



State of West Virginia
OIL AND GAS INSPECTORS'
EXAMINING BOARD
Charleston 25305

James B. Wasson
Chairman

Ted M. Streit
Executive Secretary

O&GEB-0998

August 7, 1984

Secretary of State's Office
W-157 - Building #1
Charleston, WV 25305

Dear Sir:

Enclosed please find three (3) copies of the Oil and Gas Inspector's Examining Board's Proposed Procedural Rules, Fiscal Note and a copy of the memorandum relative to the Proposed Procedural Rules.

If additional information is needed please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Streit", followed by a slash and the number "120".

Ted M. Streit, Executive Secretary
Oil & Gas Inspectors' Examining Board

TMS/las
Encls. as stated

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Aug. 10, 1984
Administrative Law Division



State of West Virginia
OIL AND GAS INSPECTORS'
EXAMINING BOARD
Charleston 25305

O&GEB-0304

TO: WHOM IT MAY CONCERN

FROM: TED M. STREIT, EXECUTIVE SECRETARY - OIL AND GAS
INSPECTORS' EXAMINING BOARD

SUBJECT: PROPOSED PROCEDURAL RULES

DATE: AUGUST 7, 1984

At their meeting on July 30, 1984, the Oil and Gas Inspectors' Examining Board proposed the following procedural rules:

A public meeting is to be held on September 17, 1984, at 10:00 AM, in the Administrator's office at 1615 Washington Street, East, Charleston, WV 25311.

All **written** comments received prior to that date will be made part of the official record.

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A. JAMES MANCHIN
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FISCAL NOTE WORKSHEET

(Submit 4 copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO. _____
 SUBJECT Proposed Regulations dealing with Oil & Gas Inspectors Exam. Board FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND IN ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 500.00	\$	\$ 500.00	\$ 500.00	\$ 500.00
PERSONAL SERVICES	\$ 375.00	\$	\$ 375.00	\$ 375.00	\$ 375.00
CURRENT EXPENSES	125.00		125.00	125.00	125.00
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$ -----	\$ -----	\$ -----	\$ -----	\$ -----

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Will require an average one (1) additional meeting of the Board to deal with oil and gas inspectors.

DATE

8-7-84

AGENCY
Oil & Gas Inspectors'
Examining Board

AUTHORIZED REPRESENTATIVE

J M B Eric Sect.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

OIL AND GAS INSPECTORS' EXAMINING BOARD

CHAPTER 22-4

SERIES_____

1984

SUBJECT: Matters pertaining to the Rules and Regulations dealing with:

SECTION 1.00 - GENERAL INFORMATION

1.01 - Scope - These regulations set forth herein shall govern and apply to proceedings under Section 1(a)(4), 1c, 1d, of Article 4, Chapter 22, of the Code concerning Oil & Gas Inspectors, their testing and appointment, salary and compensation, and their removal. They are not applicable for any other state employees in or out of the Department of Mines.

1.02 - Authority - These regulations are promulgated pursuant to the authority of Code 22-4-1e and Article 3, Chapter 29A of the Code.

1.03 - Effective Date - These regulations were promulgated on the _____ of _____, 1984, and became effective on the _____ of _____, 19__.

1.04 - Filing Date - These regulations were filed in the Office of the Secretary of State on the ___ day of _____, 19__, and became effective on the ___ day of _____, 19__.

1.05 - Forms - A copy of any forms currently used under or required by these regulations may be obtained from the Administrator of the Office of Oil and Gas of the Department of Mines.

SECTION 2.00 - DEFINITIONS

2.01 - STATUTORY DEFINITIONS - As Used in these regulations, the terms 'Administrator', 'Department' or 'Department of Mines', 'Office of Oil and Gas' or 'Office' shall have the meanings as set forth in Code 22-4-1.

'Director' means the Director of the Department of Mines as defined in Code 22-1-1(b)(3).

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 8-10-84
Administrative Law Division

2.02 - DEFINITION ADOPTED BY REGULATION

- a) "Board" means Oil and Gas Inspectors' Examining Board created in Code 22-4-1e.
- b) "Code" means the West Virginia Code of 1931, as amended.
- c) "Chairman" means the Chairman of the Oil and Gas Inspectors' Examining Board as set out in 22-4-1e.

SECTION 3.00 - APPLICATION

3.01 - Applicants for examination must complete an application form, and such form shall be in the Administrator's office six (6) weeks prior to the examination date.

3.02 - Upon receipt of all applications the board will contact each applicant by first class mail at the address on the application form at least two (2) weeks prior to the examination as to whether the applicant is eligible to take the examination. (See 22-4-1d)

3.03 - Examinations will be given on the first Thursday in May and the first Thursday in October unless the number of applicants warrants another examination or unless there is a need to qualify additional candidates for a depleted register.

3.04 - Applicants who fail to appear at their scheduled examination may appear at the next succeeding examination only, and upon missing two (2) consecutive examinations must reapply.

3.05 - Examination Content - The examination will consist of two parts. The first part is a two hour written examination covering the principles and practice of oil and gas operations in West Virginia, not limited to, but including Article 4, Chapter 22 of the Code and regulations promulgated thereunder; and the second part is an oral test where members of the Board will interview the candidates to determine the candidates ability to carry out the functions of an oil and gas inspector.

