

# 2017 PROFESSIONAL ENGINEERS IN MINING SEMINAR

## MINE SAFETY ROUNDTABLE

**RAJKOVICH, WILLIAMS, KILPATRICK & TRUE, PLLC**

**RWKKT**

Marco M. Rajkovich, Jr.  
3151 Beaumont Centre Circle, Suite 375  
Lexington, Kentucky 40513  
859.245.1059



“THE FIRST THING WE DO,  
LET’S KILL ALL THE LAWYERS”

William Shakespeare’s  
*Henry VI, Part 2, Act IV, Scene 2*

A topographic map with contour lines, roads, and various labels. The map is faded and serves as a background for the text. Labels include 'ROAD', 'SULLIVAN 650', 'LANE', '700', '1282', and '757'.

**ENGINEERS ARE HELD TO A  
HIGHER STANDARD**

A topographic map with contour lines, roads, and various labels. The map is rendered in a light, faded style. Labels include 'ROAD', 'SULLIVAN 650', 'LANE', '700', '1282', and '757'.

**THE FOCUS – IS ON THE ENGINEER**

A topographic map with contour lines and labels like 'SULLIVAN 650' and '700'.

# LIABILITY

FEDERAL LAW

STATE LAW

BOARD OF LICENSURE

# INDIVIDUAL PENALTIES

## MINE ACT AND **MINER** ACT

An agent who knowingly authorizes, orders or carries out a violation can be subject to civil and criminal penalties including fines and imprisonment

# “KNOWINGLY”

A person has knowledge or reason to know of the existence of a violation condition but fails to act upon this information

# RECORD KEEPING

Falsification of any document, such as an examination book, or any record that is required to be submitted to MSHA

Federal offense under Federal Criminal Law



# **THE MINER ACT**

## **FELONY**

**Up to \$250,000 and/or imprisoned  
for more than one (1) year  
but less than five (5) years.**

# **THE MINER ACT**

## **MISDEMEANOR - RESULTING IN DEATH**

**Up to \$250,000 and/or imprisoned for more than six (6) months but less than one (1) year**

## **CLASS “A” MISDEMEANOR - NOT RESULTING IN DEATH**

**Up to \$100,000 and/or imprisoned for more than six (6) months but less than one (1) year**

# SURFACE MINE RECLAMATION ACT OF 1977 (SMCRA)

A willful and knowing violation of a permit condition  
or failure to comply with an order

Up to \$10,000 and/or imprisoned for  
not more than one (1) year

# SMCRA

## FALSE STATEMENTS AND CERTIFICATIONS

Any person who knowingly makes any false statement, representation or certification or knowingly fails to make any statement, representation or certification in any application, record, report, plan or other document

Up to \$10,000 and/or imprisoned for not more than one (1) year

# PROSECUTION UNDER FEDERAL AND STATE LAW FOR SIMILAR OFFENSE IS NOT DOUBLE JEOPARDY

Double jeopardy prohibits state and federal governments  
from prosecuting individuals for  
same crime on more than one occasion  
or  
imposing more than one punishment for a single offense

# KENTUCKY STATE LAW

## 1<sup>ST</sup> OFFENSE

Revocation or Suspension of Miners' Certification  
or Probation for no longer than ten (10) working days

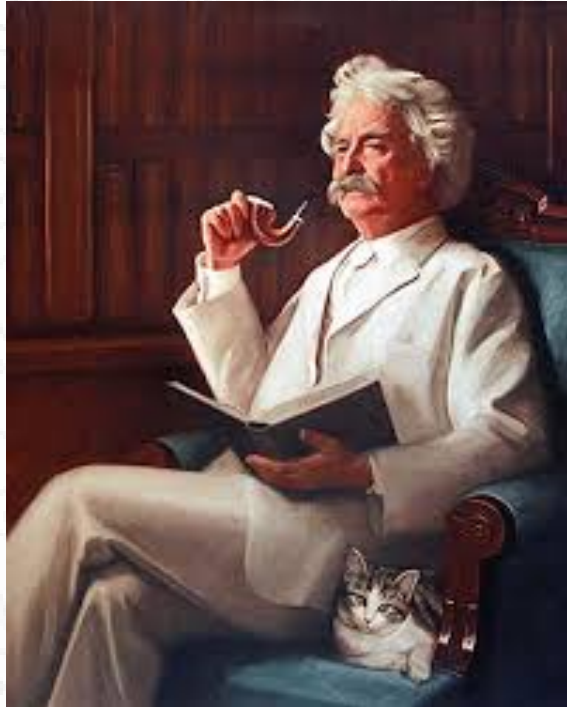
For a certified miner holding more than  
one (1) certificate, the Commission may  
revoke, suspend or probate some or all of the certificates

# Code of Professional Practice and Conduct for Professional Engineers

Section 2 - The Engineer must conduct the practice in order to protect the public health, safety and welfare

Section 6 - A Licensee shall not knowingly associate with any person engaging in fraudulent, illegal, or dishonest activities

Section 9 - The Professional Engineer shall avoid conduct likely to discredit or reflect unfavorably upon the dignity or honor of the profession



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“Always do right.  
This will gratify some people  
and astonish the rest.”

Mark Twain



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