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DOUGLAS A. ABRAHAM
TERRA M. LARSON
CODY L. HONEYWELL

WARREN W. MAY 1920-2018
THOMAS C. ADAM 1935-2019
BRENT A. WILBUR 1949-2006

February 24, 2021

TELEPHONE
605 224-8803
FAX
605 224-6289

E-MAIL
cody@mavadam.net

Lincoln County Sheriff's Office
Attn: Civil Division
128 N Main St
Canton SD 57013

RE: State of South Dakota (One-Call Board) v. Sod Busters, Inc.
Our file: 7525.11

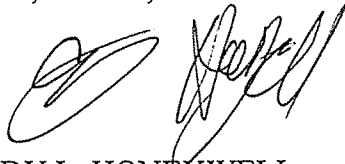
Dear Sheriff:

Enclosed please find one copy each of the cover letter and Complaint and two copies of the Summons. One copy is to be served upon the registered agent, Michael D. Brown, for the business known as Sod Busters, Inc., at the following address: 46919 Cody Trail, Suite 200, Tea, South Dakota 57064.

Please remit a bill, along with the second copy of the Summons, to this office for your help in this matter, and I will assure you are promptly paid.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP



CODY L. HONEYWELL
CLH | jrw

Enclosures

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

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February 24, 2021

TELEPHONE
605 224-8803
FAX
605 224-6289
E-MAIL
cody@mayadam.net

VIA PERSONAL SERVICE

Sod Busters, Inc.
Attn: Michael D. Brown, Registered Agent
46919 Cody Trail, Suite 200
Tea SD 57064

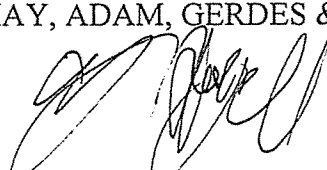
RE: South Dakota One Call Notification Board v. Sod Busters, Inc.
Our file: 7525.11

Dear Mr. Brown:

Enclosed please find a Summons and Complaint. If you agree to pay the total fine in the amount of \$5,250.00, I will request the Court dismiss this Complaint without any interest, additional fees, or costs. Please contact me with any questions. Send the \$5,250.00, payable to South Dakota One Call Board, to my attention at P.O. Box 160, Pierre, South Dakota 57501.

Sincerely,

MAY, ADAM, GERDES & THOMPSON LLP



CODY L. HONEYWELL
CLH | jrw

Enclosures

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

STATE OF SOUTH DAKOTA

)

IN CIRCUIT COURT

)ss

COUNTY OF LINCOLN

)

SECOND JUDICIAL CIRCUIT

<p>STATE OF SOUTH DAKOTA,</p> <p style="text-align: right;">Plaintiff,</p> <p>vs.</p> <p>SOD BUSTERS, INC.</p> <p style="text-align: right;">Defendant.</p>	<p>41CIV21-</p> <p style="text-align: center;">COMPLAINT</p>
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Plaintiff State of South Dakota, by and through its undersigned Counsel, for its Complaint states as follows:

1. Plaintiff, the State of South Dakota (“Plaintiff”) brings this action by and through the South Dakota One Call Board (“One-Call”), an agency of the State of South Dakota created by SDCL 49-7A-2.

2. Defendant Sod Busters, Inc. (“Defendant”), is a corporation in good standing with its principal place of business located at 46919 Cody Trail, Suite 200, Tea, South Dakota, 57064. Michael D. Brown is its Registered Agent at the same address.

3. This action is brought pursuant to SDCL 49-7A-28 to recover civil penalties assessed against Defendant by the South Dakota One-Call Board.

4. One-Call was established by the legislature to provide a mechanism through which operators of underground utility facilities shall be notified of plans to excavate. After notification, the operators must mark the underground facilities. The mechanism was established to prevent injuries and property damage. SDCL 49-7A-2. One-Call promulgated rules and procedures pursuant to SDCL 49-7A-4 to regulate the notification process located at ARSD Article 20:25.

5. Specifically, excavators are required to notify One-Call prior to engaging in any excavation. SDCL 49-7A-5. Excavators shall maintain a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment. SDCL 49-7A-8. Excavators shall immediately notify the one-call notification center and, if known, the operator of the facility of the damage, dislocation, or disturbance. SDCL 49-7A-12.

