

COMMONWEALTH OF KENTUCKY
MINE SAFETY REVIEW COMMISSION
ADMINISTRATIVE ACTION NO. **12-MSRC-154**

COMMONWEALTH OF KENTUCKY,
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

FINAL ORDER

LARRY P. NORRIS, BRYANT T. MASSINGALE,
JOSEPH MINIARD, JEFFERSON B. DAVIS,
CLARK STANTON, KEVIN COX,
MACKIE BAILEY & RALPH CAUDILL

RESPONDENTS

* * * * *

This matter came before the Mine Safety Review Commission (hereinafter “Commission”) for a hearing today in regard to the allegations by Complainant that Respondent Mackie Bailey violated 805 KAR 5:030 Section 2(b) for traveling in-by permanent roof support. The Commission took testimony with exhibits and fully considered the evidence and determined that Respondent Bailey did in fact violate that provision. However, it was also clear that Bailey cooperated with investigators and thus pursuant to 825 KAR 1:030 the Commission determines that no penalty should be assessed.

IT IS FURTHER 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 the Certificate holder, 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, that pursuant to KRS 351.194(8) and KRS 138.140(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** issued this the 14TH day of March, 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 regular mail, postage pre-paid to the following this 22nd day of March 2013:

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And by messenger mail to:

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And the original shall be kept on file:

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132 Brighton Park Blvd.
Frankfort Ky 40601



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