<sup>TH</sup> day of JAN r 2014.



Hon. William D. Doan, Chair  
MINE SAFETY REVIEW COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ORDER was served by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this 14<sup>TH</sup> day of January 2014:

HON. BILLY SHELTON  
**151 N. EAGLE CR. DR. STE 310**  
**LEXINGTON, KY 40509**

Counsel for:  
DONNIE E MEADE  
P O BOX 423  
BELCHER KY 41513

RANDY SHORTRIDGE  
1064 WASHINGTON AVE  
GRUNDY VA 24614

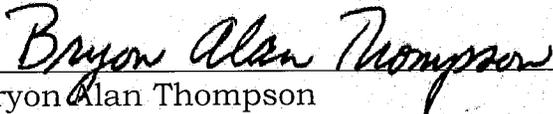
TEDDY W PLASTER  
995 STRAWBERRY HILL  
COEBURN VA 24230

And by messenger mail to:

HON. SAMUEL OTTLEY  
OFFICE OF GENERAL COUNSEL  
#2 HUDSON HOLLOW  
FRANKFORT KY 40601  
502/ **564- 2356**  
FAX 502/ 564 - 9212  
Counsel for OMSL

And the original shall be kept on file:

Mine Safety Review Commission  
132 Brighton Park Blvd.  
Frankfort Ky 40601

  
Bryon Alan Thompson  
Hearing Officer & General Counsel  
Mine Safety Review Commission

RECEIVED

DEC 20 2013

JONES WALTERS TURNER & SHELTON PIKEVILLE

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. 13-MSRC-072

KENTUCKY OFFICE OF MINE SAFETY & LICENSING

COMPLAINANT

VS.

SETTLEMENT AGREEMENT BETWEEN OMSL  
AND DONNIE E. MEAD & RANDY SHORTRIDGE

TEDDY W. PLASTER, DONNIE E. MEADE &  
RANDY SHORTRIDGE

RESPONDENTS

\* \* \* \* \*

Comes the Complainant, the Kentucky Office of Mine Safety and Licensing (“OMSL”), and Respondents, Donnie E. Meade (“Meade”) & Randy Shortridge (“Shortridge”), and hereby state that they have agreed to a settlement of the above styled disciplinary proceeding, according to the following terms:

In consideration of the final resolution of this action against them, and the cancellation of the hearing as it pertains to them that is currently scheduled for November 14, 2013, Meade and Shortridge neither admit nor deny the commission of, or responsibility for, the underground violations of KRS 352.230(4): maintenance of mining equipment in a safe working order-the panic bar lever was broken on one side on the remote control box for the 14-15 Joy Continuous Miner, and KRS 352.201(1): roof control plan-the approved roof control plan was not being complied with when Teddy W. Plaster was injured while walking beside the 14-15 Joy continuous miner while it was being trammed, which placed Plaster in the “red zone” area, on February 9, 2012, as alleged in Closure Order Nos. 12604-005 and 12604-006 and OMSL’s Complaint, but acknowledge that there is sufficient evidence that the Mine Safety Review Commission could find that the violations were committed. Therefore, Meade and Shortridge hereby agree to the following:

1. Randy Shortridge's Underground Mine Foreman (Certificate No. A-88-07); MET (Certificate No. PE-071-07); and Underground Miner Certificates be placed on Probation for a period of not less than six (6) months, effective upon the approval and entry of this Settlement Agreement by the Mine Safety Review Commission.

2. Donnie E. Meade's Underground Mine Foreman (Certificate No. A-105-02); MET (Certificate No. PE-129-01); Drill Operator (Certificate No. PE-017-02); Electrical Worker (Certificate No. PE-583-11); Gas Detection (Certificate No. PE-110-99); Shot Firer-Conventional (Certificate No. PE-027-90); Shot Firer-Solid Blasting (Certificate No. PE-017-02); Surface Miner and Underground Miner Certificates be placed on Probation for a period of not less than six (6) months, effective upon the approval and entry of this Settlement Agreement by the Mine Safety Review Commission..

3. During this six-month probationary period, Meade and Shortridge shall comply with all state and federal mine safety laws and regulations. The willful violation by Meade or Shortridge of any of said laws and regulations may result in OMSL filing a motion with the Mine Safety Review Commission to revoke that person's certifications for the remainder of the suspension/probationary period.

4. Meade and Shortridge further agrees that this Settlement Agreement and any final order issued herein by the Mine Safety Review Commission will not be considered by the Commission to constitute a "first offense".

5. Meade and Shortridge further state that they have read this Settlement Agreement (or that the Settlement Agreement has been read to them), that they have carefully considered the Agreement prior to signing it and that they understand and agree to its terms and provisions.

7. OMSL and Meade and Shortridge acknowledge and agree that there are no further promises, inducements, representations, or agreements in connection with this Settlement Agreement other than those expressly set forth in writing herein.

\_\_\_\_\_  
RANDY SHORTRIDGE  
1064 Washington Avenue  
Grundy, Virginia 24614

\_\_\_\_\_  
DATE

*Donnie E. Meade*  
\_\_\_\_\_  
DONNIE E. MEADE  
P.O. Box 423  
Belcher, Kentucky 41513

*12-13-2013*  
\_\_\_\_\_  
DATE

*Franklin Reed*  
\_\_\_\_\_  
FRANKLIN REED, Executive Director  
Kentucky Office of Mine Safety & Licensing  
P.O. Box 2244  
Frankfort, Kentucky 40602

*12/9/14*  
\_\_\_\_\_  
DATE

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. 13-MSRC-072

KENTUCKY OFFICE OF MINE SAFETY & LICENSING

COMPLAINANT

VS.

SETTLEMENT AGREEMENT BETWEEN OMSL  
AND DONNIE E. MEAD & RANDY SHORTRIDGE

TEDDY W. PLASTER, DONNIE E. MEADE &  
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\_\_\_\_\_  
RANDY SHORTRIDGE  
1064 Washington Avenue  
Grundy, Virginia 24614

12-10-13  
DATE

\_\_\_\_\_  
DONNIE E. MEADE  
P.O. Box 423  
Belcher, Kentucky 41513

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
FRANKLIN REED, Executive Director  
Kentucky Office of Mine Safety & Licensing  
P.O. Box 2244  
Frankfort, Kentucky 40602

1/9/14  
DATE