

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY DAN KAISER, SIOUX FALLS, SD AGAINST MIDCO, SIOUX FALLS, SD FOR AN INCIDENT OCCURRING ON APRIL 29, 2022 AT 1200 SOUTH KEVIN CIRCLE, SIOUX FALLS, SD.	ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD OC22-004B
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On May 8, 2022, the South Dakota One Call Notification Board received a Complaint filed by Dan Kaiser (herein “Claimant”) against Midco (herein “Respondent”) for an incident occurring on April 29, 2022, at 1200 South Kevin Circle, Sioux Falls, SD. The Complaint alleges violations of SDCL 49-7A-9 and SDCL 49-7A-10 when Respondent did not perform locates within the 48-hour requirement.

A copy of the Complaint was sent to Respondent on May 23, 2022. The deadline to respond was June 14, 2022. Respondent answered the Complaint on June 10, 2022. Respondent does not dispute that violations of South Dakota One Call law occurred. Respondent alleges that a third party is responsible for locates and failed to follow up with Claimant or Respondent after an extension was not granted by Claimant. Claimant requested a withdrawal of the Complaint on July 6, 2022.

On August 16, 2022, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel accepted Claimant’s withdrawal. Therefore, the Panel recommends the Complaint be dismissed.

The Panel recommends the South Dakota One Call Notification Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing, a party must reply within twenty (20) days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

The South Dakota One Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.