Occupational Health & Safety Review Commission

MINUTES OF THE March 9, 2006 MEETING

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.

Item #1: Call to Order

Chair Dunphy called the meeting to order at 9:28 A.M.

Item #2: Roll Call

Members Present:

Mr. John Dunphy, Chair
Mr. Filo Sedillo
Mr. Martín Dominguez

Others Present:

Corliss Thalley, AGO
Sally Worthington, NMED
Butch Tongate, OHSB/NMED
Rosemary Strunk, OGC/NMED
Robert Genoway, OHSB/NMED
Duwayne Roybal, OHSB/NMED

Item #3: Approval of Agenda

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

Item #4: Approval of the December 22, 2005 and January 10, 2006 Meeting Minutes

ACTION: Mr. Sedillo made a motion to approve the December 22, 2005 and January 10, 2006 Meeting Minutes as presented. Mr. Dominguez seconded the motion. Motion carried unanimously.
Item #5  Deliberation and decision in the matter of NMED v. Lucky Services, Inc., OSHA 05-041.

ACTIONS: Mr. Dominguez stated that he was not present at the hearing but had read the transcript. Mr. Sedillo made a motion for the Board to go into executive session to deliberate on the case of OSHA 05-041 pursuant to 10-15-1-H of the Open Meetings Act.

Roll Call vote:
Chair Dunphy: Yes
Mr. Sedillo: Yes
Mr. Dominguez: Yes

The Commission went into closed executive session. After coming out of executive session, Mr. Dominguez made a motion to be back in session. Mr. Sedillo seconded the motion and the motion carried unanimously. Mr. Sedillo then read the Findings of Fact on NMED v. Lucky Services Inc. OSHA 05-041 followed by the Conclusions of Law.

ACTIONS: Mr. Sedillo made a motion to accept the Findings of Fact. The motion carried unanimously. Mr. Sedillo then made a motion to accept the Conclusions of Law, Mr. Dominguez seconded the motion and the motion carried unanimously.

Item #6  Deliberation and decision on NMED’s Motion to Dismiss Respondent’s Notice of Contest for Failure to File a Timely Answer and Entry of Final Order in the matter of NMED v. Warwick Construction, Inc., OSHA 05-048.

ACTIONS: Mr. Sedillo made a motion to deny NMED’s Motion to Dismiss. Mr. Dominguez seconded the motion. The motion carried unanimously. This case will be set for hearing.

Item #7  Evidentiary hearing and possible decision in the matter of NMED v. Key Energy Services, OSHA 05-035.

ACTIONS: Chair Dunphy announced that a settlement had been reached on this case and Ms. Thalley advised the commission that regulations state that at any time prior to expiration of twenty days after the filing of the settlement (in this case, March 7, 2006) objection to this settlement may be filed by any affected employee or representative of affected employees other than the party, any party who has not approved the settlement agreement or any commission member. If any objections are filed, they will be served on each party and at that point there would be action by the commission. If no timely objection to a settlement is filed, the settlement shall become a final order of the commission without further action upon expiration of the time for filing objections.

Item #8  Other Business

None at this time.
Item #9  Next Meeting

To be announced at a later time.

Item #10  Adjournment

The meeting adjourned at 10 A.M.

John Dunphy, OSHA Chair