3.06 - Passing Grade - The passing grade the board requires for the examination is 70%.

3.07 - Failure of Examination - An applicant who fails the examination may be re-examined, provided that, after three failures the applicant has to wait two (2) full years before taking the examination again.

3.08 - Within two (2) weeks after an examination each participant will be notified as to his or her score, by first class mail at the address on the application.

3.09 - As soon as all tests are graded, the board will certify to the Administrator and Director a roster as provided for in Code 22-4-1e.

SECTION 4.00

COMPENSATION FOR INSPECTORS AND SUPERVISING INSPECTORS

4.01 - The Administrator shall review each inspector's performance annually and forward to the Board his evaluation and proposed merit raises.

4.02 - The Board, at its next regularly scheduled (non-examination) meetings will review the Administrator's evaluations and merit raise recommendations.

4.03 - The Board will submit its recommendations to the Director so as to effectively reward those inspectors who have shown meritorious service.

SECTION 5.00 - HEARINGS BEFORE THE BOARD

5.01 - Hearings on the followings are subject to this section:

--petitions brought by the Director or the Administrator for the removal of an inspector under Code 22-4-1d;

--appeals by inspectors of suspension orders made by the Administrator under Code 22-4-1a; and

--appeals of the striking of any candidate's name from the register by the Director or the Administrator under Code 22-4-1c.

5.02 - All hearings under this section will be initiated by petition and the petitioner will state his or her allegation that if proved to be true and correct will warrant the removal under Code 22-4-1d or revocation of the actions taken by the Administrator or Director.

5.03 - Summary Disposition - At the time of filing the Board may summarily dispose of the petition on any of the followings grounds:

- a) The petitioner, inspector, Administrator, or Director, has no right for review.
- b) The Board lacks Jurisdiction over the petition so filed.
- c) The petitioner has failed to appear at the time and place for the hearings.
- d) The petitioner has withdrawn or abandoned the request for a hearing.

- e) The petition, if all the alleged facts were true, would not warrant removal under 22-4-1d or revocation of the actions taken by the Administrator or Director. When the Board summarily disposes of a petition it shall notify all interested parties in writing.

5.04 - Notice to Interested Parties - Notice will be sent to all Board members, petitioners and persons named in the petition by registered mail. Such notice shall contain a copy of the petition, and the time, date, and place of the hearing, which date shall not be less than 15 days and not more than 30 days after receipt of the petition by the Administrator.

5.05 - Filings

a) Where to File - Any petitions filed will be filed with the Administrator at Building #1, EW-153, Charleston, WV 25305.

b) How to File - All filings may be accomplished by personal delivery or first class mail.

c) When Filings is Effective - Filings is effective upon delivery.

5.06 - Presiding Officer - The Chairman or any other member in the Chairman's absence shall preside over every hearing conducted pursuant to this Section.

5.07 - Powers of the Presiding Officer - The officer presiding over every hearing subject to the rules of this section, may:

- (1) Administer oaths and affirmations;
- (2) Issue subpoenas in accordance with the provision of Code 29A-5-1;
- (3) Rule upon offers of proof and receive relevant evidence;
- (4) Permit evidentiary depositions to be taken and read as in civil actions in the circuit courts of this state;
- (5) Permit discovery depositions;
- (6) Regulate the course of a hearing;
- (7) Dispose of procedural requests or similar matters;
- (8) Hold conferences for the settlement or simplification of the issues with the consent of the parties; and
- (9) Take any other action in connection with such hearing authorized by law.

5.08 - Representation at Hearings - At hearings held pursuant to this Section, any party may represent himself or be represented by an individual of his choice. In addition, any party has the right to be represented.

5.09 - Conduct of Hearings

- (a) Conduct of attorneys and individuals before the Board shall be the same as required of attorneys before the Circuit Courts of the State of West Virginia. Any person testifying in response to a subpoena or subpoena duces tecum issued by a Presiding Officer and any person testifying in support of a petition or in opposition thereto shall be required to do so under oath or affirmation administered by the Presiding Officer. Witnesses shall be examined with courtesy and respect, and their good faith shall be presumed.
- (b) Smoking shall not be permitted in the hearing room during session or during recess.
- (c) Electronic recordings of any hearing is prohibited except as may be required by the Board for preserving a record thereof for the use of the Board in connection with the matter being heard. The taking of photographs in or broadcasting of proceedings from any hearing room is prohibited.
- (c) At the presiding officer's discretion, or on motion of any party, a transcript of testimony shall be taken and preserved as part of the permanent record. Parties may examine the official transcript.

5.10 - Hearings Held Confidential - Hearings under this procedure will be held confidential unless so released by the person named in the petition or requested by a court order.

5.11 - Written Orders

- a) Within 30 days after the conclusion of a hearing the Presiding Officer shall consider the evidence and any proposals and issue a written order which should include:
 - 1) A copy of the petition
 - 2) A statement of whether the petition is found to be true or false.
 - 3) A statement of appropriate action that should be taken upon said petition.

A copy of said Order shall be served on all interested parties.