Approved March 20, 2014

Occupational Health & Safety Review Commission
MINUTES OF THE October 29, 2013 MEETING

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on October 29, 2013 starting at 9:05 a.m. in the Annex Conference Room L1015, Harold Runnells Building, 1190 St. Francis Dr., Santa Fe, NM.

Item #1: Call to Order

Chair Drennan called the meeting to order at 9:05 a.m.

Item #2: Roll Call

Members Present:

Mr. Bryan Drennan, Chair
Mr. Arturo Archuleta
Mr. Brock Carter

Others Present:

Charles Kraft, AGO
Sally Worthington, NMED
Robert Genoway, NMED OHSB
Jerry Dickinson, NMED OGC
Sean Calvert
Herman Hernandez, OHSB
Steven C. Pannell
Abby Lewis, AGO
Hessel Yntema

Item #3: Approval of Agenda

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

Item #4: Approval of the January 16, 2013 Meeting Minutes

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

Item #5: In the matter of NMED v. ESA Construction, Inc., OSHA 13-012; pending motion re: Motion to Dismiss Notice of Contest and For Default Judgment (each party will be allowed 15 minutes for oral argument).
ACTION: Each party presented their oral argument: Jerry Dickinson, representing the OHSB, was joined by Bob Genoway, the Bureau Chief, and Herman Hernandez, the Manager for the Compliance Program. Sean Calvert, representing ESA Construction, was joined by Steven Pannell, with ESA Construction. The moving party went first, followed by the respondent.

Mr. Archuleta made a motion to go into Executive Session pursuant to Section 10-15-1(H)(3) NMSA 1978 of the Open Meetings Act to deliberate over the matter listed in #5 of the agenda pertaining to case number OSHA 13-012. Mr. Carter seconded the motion. After a roll call vote the motion carried unanimously.

Chair Drennan declared the meeting back in open session at 10:05 am. He stated that the matters discussed in Executive Session were limited only to those specified in the motion for closure. He then entertained a motion to either grant or deny NMED’s Motion To Dismiss. Mr. Archuleta made a motion to grant NMED’s Motion to Dismiss The Notice of Contest for Default Judgment. Mr. Carter seconded. A roll call vote was taken and the decision was unanimous. Mr. Dickinson was directed to submit to the Commission a proposed order reflecting the unanimous decision and that would be filed and served on all parties.

Item #6 Presentation by the Occupational Health & Safety Bureau

Bob Genoway, the Bureau Chief of the Occupational Health and Safety Bureau, gave his presentation on how the Bureau operates and procedures.

Item #7 Other Business

None

Item #8 Next Meeting

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

Item #9 Adjournment

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

The meeting adjourned at 11:30 am.

C. Bryan Drennan, OHSRC Chair