

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.	ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD OC23-010
---	---

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.

On August 29, 2024 the Enforcement Panel (herein "Panel") convened pursuant to the authority present in SDCL 49-7A. Claimant withdrew their Complaint on July 1, 2024. Therefore, the Panel recommends the Complaint be dismissed without any further action.

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 23, 2024, 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 October 17, 2024 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.

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 23rd day of November, 2024.

BY ORDER OF THE SOUTH DAKOTA ONE
CALL NOTIFICATION BOARD:



Mark Meier, Chairman