

Approved February 27, 2008

**Occupational Health & Safety Review Commission
MINUTES OF THE January 23, 2007 MEETING**

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on January 23, 2007, starting at 9:00 A.M. at the Marquez Plaza Building Training Room, 525 Camino de Los Marquez, Santa Fe, New Mexico.

Item #1: Call to Order

Chair Dunphy called the meeting to order at 9:00 A.M.

Item #2: Roll Call

Members Present:

Mr. John Dunphy, Chair
Mr. Filo Sedillo
Mr. Martin Dominguez

Others Present:

Corliss Thalley, AGO
Sally Worthington, NMED
Robert Genoway, NMED OHSB
Gerald Metter, NMED OHSB
Ken Barnett, K. Barnett & Son, Clovis NM
Kameron Barnett, K. Barnett & Son, Clovis NM
Jackie Freeman, K. Barnett & Son, Clovis NM

Item #3: Approval of Agenda

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

Item #4: Deliberation and decision in the matter of NMED v. K. Barnett and Son, Inc., OSHA 05-066.

ACTION: Mr. Dominguez moved to go into executive session pursuant to Section 10-15-1, page 3 of the Open Meetings Act to discuss NMED vs. K. Barnett and Son, Inc., case number OSHA 05-066. Mr. Sedillo seconded the motion. A roll call vote was taken:

**Comm. Sedillo: Yes
Comm. Dominguez: Yes
Chair Dunphy: Yes**

The Commission came out of executive session. All that was discussed was the Motion to Dismiss Due to Inapplicability of the Cited Standard. Mr. Dominguez moved that the motion be denied. Mr. Sedillo seconded the motion. The motion carried unanimously.

Proposed Findings of Fact were read by Ms. Corliss Thalley, counsel to the Commission.

ACTION: Mr. Sedillo moved to adopt the Findings 1 through 23 as presented. Mr Dominguez seconded the motion. The motion carried unanimously.

Proposed Conclusions of Law were read by Comm. Dominguez.

ACTION: Mr. Dominguez moved to adopt the Conclusions of Law and Mr. Sedillo seconded the motion. The motion carried unanimously.

ACTION: Mr. Dominguez moved for the following Decision and Order: That the citation issued against Barnett and Son be dismissed. Mr. Sedillo seconded the motion. The motion carried unanimously.

Chair Dunphy announced that a decision and order will be drafted and signed by the commissioners and will be provided to the parties.

Item #5 Other Business

None at this time.

Item #6 Next Meeting

To be announced at a later time.

Item #7 Adjournment

ACTION: Mr. Sedillo made a motion to adjourn. Mr. Dominguez seconded the motion.

The meeting adjourned at 12:20 P.M.



John Dunphy, OSHA Chair