



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

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



October 31, 2009

Mike Hagen
Hagen Grading
201 N Harlem Ave.
Sioux Falls, SD 57104

Ginny Beck
City of Crooks
PO Box 785
Crooks, SD 57020

The Enforcement Committee recommendation to resolve Complaint OC09-006 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 with the exception that the suspended portion of the penalty would be applicable should a further violation occur prior to August 18, 2010. Payment should be made within 30 days to the following address by November 30, 2009:

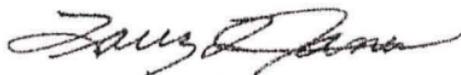
South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, Sd 57501

Sincerely,

Larry L. Janes
Executive Director
SD One Call

CERTIFICATE OF SERVICE

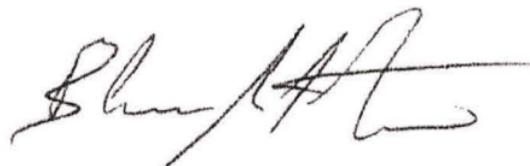
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.



Larry L. Janes, Executive Director

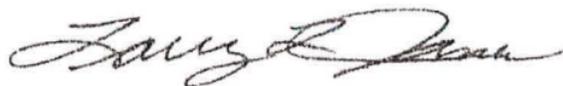
Date October 31, 2009

BY ORDER OF THE SD ONE-CALL BOARD:



Bleau LaFave, Chairman

Under the Authority and on Behalf of the
Chairman



LARRY L. JANES, Executive Director

ENFORCEMENT COMMITTEE ACTION

OC09-006

City of Crooks

vs.

Hagen Grading

FINDINGS:

OC09-006

Alleged Violation of SDCL 49-7A-5 Notification of Proposed Excavation

Allegation is made by City of Crooks that Hagen Grading commenced excavation 500 Andrew Drive, Crooks, South Dakota, without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

Hagen Grading did not dispute the allegation that excavation activity had commenced without providing advance notification to the South Dakota One Call System.

In reviewing the complaint filed by City of Crooks and the response from Hagen Grading, the committee determined the following:

Hagen Grading had commenced excavation without providing advanced notification to the South Dakota One Call System.

Based on the information noted above, the Committee found there is probable cause to find that Hagen Grading violated SDCL 49-7A-5 by commencing excavation at 500 Andrew Drive, Crooks, South Dakota without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

RECOMMENDATION

OC09-006

VIOLATION OF SOUTH DAKOTA SDCL 49-7A-5:

The Committee found there was probable cause that Hagen Grading had violated SDCL 49-7A-5 by commencing excavation at 500 Andrew Drive, Crooks, South Dakota, without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-18:

The committee recommends a penalty of one thousand dollars (\$1,00.00) with seven hundred dollars (\$750.00) suspended on the following conditions:

- Hagen Grading fully complies with SDCL 49-7A and ARSD Article 20:25 for twelve months following the acceptance of resolution of Complaint OC09-006 by both parties.
- Hagen Grading fully complies with the resolution of Complaint OC09-006 by making payment of the two hundred fifty dollars (\$250) within thirty (30) days of the issuance of the Order to close Complaint OC09-006.
- Hagen Grading should be aware that any future violation of SDCL 49-7A or ARSD 20:25 within twelve months from the date of the final order are be subject to additional penalties up to a maximum of \$5000 under SDCL 49-7A-18.