

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY CITY OF BOX ELDER, BOX  
ELDER, SD AGAINST ERE LLC,  
SPEARFISH, SD FOR AN INCIDENT  
OCCURRING JULY 30, 2024 AT 401  
MAIN STREET IN BOX ELDER, SD.

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

OC24-021

On July 30, 2024, the South Dakota One Call Notification Board received a Complaint filed by City of Box Elder (herein “Claimant”) against ERE LLC (herein “Respondent”) for an incident occurring on July 30, 2024, at 401 Main Street in Box Elder, SD. The Complaint alleges a violation of ARSD 20:25:03:04.03 when Respondent requested an emergency locate to expedite the process and not because of an actual emergency.

A copy of the Complaint was sent to Respondent on August 6, 2024. The deadline to respond was August 27, 2024. Respondent has not answered the Complaint as of October 24, 2024.

On October 24, 2024, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel does find probable cause that an intentional violation of ARSD 20:25:03:04.03 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$1,000.00 with \$500.00 suspended upon the conditions listed below. The conditions for the suspended penalty are as follows:

1. Respondent must not be found guilty of a One Call violation within twelve (12) months of the Board Order being issued.
2. The penalty payment of **\$500.00** must be made to the ***South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709*** within thirty (30) days of the Board Order being issued.
3. Respondent must attend a Damage Prevention meeting in **2025**.

4. Respondent must conduct an in-house safety meeting to discuss South Dakota One Call laws. Detail of the discussion material, date, and length of the meeting along with printed and signed names of attendees will be submitted to the Executive Director of South Dakota One Call within thirty (30) days of the Board Order being issued.
5. Respondent will arrange a face-to-face meeting with Claimant to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within thirty (30) days of the Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$500.00**) becomes immediately due and payable to **South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709.**

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.