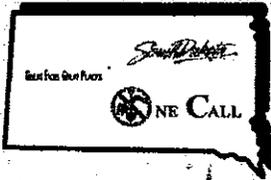
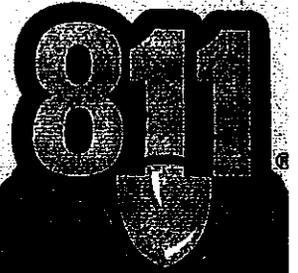


Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



Larry Englerth 1012 North Sycamore Ave. Tel/Fax (605) 339-0529
Executive Director Sioux Falls, SD 57110 Email: exedir@sdonecall.com

October 6, 2008

Robert Quarve
Hander Plumbing and Heating Inc.
2407 W. 5th Street
Sioux Falls, SD 57104

Gary Styke
City of Sioux Falls
224 W 9th Street
Sioux Falls, SD

The Enforcement Committee recommendation to resolve Complaint OC08-003 has been accepted by both parties involved in the complaint. Hander Plumbing and Heating responded with their acceptance of the recommendation and the City of Sioux Falls did not respond to the notice which under SDCL 49-7A-27 is considered acceptance of the Enforcement Committee recommendation and the right to a hearing is waived. The order closing this Complaint is attached.

This order will close all action on this complaint.

Sincerely,

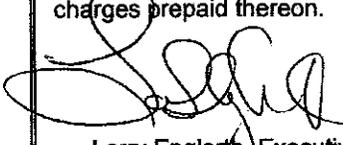
Larry L. Englerth
Executive Director

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement and the Acceptance of the recommended resolution by Hander Plumbing and Heating, Inc. shall be incorporated into this Order by reference and attached hereto, the same as if it was fully recited herein and shall as such be fully binding upon the parties to it; and it is

FURTHER ORDERED that the docket in this matter shall be closed.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, 49-7A-26.

Dated at Sioux Falls, South Dakota, this 6th day of October 2008.

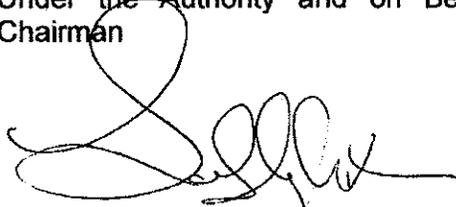
<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p style="text-align: center;"> Larry Englert, Executive Director</p> <p style="text-align: center;">Date October 6, 2008</p>
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BY ORDER OF THE SD ONE-CALL BOARD:



ED ANDERSON, Chairman

Under the Authority and on Behalf of the Chairman



LARRY ENGLERT, Executive Director

ENFORCEMENT COMMITTEE ACTION OC08-003

City of Sioux Falls vs. Hander Plumbing and Heating,

FINDINGS:

OC08-003

Alleged Violation of SDCL 49-7A-8 Location of underground facilities - marking

Allegation is made by City of Sioux Falls that Hander Plumbing and Heating violated SDCL 49-7A-8 by using mechanical equipment within eighteen inches of a marked underground facility at the intersection of 23rd Street and Cliff Avenue in Sioux Falls, SD.

Hander Plumbing and Heating responded that the excavation activity was related to Ticket Number 081900357 which was for the purpose of installing water, sewer and storm sewer. Hander also stated that the excavation identified in this complaint was not related to the work activity identified on the ticket but rather while loading rock into a rock box the loader slid against the curb in the wet soil.

In reviewing the complaint filed by City of Sioux Falls and the response from Hander Plumbing and Heating the committee determined the following:

Actions by Hander Plumbing and Heating that resulted in the removal of dirt and subsequent damage to an underground conduit was deemed to be an accidental incident and did not indicate that Hander Plumbing and Heating intended to excavate at the point of damage. The complaint filed by the City of Sioux Falls did not provide any information that could be considered contrary to the response provided by Hander Plumbing and Heating.

Based on the information noted above, the Committee found that there was not probable cause that Hander Plumbing and Heating had violated SDCL 49-7A-8 Location of underground facilities - marking.

Alleged Violation of SDCL 49-7A-12 Notification of damage to underground facility

Allegation is made by City of Sioux Falls that Hander Plumbing and Heating violated SDCL 49-7A-12 by failing to report damage to an underground facility at the intersection of 23rd Street and Cliff Avenue in Sioux Falls, SD.

Hander Plumbing and Heating responded that the damage was identified by the General Contractor when the loader was being extricated from the muddy area and that the general contractor notified the city of the damage a short interval after it was identified. Hander also stated that they had worked with the General Contractor to have the damage repaired and had taken responsibility for the cost of repair.

In reviewing the complaint filed by City of Sioux Falls and the response from Hander Plumbing and Heating the committee determined the following:

In these circumstances, the actions by Hander Plumbing and Heating in having the General Contractor notify the city do not reflect any intent to not provide notice and appeared to be a reasonable action.

Based on the information noted above, the Committee found that there was not probable cause that Hander Plumbing and Heating had violated SDCL 49-7A-12 ... Notification of damage to underground facility.

RECOMMENDATION

OC08-003

VIOLATION OF SOUTH DAKOTA SDCL 49-7A-8 and SDCL 49-7A-12:

The Committee found there was not probable cause that Hander Plumbing and Heating had violated SDCL 49-7A-8 by using mechanical equipment within eighteen inches horizontal from a marked facility and found there was not probable cause that Hander Plumbing and Heating had violated SDCL 49-7A-12 by failing to notify the City of Sioux Falls of a damage to their underground facilities.

COMMENTS:

The Enforcement Committee noted that City of Sioux Falls had not contacted Hander Construction to discuss the issues in this complaint and that the complaint did not provide any evidence that the underground facility was marked.