



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT
*Occupational Health and Safety Review
Commission*

Harold Runnels Building
1190 St. Francis Drive, PO Box 5469
Santa Fe, New Mexico 87502-5469
Telephone: (505) 827-2428

www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Acting Deputy Secretary

DRAFT until Approved

Occupational Health and Safety Review Commission
Minutes of June 20, 2019 Special Meeting

The special meeting of the Occupational Health and Safety Review Commission was held on June 20, 2019, starting at 9:00 a.m. in the Drinking Water Bureau Conference Room, S-2054, Runnels Building, 1190 Saint Francis Drive, Santa Fe, New Mexico 87505.

1. Call to Order.

Acting Chair William "Brock" Carter, called the meeting to order at 9:00 a.m.

2. Roll Call.

A quorum was established by roll call.

Members Present:

William "Brock" Carter, Chair
Robert Roehm
Jeff Kokos

Members Absent

Others Present:

John Kreienkamp, Assistant Attorney General (Commission Counsel)
Cody Barnes, Hearing Clerk (Commission Administrator)

3. Approval of the Agenda.

MOTION: Commissioner Kokos moved to approve the agenda. Commissioner Roehm seconded the motion. The motion passed by a voice vote.

4. Approval of the Meeting Minutes from November 15, 2018.

Commissioner Roehm requested one change to item number 9. The line should read "Mr. Roehm mentioned that the financial disclosures will be due in January" instead of "...financial closures..."

MOTION: Commissioner Roehm moved to approve the meeting minutes as amended. Mr. Kokos seconded the motion. The motion passed by a voice vote.

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5. Adoption of the OHSRC 2019 Open Meetings Act Resolution.

Commission Counsel briefed the Commissioners of the changes in the Open Meetings Act Resolution from that of 2018. The proposed Resolution remained the same as the previous year's expect for appropriately changing the dates.

MOTION: Commissioner Roehm moved to adopt the OHSRC 2019 Open Meetings Act Resolution. Commissioner Kokos seconded the motion. The motion passed unanimously with a voice vote.

6. Discussion of pending litigation: D-101-CV-2017-01285, New Mexico Environment Department, Occupational Health and Safety Bureau v. New Mexico Occupational Health and Safety Review Commission (administrative case OSHA 16-11, NMED v. McCarthy Building Co. NM).

MOTION: Commissioner Kokos made a motion to enter closed session pursuant to NMSA 1978, Section 10-15-1(H)(7) of the Open Meetings Act, which authorizes the closure of "meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant" to discuss pending litigation: D-101-CV-2017-01285, New Mexico Environment Department, Occupational Health and Safety Bureau v. New Mexico Occupational Health and Safety Review Commission (administrative case OSHA 16-11, NMED v. McCarthy Building Co. NM). Commissioner Roehm seconded the motion. Chair Carter asked for a roll call vote to approve the motion. The motion passed unanimously.

The Commission entered closed session at 9:06 a.m.

6 a. The Commissioners may enter into closed session pursuant to NMSA 1978, Section 10-15-1(H)(7) of the Open Meetings Act, which authorizes the closure of "meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant."

In closed session, the Commission only discussed pending litigation: D-101-CV-2017-01285, New Mexico Environment Department, Occupational Health and Safety Bureau v. New Mexico Occupational Health and Safety Review Commission (administrative case OSHA 16-11, NMED v. McCarthy Building Co. NM).

MOTION: The Commission returned to open session at 9:53 a.m. as called by the Chair.

7. Next Meeting

The Commissioners asked the Commission Administrator for a list of pending OSHA cases to determine when the next meeting will be. Commission Counsel briefly mentioned the possibility of a hearing in OHSA case 19-02 – New Mexico Environment Department, Occupational Health and Safety Bureau v. Western Industrial Resources Corporation. The next meeting will be determined based on the list provided by the Administrator, the pending litigation: D-101-CV-2017-01285, New Mexico Environment Department,

85 Occupational Health and Safety Bureau v. New Mexico Occupational Health and Safety Review
86 Commission (administrative case OSHA 16-11, NMED v. McCarthy Building Co. NM), and further
87 advancements in OSHA case 19-02 – New Mexico Environment Department, Occupational Health and
88 Safety Bureau v. Western Industrial Resources Corporation.

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90 No action was taken.

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92 **8. Adjournment**

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94 **MOTION:** Mr. Carter moved for adjournment. Mr. Roehm so moved. Mr. Kokos seconded the motion.
95 The motion passed by a voice vote.

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97 The special meeting was adjourned at 9:55 a.m.

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101 Chair