Miners to Plead Guilty to Federal Safety Violations

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LOUISVILLE, Ky. (AP) — Two mining officials who worked at an eastern Kentucky underground mine where a worker was killed last year are preparing to plead guilty to federal safety violations, according to court records.

Jefferson Davis and Joseph Miniard of Manalapan Mining Co. intend "to plead guilty rather than proceed to trial," according to a filing in U.S. District Court earlier this week. The order filed Monday does not offer details of the pending agreement.

A February indictment charged three men and Manalapan Mining with June 2011 safety violations related to underground roof structures and hazardous conditions. David Partin died at Manalapan's P-1 mine in Harlan County on June 29, 2011, when he was struck by a large section of rock.

The third defendant, Bryant Massingale, of Cawood, pleaded guilty in August to making a false certification and knowingly violating a safety standard. He is scheduled to be sentenced on Jan. 10.

The indictment in federal court in London said records of pre-shift inspections kept by the supervisors dating from June 13 to June 28 were falsified.

Davis, the mine's operations manager, Miniard, the superintendent and Massingale, a second-shift foreman, "failed to report and record hazardous conditions" at the mine and "aided and abetted one another" in violating federal safety rules, the indictment said.

The indictment also named Manalapan, saying the company allowed "miners to work under the unsupported roof" in a section of the P-1 mine.

Dick Plymale, a Lexington attorney representing Manalapan Mining, said Wednesday it would be unethical for him to comment at this stage of the case. A U.S. Attorney's spokesman in Lexington also declined to comment.

Davis and Miniard are due in federal court in London on Nov. 7, and a trial set for Monday has been postponed.

Massingale was in charge of inspecting working sections of the mine and admitted in his August plea deal that he knowingly failed to record hazardous conditions. Miniard, of Smith, was designated to sign Massingale's reports.

In July, officials with the federal Mine Safety and Health Administration proposed $594,100 in fines for Manalapan's P-1 mine as a result of the investigation in

Partin's death. MSHA said Partin's death occurred because the mine operators failed to properly support the underground rib structures that protect miners and failed to conduct adequate safety inspections.

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