

Approved January 16, 2013

**Occupational Health & Safety Review Commission
MINUTES OF THE April 6, 2011 MEETING**

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on April 6, 2011 starting at 9:38 a.m. at the State Capitol Building, Room 305, 490 Old Santa Fe Trail, Santa Fe, NM.

Item #1: Call to Order

Chair Dunphy called the meeting to order at 9:38 a.m.

Item #2: Roll Call

Members Present:

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

Others Present:

Tania Maestas, AGO
Sally Worthington, NMED
Robert Genoway, NMED OHSB
Jerry Dickinson, NMED OGC
Herman Hernandez, 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 March 16, 2011 Meeting Minutes

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

Item #5 Deliberation and possible decision in the matter of NMED v. Sterling Brothers Construction, Inc., OSHA 10-044. The Commissioners may adjourn into Closed Executive Session to discuss this matter pursuant to Section 10-15-1(H)(3), NMSA 1978 of the Open Meetings Act.

ACTION: Before making the motion to go into Executive Session Commissioner Dominguez stated that although he wasn't present at the meeting he did have the opportunity to review the transcript and, that said, he moved to go into Executive

Session to discuss NMED v. Sterling Brothers Construction, Inc., OSHA 10-044. Mr. Archuleta seconded. The motion carried unanimously. After coming out of Executive Session Commissioner Dunphy reported that deliberations consisted only of discussion of matters related to NMED v. Sterling Brothers Construction, Inc., OSHA 10-044. Mr. Archuleta stated that he would like to make a motion regarding the findings. Regarding Citation 1, Item 1 he moved that they affirm as presented; regarding Citation 1, Item 2 he moved that they affirm the citation as presented; and with regard to Citation 2, Item 1 he moved that they affirm the finding of violation but that they amend the type of violation from serious to other than serious but that they amend the penalty to a \$1,000 fine minus a 60 % reduction based on the size of the company for a total fine of \$400. Mr. Dominguez seconded the motion. The motion carried unanimously.

Item #6 Other Business

None.

Item # 7 Next Meeting

The next meeting will be dependent on whenever a hearing needs to be scheduled.

Item #8 Adjournment

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

The meeting adjourned at 10:55 am.

John Dunphy, OHSRC Chair