

1 *Approved September 25, 2008*

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

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5 The meeting of the New Mexico Occupational Health & Safety Review Commission was
6 held on August 8, 2008, starting at 1:00 P.M. at the Marquez Plaza Building Training
7 Room, 525 Camino de Los Marquez, Santa Fe, NM.

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11 **Item #1: Call to Order**

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13 Chair Dunphy called the meeting to order at 1:00 P.M.

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15 **Item #2: Roll Call**

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17 Members Present:

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19 Mr. John Dunphy, Chair
20 Mr. Martin Dominguez

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22 Members Absent:

23
24 Filo Sedillo

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26 Others Present:

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28 Adrian Terry, AGO
29 Elizabeth Glenn, AGO
30 Sally Worthington, NMED
31 Robert Genoway, NMED OHSB
32 Thomas Bueno, Darrell Julian Construction
33 Butch Tongate, NMED OHSB

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36 **Item #3: Approval of Agenda**

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

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

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43 **ACTION: Mr. Dominguez made a motion to approve the minutes. Chair**
44 **Dunphy seconded. Motion carried unanimously.**

1 **Item #5: Deliberation and possible decision in the matter of NMED v. Darrell**
2 **Julian Construction, Inc., OSHA 07-047. The Commissioners may adjourn into**
3 **Closed Executive Session to discuss this matter pursuant to Section 10-15-1(H)(3),**
4 **NMSA 1978 of the Open Meetings Act.**

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6 **ACTION: Mr. Dominguez made a motion to go into Executive Session pursuant**
7 **to Section 10-15-1(H)(3) NMSA 1978 of the Open Meetings Act to discuss NMED v.**
8 **Darrell Julian Construction, Inc. OSHA 07-047. A roll call vote was taken:**

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10 **Chair Dunphy: Yes**
11 **Commissioner Dominguez: Yes**

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

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16 **ACTION; Mr. Dominguez made a motion to go back on the record. Chair**
17 **Dunphy seconded. Motion carried unanimously.**

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

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30 **Item #6 Other Business**

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32 **None.**

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34 **Item #7 Next Meeting**

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36 **To be announced after checking availability of Commissioners.**

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38 **Item #8 Adjournment**

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

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43 **The meeting adjourned at 1:45 P.M.**

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John Dunphy, OHSRC Chair