Occupational Health & Safety Review Commission
MINUTES OF THE January 16, 2013 MEETING

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on January 16, 2013 starting at 9:00 a.m. at the Marquez Plaza Building Training Room, 525 Camino de Los Marquez, Santa Fe, NM.

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. Arturo Archuleta
Mr. Martin Dominguez

Others Present:

Zack Shandler, AGO
Sally Worthington, NMED
Robert Genoway, NMED OHSB
Christopher Atencio, NMED OGC
Lynn Isaacson
Jeff Dahl
Johnny Greene

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 April 6, 2011 Meeting Minutes

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

Item #5: Adoption of OHSRC Open Meetings Act 2013 Resolution

ACTION: Mr. Dominguez made a motion to approve the Open Meetings Act 2013 Resolution. Mr. Archuleta seconded. Motion carried unanimously.
Item #6: Consideration of Objection to Settlement Agreement in the matter of NMED v. City of Gallup, OSHA 12-016. 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: Mr. Dominguez made a motion to uphold the Settlement Agreement in the matter of NMED v. City of Gallup, OSHA 12-016. Mr. Archuleta seconded the motion. Motion carried unanimously.

Item #7 Evidentiary hearing and possible decision in the matter of NMED v. Southwest Concrete & Paving, Inc., OSHA 12-017. 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: A transcript of the proceedings was made by Kathy Townsend Court Reporters and the transcript will be in the custody of the Administrator. It is available for viewing upon request.

As stated in the transcript after coming out of Executive Session Commissioner Dunphy reported that deliberations consisted only of discussion of matters related to NMED v. Southwest Concrete & Paving, Inc., OSHA 12-017. Mr. Archuleta made a motion to dismiss the Citation and Notice of Penalty issued against Southwest Concrete & Paving. He stated that the preponderance of the evidence demonstrates that the accident was a result of an unforeseeable occurrence. A final written Order will be issued shortly by the Commission Chair. Mr. Dominguez seconded the motion. The Motion carried unanimously.

Item #8 Evidentiary hearing and possible decision in the matter of NMED v. Materion Advanced Materials Technologies and Services Corporation, OSHA 12-021. 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: A transcript of the proceedings was made by Kathy Townsend Court Reporters and the transcript will be in the custody of the Administrator. It is available for viewing upon request.

As stated in the transcript, the parties were able to reach a settlement agreement. They will submit a formal agreement and seek the Commission’s approval of it.

Item #9 Other Business

None

Item #10 Next Meeting

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

Item #11 Adjournment
ACTION: Mr. Dominguez made a motion to adjourn. Mr. Archuleta seconded. Motion carried unanimously.

The meeting adjourned at 3:58 pm.

[Signature]

C. Bryan Drennan, OHSRC Chair