6. One-Call, pursuant to SDCL 49-7A-17, has the authority to receive complaints against persons who violate provisions of SDCL chapter 49-7A and rules promulgated by One-

Call and may, pursuant to SDCL 49-7A-18 and 49-7A-19, assess civil penalties against persons found to have violated these laws.

COUNT ONE

7. Plaintiff restates and incorporates by reference all of the allegations in paragraphs 1-6 above.

8. On January 22, 2020, pursuant to SDCL 49-7A-17, One-Call received a Complaint, OC20-005, filed by Midcontinent Communications (herein "Midco"), against Defendant for not exposing cables with hand tools or noninvasive methods and not contacting Midco after the cables were cut. The date of the alleged violation was July 13, 2019.

9. The Defendant answered the Complaint on February 18, 2020, pursuant to SDCL 49-7A-23 and 49-7A-24.

10. Pursuant to SDCL 49-7A-22, a five-member panel was appointed by the Chairman of One-Call. Based on the information available to it, the panel found probable cause existed to believe violations of SDCL 49-7A-8 and 49-7A-12 occurred.

11. A copy of the One-Call Panel's recommendation was sent to the parties on April 17, 2020, pursuant to SDCL 49-7A-27. Defendant, however, failed to respond to the recommendations. Defendant's failure to respond, and failure to request a hearing, constitutes acceptance of the Panel's recommendation per SDCL 49-7A-27.

12. The Panel assessed civil penalties against Defendant in the total amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) with One Thousand Dollars (\$1,000.00) suspended if payment was received within 30 days from receipt of the One-Call Order, and if Defendant complied with the following conditions: Defendant must not be found guilty of a One Call Violation within 12 months of the final Board Order, must make the penalty payment of Two Hundred Fifty Dollars (\$250.00), must attend a Damage Prevention meeting in 2021, must conduct an in-house safety meeting to discuss South Dakota One Call laws, and must arrange a face-to-face meeting with Midco to review the damage. The complete One-Call decision is attached hereto as Exhibit A.

13. One-Call served its final decision on Defendant via mail. Time for Defendant to appeal the decision of One-Call has expired according to SDCL 1-26-31.

14. Defendant failed to meet conditions 1, 4, and 5 in the Order, and Defendant now owes One Thousand Dollars (\$1,000.00) in civil penalties.

15. One-Call made a written demand to Defendant for payment of the civil penalties as required by SDCL 49-7A-33. The demand was served on Defendant via mail. The demand letter is attached hereto as Exhibit B. More than thirty (30) days have elapsed since the demand was sent, and Defendant has failed to pay the prescribed civil penalties.

COUNT TWO

16. Plaintiff restates and incorporates by reference all of the allegations in paragraphs 1-6 above.

17. On January 22, 2020, pursuant to SDCL 49-7A-17, One-Call received a Complaint. OC20-006, filed by Midcontinent Communications (herein "Midco"), against Defendant for not exposing cables with hand tools or noninvasive methods and not contacting Midco after the cables were cut. The date of the alleged violation was August 20, 2019.

18. The Defendant answered the Complaint on February 18, 2020, pursuant to SDCL 49-7A-23 and 49-7A-24.

19. Pursuant to SDCL 49-7A-22, a five-member panel was appointed by the Chairman of One-Call. Based on the information available to it, the panel found probable cause existed to believe violations of SDCL 49-7A-8 and 49-7A-12 occurred.

20. A copy of the One-Call Panel's recommendation was sent to the parties on April 17, 2020, pursuant to SDCL 49-7A-27. Defendant, however, failed to respond to the recommendations. Defendant's failure to respond, and failure to request a hearing, constitutes acceptance of the Panel's recommendation per SDCL 49-7A-27.

21. The Panel assessed civil penalties against Defendant in the total amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) with One Thousand Dollars (\$1,000.00) suspended if payment was received within 30 days from receipt of the One-Call Order, and if Defendant complied with the following conditions: Defendant must not be found guilty of a One Call Violation within 12 months of the final Board Order, must make the penalty payment of Two Hundred Fifty Dollars (\$250.00), must attend a Damage Prevention meeting in 2021, must conduct an in-house safety meeting to discuss South Dakota One Call laws, and must arrange a face-to-face meeting with Midco to review the damage. The complete One-Call decision is attached hereto as Exhibit C.

22. One-Call served its final decision on Defendant via mail. Time for Defendant to appeal the decision of One-Call has expired according to SDCL 1-26-31.

23. Defendant failed to meet conditions 1, 4, and 5 in the Order, and Defendant now owes One Thousand Dollars (\$1,000.00) in civil penalties.

