

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY DG UTILITIES, SPEARFISH,
SD AGAINST OAK MOUNTAIN
COUNTRY ESTATES OWNERS
ASSOCIATION, STURGIS, SD FOR AN
INCIDENT OCCURRING ON JANUARY 3,
2024 AT 20760 RANCH ROAD IN
STURGIS, SD.

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

OC24-006

On February 16, 2024, the South Dakota One Call Notification Board received a Complaint filed by DG Utilities, (herein “Claimant”) against Oak Mountain Country Estates Owners Association (herein “Respondent”) for an incident occurring on January 3, 2024, at 20760 Ranch Road in Sturgis, SD. The Complaint alleges violations of SDCL 49-7A-8 and SDCL 49-7A-15 when Respondent was not registered with 811 and did not mark their water line. Claimant alleges they hit Respondent’s 2” water main crossing 76 Ranch Road along bore route.

A copy of the Complaint was sent to Respondent on May 3, 2024. The deadline to respond was May 24, 2024. Claimant withdrew the Complaint on May 10, 2024.

On May 21, 2024, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel recommends the Complaint be dismissed pursuant to Claimant’s request.


On June 28, 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 July 23, 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 8th day of August, 2024.

BY ORDER OF THE SOUTH DAKOTA ONE
CALL NOTIFICATION BOARD:



Mark Meier, Chairman