

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY CROOKS MUNICIPAL
UTILITIES, CROOKS, SOUTH DAKOTA,
AGAINST EMILY MARAS, CROOKS,
SOUTH DAKOTA, FOR AN INCIDENT
OCCURRING ON SEPTEMBER 20, 2014,
AT 813 EXECUTIVE AVE., CROOKS, S.D.

OC14-029

**ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION TO
THE SD ONE CALL BOARD
AND TO PURSUE
COLLECTION ACTION IF
NECESSARY**

On September 24, 2014, the South Dakota Public Utilities Commission received a complaint from Crooks Municipal Utilities, Crooks, South Dakota Emily Maras (Respondent) of Crooks, South Dakota. The complaint alleges that on or about September 20, 2014, Respondent dug without obtaining a locate ticket. Respondent filed an answer to the Complaint on September 29, 2014.

On October 9, 2014, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (herein "Panel") convened. The Panel met to determine whether probable cause exists to believe the violation occurred as described in the complaint. The Panel determined that probable cause did exist to believe a violation of SDCL 49-7A-5 occurred and found that the violation was intentional.

The Panel found it proper to assess a penalty of \$250.00 with \$250.00 suspended on the condition that Respondent must not be found to have committed a One Call violation within the 12 months following the One Call Board Order.

If the condition is not met, the entire \$250.00 Penalty will be immediately due and owing.

At its regularly scheduled meeting on November 6, 2014, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's procedure and approved its findings.

It is therefore:

ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein; it is further

ORDERED, that if the penalty is not paid, the Board shall pursue any rights it has under the law regarding collection; it is further

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

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 by first class mail, or by other electronic means.

Larry L. Janes
Larry L. Janes, Executive Director

Date *November 17, 2014*

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at *Sioux Falls*, South Dakota
This *11th* day of November, 2014

Erin Hayes
Erin Hayes, Chairman