24. One-Call made a written demand to Defendant for payment of the civil penalties as required by SDCL 49-7A-33. The demand was served on Defendant via mail. The demand letter is attached hereto as Exhibit D. More than thirty (30) days have elapsed since the demand was sent, and Defendant has failed to pay the prescribed civil penalties.

COUNT THREE

25. Plaintiff restates and incorporates by reference all of the allegations in paragraphs 1-6 above.

26. On January 22, 2020, pursuant to SDCL 49-7A-17, One-Call received a Complaint, OC20-007, filed by Midcontinent Communications (herein "Midco"), against Defendant for not exposing cables with hand tools or noninvasive methods and not contacting Midco after the cables were cut. The date of the alleged violation was August 29, 2019.

27. The Defendant answered the Complaint on February 18, 2020, pursuant to SDCL 49-7A-23 and 49-7A-24.

28. Pursuant to SDCL 49-7A-22, a five-member panel was appointed by the Chairman of One-Call. Based on the information available to it, the panel found probable cause existed to believe violations of SDCL 49-7A-8 and 49-7A-12 occurred.

29. A copy of the One-Call Panel's recommendation was sent to the parties on April 17, 2020, pursuant to SDCL 49-7A-27. Defendant, however, failed to respond to the recommendations. Defendant's failure to respond, and failure to request a hearing, constitutes acceptance of the Panel's recommendation per SDCL 49-7A-27.

30. The Panel assessed civil penalties against Defendant in the total amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) with One Thousand Dollars (\$1,000.00) suspended if payment was received within 30 days from receipt of the One-Call Order, and if Defendant complied with the following conditions: Defendant must not be found guilty of a One Call Violation within 12 months of the final Board Order, must make the penalty payment of Two Hundred Fifty Dollars (\$250.00), must attend a Damage Prevention meeting in 2021, must conduct an in-house safety meeting to discuss South Dakota One Call laws, and must arrange a face-to-face meeting with Midco to review the damage. The complete One-Call decision is attached hereto as Exhibit E.

31. One-Call served its final decision on Defendant via mail. Time for Defendant to appeal the decision of One-Call has expired according to SDCL 1-26-31.

32. Defendant failed to meet conditions 1, 4, and 5 in the Order, and Defendant now owes One Thousand Dollars (\$1,000.00) in civil penalties.

33. One-Call made a written demand to Defendant for payment of the civil penalties as required by SDCL 49-7A-33. The demand was served on Defendant via mail. The demand letter is attached hereto as Exhibit F. More than thirty (30) days have elapsed since the demand was sent, and Defendant has failed to pay the prescribed civil penalties.

COUNT FOUR

34. Plaintiff restates and incorporates by reference all of the allegations in paragraphs 1-6 above.

35. On January 22, 2020, pursuant to SDCL 49-7A-17, One-Call received a Complaint, OC20-008, filed by Midcontinent Communications (herein "Midco"), against Defendant for not exposing cables with hand tools or noninvasive methods and not contacting Midco after the cables were cut. The date of the alleged violation was August 30, 2019.

36. The Defendant answered the Complaint on February 18, 2020, pursuant to SDCL 49-7A-23 and 49-7A-24.

37. Pursuant to SDCL 49-7A-22, a five-member panel was appointed by the Chairman of One-Call. Based on the information available to it, the panel found probable cause existed to believe violations of SDCL 49-7A-8 and 49-7A-12 occurred.

38. A copy of the One-Call Panel's recommendation was sent to the parties on April 17, 2020, pursuant to SDCL 49-7A-27. Defendant, however, failed to respond to the recommendations. Defendant's failure to respond, and failure to request a hearing, constitutes acceptance of the Panel's recommendation per SDCL 49-7A-27.

39. The Panel assessed civil penalties against Defendant in the total amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) with One Thousand Dollars (\$1,000.00) suspended if payment was received within 30 days from receipt of the One-Call Order, and if Defendant complied with the following conditions: Defendant must not be found guilty of a One Call Violation within 12 months of the final Board Order, must make the penalty payment of Two Hundred Fifty Dollars (\$250.00), must attend a Damage Prevention meeting in 2021, must conduct an in-house safety meeting to discuss South Dakota One Call laws, and must arrange a face-to-face meeting with Midco to review the damage. The complete One-Call decision is attached hereto as Exhibit G.

