

Approved May 9, 2008

**Occupational Health & Safety Review Commission
MINUTES OF THE February 27, 2008 MEETING**

The meeting of the New Mexico Occupational Health & Safety Review Commission was held on February 27, 2008, starting at 1:30 P.M. at the Marquez Plaza Building Training Room, 525 Camino de Los Marquez, Santa Fe, New Mexico.

Item #1: Call to Order

Chair Dunphy called the meeting to order at 1:35 P.M.

Item #2: Roll Call

Members Present:

Mr. John Dunphy, Chair
Mr. Martin Dominguez

Members Absent:

Filo Sedillo

Others Present:

Elizabeth Glenn, AGO
Sally Worthington, NMED
Robert Genoway, NMED OHSB
Jim Kentch, NMED
Peg Ludewig of Landry & Ludewig, Atty for DR Horton
Lou Gibney, Operations Manager, DR Horton
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 September 25-26, 2006, November 15, 2006 and January 23, 2007 Meeting Minutes

ACTION: Mr. Dominguez made a motion to approve the minutes after minor corrections. Chair Dunphy seconded. Motion carried unanimously.

Item #5: In the matter of NMED v. D.R. Horton, Inc., OSHA 07-038 and OSHA 07-048; pending motions including Motion to Dismiss and possibly Motion to Consolidate and Motion to Stay Discovery

ACTION: In regard to the Motion to Dismiss, Ms. Ludewig, representing the Respondent, D.R. Horton, and Mr. Kentch, representing the Complainant, OHSB, were given the opportunity to argue the Motion to Dismiss. Mr. Dominguez then moved to go into executive session pursuant to Section 10-15-1 (H) (3) of the Open Meetings Act to discuss NMED vs. D.R. Horton, case numbers OSHA 07-038 and OSHA 07-048. Chair Dunphy seconded the motion. A roll call vote was taken:

Comm. Dominguez: Yes
Chair Dunphy: Yes

The Commission came out of executive session. All that was discussed was the Motion to Dismiss.

ACTION: Mr. Dominguez made a motion to dismiss the complaint without prejudice in both cases and the Commission will ask the Commission counsel to draft the decision and order. Chair Dunphy seconded the motion. The motion carried unanimously.

Item #6 Other Business

Butch Tongate, Bureau Chief of OHSB, wanted to let the Commissioners know that the Bureau is scheduled for a hearing before the Environmental Improvement Board in May to present three major substantive regulation proposed changes: one is on private interviews during the inspections; one is on settlements during informal conferences prior to the contests and the third is some changes to convenience store regulations.

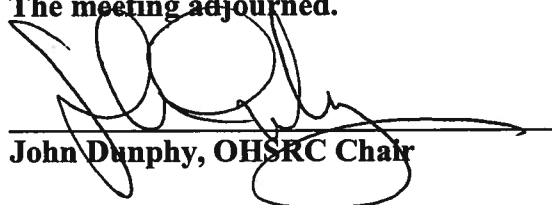
Item #7 Next Meeting

April 18, 2008 meeting for Darrell Julian Construction, OSHA 07-047.

Item #8 Adjournment

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

The meeting adjourned.



John Dunphy, OHSRC Chair