

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY CITY OF HECLA, HECLA, SD AGAINST TYLER THAYER, HECLA, SD FOR AN INCIDENT OCCURRING ON OCTOBER 4, 2023 AT 702 HOWARD STREET IN HECLA, SD.	<b>ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</b>  OC23-010
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On October 16, 2023, the South Dakota One Call Notification Board received a Complaint filed by City of Hecla (herein “Claimant”) against Tyler Thayer (herein “Respondent”) for an incident occurring on October 4, 2023, at 702 Howard Street, Hecla, South Dakota. The Complaint alleges a violation of “total disregard for 811 laws and regulations and City of Hecla ordinance violation” when Respondent struck the City water line two times while installing a septic tank. Claimant alleges Respondent intentionally violate the laws and statutes as City waws not made aware until a water line break, and no call was made to 811 regarding damage or to request a ticket.

A copy of the Complaint was sent to Respondent on November 20, 2023. The deadline to respond was December 12, 2023. Respondent answered the Complaint on December 13, 2023, through his counsel Vaughn Beck of Beck Law Office. Respondent does dispute that a violation of South Dakota One Call law occurred and also disputes the intentional nature of the allegation. Respondent alleges that he was given verbal approval by two City employees to install the septic tank on his property and that the City Council voted unanimously to allow Respondent to do so.

On December 14, 2023, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel needs more information from the Claimant as the One Call Notification Board and Enforcement Panel are not allowed to assign specific statutes to complaints. The Claimant needs to list specific statutes/rules violated in their complaint before this can be heard again. Therefore, the Panel recommends the Complaint be tabled upon receiving further information.

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.