

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY CITY OF CROOKS, CROOKS,
SD AGAINST GROUND WATER
LANDSCAPE AND IRRIGATION, SIOUX
FALLS, SD FOR AN INCIDENT
OCCURRING ON JUNE 20, 2022 AT
SUPERIOR AVENUE AND EXECUTIVE
AVENUES, CROOKS, SD.

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

OC22-008

On June 22, 2022, the South Dakota One Call Notification Board received a Complaint filed by City of Crooks (herein "Claimant") against Ground Water Landscape and Irrigation (herein "Respondent") for an incident occurring on June 20, 2022, at Superior Avenue and Executive Avenues, Crooks, SD. The Complaint alleges a violation of 49-7A, in general, when Respondent did not request locate tickets for multiple addresses along the above-mentioned avenues when replacing trees. Claimant alleges that gas mains and/or service lines are in close proximity to the project areas.

A copy of the Complaint was sent to Respondent on July 5, 2022. The deadline to respond was July 26, 2022. Respondent answered the Complaint on July 9, 2022. Respondent does not dispute that a violation of South Dakota One Call law occurred. Respondent alleges they always call in locates and it was a simple oversight on their part.

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 regard 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:

Fay Jandreau, Chairman