



November 13, 2024

Mr. Ethan Brown  
City of Box Elder  
420 Villa Drive  
Box Elder, South Dakota 57719

Mr. Cory Austin  
ERE, LLC.  
810 North Main Street, #2857  
Spearfish, South Dakota 57783

**Re: OC24-021 City of Box Elder vs. ERE, LLC.**

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on October 24, 2024 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC24-021. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings.

**Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the South Dakota One Call Notification Board and your right to hearing is waived.**

**If you choose to request a hearing you must return the signed and dated form prior to the close of business on December 5, 2024. Please note all corporations or LLC's must be represented by counsel at the hearing.**

South Dakota One Call Notification Board  
PO Box 187  
Rapid City, South Dakota 57709

Be aware, any future violations of any One Call statute or rule may be subject to additional penalties up to \$10,000 for each subsequent violation that occurs within twelve months of the initial violation. If you have procedural questions relative to this complaint, please contact me at 605-863-0951 or by email at [codi@sd811.com](mailto:codi@sd811.com). Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

*Codi M. Gregg*

Codi M. Gregg  
Executive Director  
South Dakota One Call

**REQUEST FOR A HEARING  
COMPLAINT OC24-021**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC24-021 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – City of Box Elder**

\_\_\_\_\_  
**Date**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC24-021 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – ERE, LLC.**

\_\_\_\_\_  
**Date**

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER  
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD  
PO BOX 187  
RAPID CITY, SOUTH DAKOTA 57709**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's  
Recommendation by the South Dakota One Call Board. The Board will then  
Order the Recommendation as the final disposition of this Complaint.**