

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY CITY OF CROOKS, CROOKS,  
SD AGAINST BROOKS CONSTRUCTION,  
SIOUX FALLS, SD FOR AN INCIDENT  
OCCURRING ON JUNE 1, 2022 AT 25797  
475TH, RENNER, SD.

**ORDER ADOPTING ENFORCEMENT  
PANEL RECOMMENDATION TO THE  
SOUTH DAKOTA ONE CALL BOARD**

OC22-006

On June 9, 2022, the South Dakota One Call Notification Board received a Complaint filed by City of Crooks (herein "Claimant") against Brooks Construction (herein "Respondent") for an incident occurring on June 1, 2022, at 25797 475th, Renner, SD. The Complaint alleges a violation of 49-7A, in general, when Respondent referenced the incorrect address on a series of tickets and hit a line.

A copy of the Complaint was sent to Respondent on June 9, 2022. The deadline to respond was June 30, 2022. Respondent answered the Complaint on June 24, 2022. Respondent does dispute that a violation of South Dakota One Call law occurred. Respondent alleges they did enter the original ticket and the damage ticket with the wrong address. Respondent also alleges they are only disputing the foreman stating he was not going to wait for a new ticket. Respondent finally alleges that the foreman was informed to leave the job site and come back after new ticket was completed.

On August 16, 2022, the Enforcement Panel (herein "Panel") convened pursuant to the authority present in SDCL 49-7A. The Panel needs more information from the Claimant in regards to specific statute(s) that were violated. It is the responsibility of the Claimant to name specific statute(s) for the Panel and Board to review. Therefore, the Panel recommends the Complaint be dismissed and that Claimant have an opportunity to submit a new Complaint with more specific statute(s) listed.

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.

On September 27, 2022, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its November 10, 2022 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

**ORDERED**, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

**ORDERED**, that if the penalty is not paid, that the Board shall pursue any rights it has under the law regarding collections.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this \_\_\_\_ day of November, 2022.

BY ORDER OF THE SOUTH DAKOTA ONE  
CALL NOTIFICATION BOARD:

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Fay Jandreau, Chairman