## Approved May 10, 2006

2	Occupational Health & Safety Review Commission			
3		MINUTES OF THE March 9, 2006 MEETING		
5	The meeting of the New Mexico Occupational Health & Safety Review Commission was held on March 9, 2006, starting at 9:30 A.M. at the Wendell Chino Building, Porter Hall 1220 St. Francis Drive, in Santa Fe, New Mexico.			
9	Item #1:	Call to Order		
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11	Chair Dunphy called the meeting to order at 9:28 A.M.			
12	T. 115			
	Item #2:	Roll Call		
14	Manulaana Duan	~~ <b>.</b>		
	Members Present:			
16	Mr. John Duni	phy Chair		
	Mr. John Dunphy, Chair Mr. Filo Sedillo			
_	Mr. Martin Dominguez			
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21	Others Present:			
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23	Corliss Thalley, AGO			
	Sally Worthington, NMED			
	Butch Tongate, OHSB/NMED			
	Rosemary Strunk, OGC/NMED			
	Robert Genoway, OHSB/NMED			
	Duwayne Roybal, OHSB/NMED			
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31	Item #3:	Approval of Agenda		
33	Rem #5.	Approvar of Agenda		
	<b>ACTION:</b>	Mr. Dominguez made a motion to approve the Agenda as presented.		
		econded the motion. Motion carried unanimously.		
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37	Item #4:	Approval of the December 22, 2005 and January 10, 2006 Meeting		
38	Minutes			
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	<b>ACTION:</b>	Mr. Sedillo made a motion to approve the December 22, 2005 and		
		2006 Meeting Minutes as presented. Mr. Dominguez seconded the		
		ion carried unanimously.		
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45 Item #5 Deliberation and decision in the matter of NMED v. Lucky Services, 46 Inc., OSHA 05-041. 47 48 **ACTION**: Mr. Dominguez stated that he was not present at the hearing but had 49 read the transcript. Mr. Sedillo made a motion for the Board to go 50 into executive session to deliberate on the case of OSHA 05-041 51 pursuant to 10-15-1-H of the Open Meetings Act. 52 Chair Dunphy: Yes Roll Call vote: 53 Mr. Sedillo: Yes 54 Mr. Dominguez: Yes 55 56 The Commission went into closed executive session. After coming out of executive 57 session, Mr. Dominguez made a motion to be back in session. Mr. Sedillo seconded the 58 motion and the motion carried unanimously. Mr. Sedillo then read the Findings of Fact 59 on NMED v. Lucky Services Inc. OSHA 05-041 followed by the Conclusions of Law. 60 61 **ACTION**: Mr. Sedillo made a motion to accept the Findings of Fact. The motion 62 carried unanimously. Mr. Sedillo then made a motion to accept the Conclusions of 63 Law, Mr. Dominguez seconded the motion and the motion carried unanimously. 64 65 Item #6 Deliberation and decision NMED's Motion on to Dismiss 66 Respondent's Notice of Contest for Failure to File a Timely Answer and Entry of 67 Final Order in the matter of NMED v. Warwick Construction, Inc., OSHA 05-048. 68 69 **ACTION**: Mr. Sedillo made a motion to deny NMED's Motion to Dismiss. Mr. 70 Dominguez seconded the motion. The motion carried unanimously. This case will be set for hearing. 72 73 Item #7 Evidentiary hearing and possible decision in the matter of NMED v. 74 Key Energy Services, OSHA 05-035. 75 76 **ACTION**: Chair Dunphy announced that a settlement had been reached on this 77 case and Ms. Thalley advised the commission that regulations state that at any time 78 prior to expiration of twenty days after the filing of the settlement (in this case, 79 March 7, 2006) objection to this settlement may be filed by any affected employee or 80 representative of affected employees other than the party, any party who has not 81 approved the settlement agreement or any commission member. If any objections 82 are filed, they will be served on each party and at that point there would be action 83 by the commission. If no timely objection to a settlement is filed, the settlement 84 shall become a final order of the commission without further action upon expiration 85 of the time for filing objections. 86 Other Business 87 **Item #8** 88 89 None at this time.

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	92	Item #9	Next Meeting		
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4	94	To be anno	unced at a later time.		
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	96	Item #10	Adjournment		
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	98	The meetin	The meeting adjourned at 10 A.M.		
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	103	John Dunj	ohy, OSHA Chair		
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