

Approved May 10, 2006

Occupational Health & Safety Review Commission
MINUTES OF THE February 2nd, 2006 MEETING

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on February 2, 2006, starting at 9:35 A.M. at the Marquez Plaza Building Training Room, 525 Camino de Los Marquez, in Santa Fe, New Mexico.

Item #1: Call to Order

Chair Dunphy called the meeting to order at 9:35 A.M.

Item #2: Roll Call

Members Present: Mr. John Dunphy, Chair
Mr. Filo Sedillo

Members Absent: Mr. Martin Dominguez

Others Present:

Corliss Thalley, AGO
Sally Worthington, NMED
Dwayne Taylor, Lucky Services Inc.
Butch Tongate, OHSB/NMED
Rosemary Strunk, OGC/NMED
Robert Genoway, OHSB/NMED
Duwayne Roybal, OHSB/NMED
Edward J. Dominguez, OHSB/NMED
Bob Harms, OHSB/NMED

Item #5: Evidentiary hearing and possible decision in the matter of NMED v. Lucky Services, Inc., OSHA 05-041.

An evidentiary hearing was held on this matter. The hearing was transcribed and the transcripts will be in the custody of the Administrator. It is available for viewing on request.

Item #3: Approval of Agenda

ACTION: Mr. Sedillo made a motion to approve the Agenda as presented.
Motion carried unanimously.

Item #4 Deliberation and decision in the matter of NMED v. Mack Energy Corporation, OSHA 05-030.

46 A Notice of Unconditional Withdrawal of Contest was submitted by Mack Energy
47 Corporation on January 17, 2006.

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49 **ACTION: Mr. Sedillo made a motion to dismiss NMED v. Mack Energy**
50 **Corporation, OSHA 05-030. Motion carried unanimously.**

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53 **Item #6 Other Business**

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55 **ACTION: Mr. Sedillo made a motion for the Board to go into executive session**
56 **to deliberate on the case of OSHA 05-041 pursuant to 10-15-1-H of the**
57 **Open Meetings Act.**

58 **Roll Call vote: Chair Dunphy: Yes**

59 **Mr. Sedillo: Yes**

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61 The Commission went into closed executive session. After coming out of executive
62 session, Chair Dunphy stated that the only matter that was discussed in the closed
63 executive session was just the case before them today. They did not have a decision to
64 announce at that time and that this would be an agenda item on the agenda for the next
65 scheduled meeting (tentatively scheduled for March, 2006).

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67 **Item #7 Next Meeting**

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69 The next meeting is tentatively scheduled for March 2006.

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71 **Item #8 Adjournment**

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73 The meeting adjourned at 12 noon.

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78 **John Dunphy, OSHA Chair**

