

Approved April 27, 2010

**Occupational Health & Safety Review Commission
MINUTES OF THE August 19, 2009 MEETING**

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on August 19, 2009, starting at 9:12 A.M. at the State Capitol Building, Room 317, 490 Old Santa Fe Trail, Santa Fe, NM.

Item #1: Call to Order

Chair Dunphy called the meeting to order at 9:12 A.M.

Item #2: Roll Call

Members Present:

Mr. John Dunphy, Chair
Mr. Martin Dominguez
Mr. Arturo Archuleta

Others Present:

Adrian Terry, AGO
Sally Worthington, NMED
Robert Genoway, NMED OHSB
Butch Tongate, NMED OHSB
Jerry Dickinson, NMED OGC
Duwayne Roybal, NMED OHSB

Item #3: Approval of Agenda

ACTION: Mr. Dominguez made a motion to approve the Agenda. Mr. Archuleta seconded. Motion carried unanimously.

Item #4: Approval of the May 26, 2009 Meeting Minutes

ACTION: Mr. Dominguez made a motion to approve the minutes. Chair Dunphy seconded. Motion carried unanimously.

Item #5: Presentation by Felicia Orth on fundamentals of administrative law

ACTION: Ms. Orth gave her presentation on the fundamentals of administrative law and referred to the applicable acts and regulations and gave examples from recent cases.

Item #6 Other Business

ACTION: Jerry Dickinson from the Office of General Counsel and representing the OHSB in the matter of NMED v. United Drilling, Inc., OSHA 08-024 told the Commissioners that they were as close to settling as they could get without actually having a signed settlement agreement but was requesting that the Commission schedule the case for a Hearing on the Merits at the next meeting knowing that in all likelihood that it will be settled. Chair Dunphy stated that was a reasonable request and requested that the Administrator set up a hearing within a month or so depending on the Commissioner's schedules.

Adrian Terry stated that the Commission has one open item and that is Lucky Rental Tool.

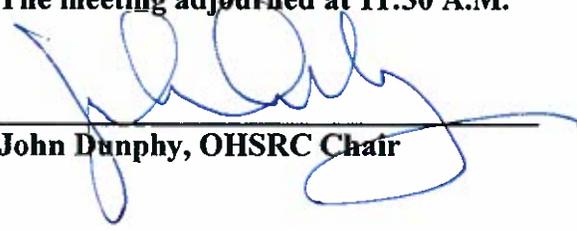
Item #7 Next Meeting

ACTION: The next meeting will be subject to the availability of the Commissioners and the Administrator will coordinate that.

Item #8 Adjournment

ACTION: Mr. Dominguez made a motion to adjourn. Mr. Archuleta seconded the motion. Motion carried unanimously.

The meeting adjourned at 11:30 A.M.



John Dunphy, OHSRC Chair