



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 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);
6. 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
7. 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.

Entered this the 14<sup>TH</sup> day of August 2014.

A handwritten signature in black ink, appearing to read 'W.D. Donan', written over a horizontal line.

Hon. William D. Donan  
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 20<sup>TH</sup> day of August 2014:

Robert Collins  
204 Konitizer Lane  
London, KY 40744

And by messenger mail to:

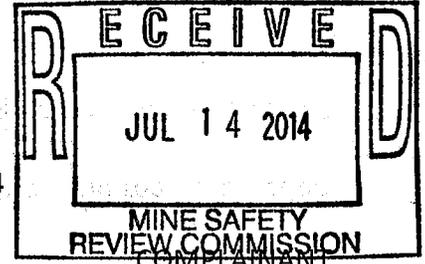
HON. JENNIFER C. SMOCK  
OFFICE OF GENERAL COUNSEL  
#2 HUDSON HOLLOW  
FRANKFORT KY 40601  
502/ 564- 2356  
FAX 502/ 564 - 9212

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

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. 14-MSRC-064



DIVISION OF MINE SAFETY

VS. SETTLEMENT AGREEMENT BETWEEN DMS AND  
ROBERT COLLINS

MERVIN A. "TONY" HAMILTON, ROBERT COLLINS,  
And RODNEY COUCH

RESPONDENTS

\*\*\*\*\*

Comes the Complainant, Division of Mine Safety ("DMS") and Respondent, Robert Collins ("Collins"), and hereby state that they have agreed to a settlement of the above styled disciplinary proceeding, according to the following terms:

In consideration for the final resolution of this action against him, and the cancellation of the hearing as it pertains to him that is currently scheduled for November 13, 2014, Collins hereby admits that he was the second shift foreman at the T&T Energy, LLC Begley 1 mine. As such, Collins admits that pursuant to KRS 352.350(3) he is responsible for the violations cited during the inspection beginning on June 26, 2013, as referenced in the Complaint. Therefore, Collins agrees to the following:

1. Collins agrees to the suspension of his surface mine foreman certificate (#SP&E-77-03) for a period of six (6) months effective upon the approval and entry of this settlement agreement by the Mine Safety Review Commission. Upon the expiration of the six (6) month suspension period, Collins' surface mine foreman's certificate shall be reinstated and shall then be probated for a period of two (2) years.

2. Collins agrees to the probation of his surface miner certificate for a period of two (2) years upon the approval and entry of this settlement agreement by the Mine Safety Review Commission.

3. During the suspension and probationary periods set out herein, Collins shall comply with all state and federal mine safety laws and regulations. The willful violation by Collins of any of said laws and regulations may result in DMS filing a motion with the Mine Safety Review Commission to revoke his certifications for the remainder of the suspension/probationary periods.

4. Collins further agrees that this Settlement Agreement and any final order issued by the Mine Safety Review Commission will be considered by the Commission to constitute a "first offense" as that term is defined at 805 KAR 8:010, Section 1(13).

5. Collins understands and agrees that he has had the opportunity to retain an attorney to represent him in this matter, but he has chosen to represent himself. Collins further states that he has carefully read this Settlement Agreement (or that the Settlement Agreement has been read to him), that he has carefully considered the Agreement prior to signing it and that he understands and agrees to its terms and provisions.

6. DMS and Collins 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.

  
\_\_\_\_\_  
ROBERT COLLINS, Respondent  
204 Konitzer Lane  
London, Kentucky 40744

7-8-14  
Date

*Franklin J. Reed*

FRANKLIN J. REED, Director  
Division of Mine Safety  
1025 Capital Center Drive  
Frankfort, Kentucky 40601

7/14/14

Date

*Jennifer Cable Smock*

JENNIFER CABLE SMOCK, Counsel  
Office of General Counsel  
#2 Hudson Hollow  
Frankfort, Kentucky 40601

7/14/14

Date