Approved September 25, 2008

Occupational Health & Safety Review Commission
MINUTES OF THE August 8, 2008 MEETING

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on August 8, 2008, starting at 1:00 P.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 1:00 P.M.

Item #2: Roll Call

Members Present:

Mr. John Dunphy, Chair
Mr. Martin Dominguez

Members Absent:

Filo Sedillo

Others Present:

Adrian Terry, AGO
Elizabeth Glenn, AGO
Sally Worthington, NMED
Robert Genoway, NMED OHSB
Thomas Bueno, Darrell Julian Construction
Butch Tongate, NMED OHSB

Item #3: Approval of Agenda

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

Item #4: Approval of the May 9, 2008 Meeting Minutes

ACTION: Mr. Dominguez made a motion to approve the minutes. Chair Dunphy seconded. Motion carried unanimously.
Item #5: Deliberation and possible decision in the matter of NMED v. Darrell Julian Construction, Inc., OSHA 07-047. 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 go into Executive Session pursuant to Section 10-15-1(H)(3) NMSA 1978 of the Open Meetings Act to discuss NMED v. Darrell Julian Construction, Inc. OSHA 07-047. A roll call vote was taken:

Chair Dunphy: Yes
Commissioner Dominguez: Yes

The Commission came out of Executive Session. The matters discussed were only those specified in the motion to go into Executive Session.

ACTION: Mr. Dominguez made a motion to go back on the record. Chair Dunphy seconded. Motion carried unanimously.

ACTION: Mr. Dominguez made the following motion: with regard to Citation 1, the Commission finds that the Department has not offered adequate evidence to support the allegations and the violations of Federal or State standards or regulations as stated in the Administrative Complaint. Therefore the Commission should find that the violation has not been committed. With respect to Citation 2, the Commission should find that the Department has not offered adequate evidence to support the allegations and the violations of Federal or State standards or regulations as stated in the Administrative Complaint. Therefore the Commission should find that the violation has not been committed. Chair Dunphy seconded. Motion carried unanimously.

Item #6 Other Business

None.

Item #7 Next Meeting

To be announced after checking availability of Commissioners.

Item #8 Adjournment

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

The meeting adjourned at 1:45 P.M.

John Dunphy, OHSRC Chair