



Dustin Johnson, Chair
Steve Kolbeck, Vice-Chair
Gary Hanson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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July 21, 2009

Mark Seifkes dba S.P.O.T.
305 Hwy 14 E
DeSmet, SD 57231

Larry L Englerth
1012 N Sycamore
Sioux Falls SD 57110

The Enforcement Committee recommendation to resolve Complaint OC09-002 has been accepted by both parties involved in the complaint. The order closing this Complaint is attached.

This order will close all action on this complaint. The committee recommends a penalty of one thousand dollars (\$1,000.00) pursuant to SDCL 49-7A-18 and five thousand dollars (\$5,000.00) pursuant to SDCL 49-7A-19 for a total fine of six thousand dollars (\$6,000.00). The entire six thousand dollar (\$6,000) penalty is suspended on the following conditions:

1. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. fully complies with SDCL 49-7A by completing membership in the South Dakota One Call System and that he fully complies with SDCL 49-7A and ARSD 20:25 for twelve months following acceptance or resolution of Complaint OC09-002, or
2. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. arrange with a third party, such as the City of DeSmet, to assume responsibility for receipt of excavation notifications marking of the sewer line operated by him.

Sincerely,

Kara Semmler
Staff Attorney

Enc.