



**Formstack Submission For: [South Dakota One Call Reply Form](#)**

Submitted at 12/13/23 11:56 AM

**Complaint Docket  
Number:**

OC23-010

**Reply filed on behalf of  
(company name):**

Tyler Thayer

**Contact Person:**

Vaughn Beck

**Phone Number:**

(605) 426-6319

**Ext:**

**Name or Company  
Name:**

Beck Law Office

**Street Address or PO  
Box:**

PO Box 326  
Ipswich, SD 57451

**Fax:**

**Email:**

[becklaw@midconetwork.com](mailto:becklaw@midconetwork.com)

**Date:**

Dec 12, 2023

**Were you previously  
aware of these  
allegations?:**

Yes

**Provide detail including  
whom you spoke with.:**

Made aware in November after Mr. Thayer received a letter and notice of complaint from the South Dakota One Call Notification Board. Letter is dated November 20, 2023.

<p><b>Do you believe the statutes listed (if any) by the complainant were violated?:</b></p>	<p>No</p>
<p><b>Why or why not?:</b></p>	<p>On October 4, Mr. Thayer contacted city employee Brandon Casey about installing a septic tank on Mr. Thayer's own property. City employee Brandon gave him verbal approval but also told him to reach out to City employee Reece Treeby. Mr. Thayer did so and was again given confirmation to install the septic tank. At the October 9, 2023, Hecla City Council Meeting, the City Council voted unanimously to allow Mr. Thayer to install the septic tank on his property and disconnect from the city wastewater facilities. Proof of this was published in the city paper in the city councils minutes and has been attached to this reply form.</p>
<p><b>Do you dispute the alleged violation of SD One Call statute or rule occurred?:</b></p>	<p>Yes</p>
<p><b>If yes, what specifically do you dispute?:</b></p>	<p>Mr. Thayer dug on his own personal property and knew where the lines were. This was done after Mr. Thayer received approval to do so.</p>
<p><b>Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?:</b></p>	<p>Yes</p>
<p><b>If yes, please explain.:</b></p>	<p>Complainant alleges Mr. Thayer's actions were done intentionally with disregard to laws and ordinances of the City of Hecla. As stated above, Mr. Thayer received verbal approval from city employees, and received formal approval at the City Council meeting on October 9, 2023. Mr. Thayer dug on his own property and made the City</p>

aware prior to any digging. Further, there were no damages or disturbances.

**Was a locate requested from SD One Call?:**

No

**Locate ticket #:**

**Start date on ticket:**

**Start time on ticket:**

**If no, please explain why no locate request was made.:**

A locate was not requested because it was not necessary as Mr. Thayer dug on his own personal property. Mr. Thayer knew where any lines were on his own property.

**Did excavation begin before the start date / time on the ticket?:**

N/A

**Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment? :**

N/A

**Were buried facilities exposed by hand or non-invasive equipment prior to excavation? :**

N/A

**Were facilities marked? :**

N/A

**Was the marking complete prior to the start time on the ticket?:**

Not Sure

<b>Was the excavation site pre-marked with white paint?:</b>	N/A
<b>Was the facility marked accurately (within 18 inches)?:</b>	N/A
<b>Was there reasonable care to maintain locate marks for the life of project?:</b>	N/A
<b>Did the complainant correctly describe the type of facility involved?:</b>	No
<b>Provide details:</b>	No. It was Mr. Thayer's personal property and lines.
<b>Did the complainant correctly describe the damages that resulted from the alleged violation?:</b>	No
<b>Provide details:</b>	There were no damages.
<b>Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:</b>	No
<b>If No, why not?:</b>	Not necessary as there was no damages, no dislocation and no disturbance.
<b>Was the operator of the facility immediately notified of the damage,</b>	No

<b>dislocation, or disturbance?:</b>	
<b>If No, why not?:</b>	No damage, dislocation or disturbance.
<b>Was there an escape of any flammable, toxic, or corrosive gas or liquid?:</b>	No
<b>If Yes, but if 911 was not called, or if you don't know, explain why.:</b>	
<b>Did the complainant correctly describe the damages that resulted from the alleged violation?:</b>	No
<b>If no, provide details.:</b>	There are no damages.
<b>Were damages on public right of way or private property?:</b>	Private
<b>Did complainant correctly describe how operator service was affected?:</b>	No
<b>Provide Details:</b>	Operator service was not affected.
<b>Was anyone injured as a result of facility damage?:</b>	No
<b>If yes, provide details.:</b>	
<b>Length of hospitalization:</b>	

**Were there fatalities?:** No

**If yes, provide details.:**

**Other information regarding injuries or damages:**

**Describe your plans and procedures to ensure compliance with SD One Call statutes and rules.:**

Follow the rules as set forth in SDCL 49-7A.

**Has a complaint been filed against you in the past for SD One Call violations?:** No

**If yes, when was it filed?:**

**Please provide any additional information to support your position.:**

**Attachment Information:**  
File names should not include symbols.  
Example:( \$, &, \*, %. )  
etc.:

[View File](#)