

COMMONWEALTH OF KENTUCKY
MINE SAFETY REVIEW COMMISSION
ADMINISTRATIVE ACTION NO. **13-MSRC-095**

COMMONWEALTH OF KENTUCKY,
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

FINAL ORDER FOR

RONALD L. SCOTT &
JEREMIAH B. JONES

RESPONDENTS

* * * * *

This matter having come before the Mine Safety Review Commission (hereinafter "Commission") upon the Office of Mine Safety & Licensing's motion for default filed on October 22, 2013 regarding Ronald Scott and the members of the Commission having reviewed the Complaint filed on August 8, 2013 and making a determination of probable cause in the matter herein, and the Commissioners being sufficiently advised; and,

WHEREAS that pursuant to KRS 13B.080(6):

If a party properly served . . . **fails to attend or participate in a pre-hearing conference, . . . the hearing officer may adjourn the proceedings and issue a default order** granting or denying relief as appropriate, or may conduct the proceedings without the participation of the defaulting party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. A default order shall be considered a recommended order and shall be processed as provided in KRS 13B.110.

WHEREAS the respondent has been properly served and notified of the Complaint, the Probable Cause and the motion for default and made no answer or defense or participated in any way; therefore,

IT IS HEREBY ORDERED that a Final Order for default is entered against Ronald L. Scott.;

IT IS HEREBY ORDERED that this Final Order shall be considered to constitute a “first offense” as that term is defined in 805 KAR 8:010, Section 1(5). Future allegations of separate offenses by Respondent, resulting in an adjudication of guilt by the Commission, shall be deemed “subsequent offenses” as defined by 805 KAR 8:010, Section 1(13);

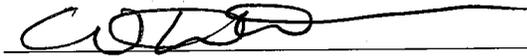
IT IS FURTHER ORDERED the Respondent Scott’s underground mine foreman certificate A-195-02 is **REVOKED** for a period of no less than **one (1) year** from the date of this Order with his **remaining certifications placed on probation for two (2) years**;

IT IS FURTHER ORDERED, that Respondent is ineligible for any other or additional certifications for a period of no less than one (1) year from the date of this Order;

IT IS FURTHER ORDERED, that 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.

This is a **Final Order** this the 14TH day of November 2013.



Hon. William D. Donan, 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 15th day of November 2013:

RONALD L. SCOTT
117 CHURCH OF CHRIST RD.
MARTIN, KY 41649

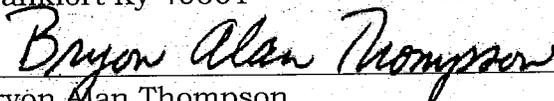
RONALD L. SCOTT
P. O. BOX 395
MARTIN, KY 41649

And by messenger mail to:

HON. TAMARA J. PATRICK
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