40. One-Call served its final decision on Defendant via mail. Time for Defendant to appeal the decision of One-Call has expired according to SDCL 1-26-31.

41. Defendant failed to meet conditions 1, 4, and 5 in the Order, and Defendant now owes One Thousand Dollars (\$1,000.00) in civil penalties.

42. One-Call made a written demand to Defendant for payment of the civil penalties as required by SDCL 49-7A-33. The demand was served on Defendant via mail. The demand letter is attached hereto as Exhibit H. More than thirty (30) days have elapsed since the demand was sent, and Defendant has failed to pay the prescribed civil penalties.

COUNT FIVE

43. Plaintiff restates and incorporates by reference all of the allegations in paragraphs 1-6 above.

44. On January 24, 2020, pursuant to SDCL 49-7A-17, One-Call received a Complaint, OC20-013, filed by Midcontinent Communications (herein "Midco"), against Defendant for failing to perform locates prior to doing underground sprinkler repair and cut the cable. The date of the alleged violation was August 30, 2019.

45. The Defendant answered the Complaint on February 18, 2020, pursuant to SDCL 49-7A-23 and 49-7A-24.

46. Pursuant to SDCL 49-7A-22, a five-member panel was appointed by the Chairman of One-Call. Based on the information available to it, the panel found probable cause existed to believe a violation of SDCL 49-7A-5 and 49-7A-12 occurred.

47. A copy of the One-Call Panel's recommendation was sent to the parties on April 17, 2020, pursuant to SDCL 49-7A-27. Defendant, however, failed to respond to the recommendations. Defendant's failure to respond, and failure to request a hearing, constitutes acceptance of the Panel's recommendation per SDCL 49-7A-27.

48. The Panel assessed civil penalties against Defendant in the total amount of Two Thousand Dollars (\$2,050.00) with One Thousand Two Hundred Fifty Dollars (\$1,250.00) suspended if payment was received within 30 days from receipt of the One-Call Order, and if Defendant complied with the following conditions: Defendant must not be found guilty of a One Call Violation within 12 months of the final Board Order, must make the penalty payment of Seven Hundred Fifty Dollars (\$750.00), must attend a Damage Prevention meeting in 2021, must conduct an in-house safety meeting to discuss South Dakota One Call laws, and must arrange a face-to-face meeting with Midco to review the damage. The complete One-Call decision is attached hereto as Exhibit I.

49. One-Call served its final decision on Defendant via mail. Time for Defendant to appeal the decision of One-Call has expired according to SDCL 1-26-31.

50. Defendant failed to meet conditions 4 and 5 in the Order, and Defendant now owes One Thousand Two Hundred Fifty Dollars (\$1,250.00) in civil penalties.

51. One-Call made a written demand to Defendant for payment of the civil penalties as required by SDCL 49-7A-33. The demand was served on Defendant via mail. The demand letter is attached hereto as Exhibit J. More than thirty (30) days have elapsed since the demand was sent, and Defendant has failed to pay the prescribed civil penalties.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

1. For monetary judgment in the amount of Five Thousand Two Hundred Fifty Dollars (\$5,250.00) plus Plaintiff's costs, disbursements, and statutory interest to the extent allowed by law.

2. For such other and further relief as the Court may deem just and proper.

Dated this 24 day of February, 2021.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

BRETT KOENECKE
CODY L. HONEYWELL
Attorneys for State of South Dakota
503 South Pierre Street
PO Box 160
Pierre, SD 57501-0160
(605) 224-8803
brett@mayadam.net
cody@mayadam.net

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY MIDCONTINENT
COMMUNICATIONS, SIOUX FALLS, SD
AGAINST SOD BUSTERS INC. AND B
GREEN, TEA, SD, FOR AN INCIDENT
OCCURRING ON JULY 13, 2019 AT 5901
S. BOUNTY PL., SIOUX FALLS, SD.

ORDER ADOPTING ENFORCEMENT
PANEL RECOMMENDATION TO THE
SOUTH DAKOTA ONE CALL BOARD

OC20-005

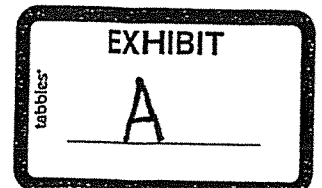
On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on July 13, 2019, at 5901 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of \$250 must be made to P.O. Box 187, Rapid City, SD 57709, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,



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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$1,000**) becomes immediately due and payable to **P.O. Box 187, Rapid City, SD 57709.**

On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

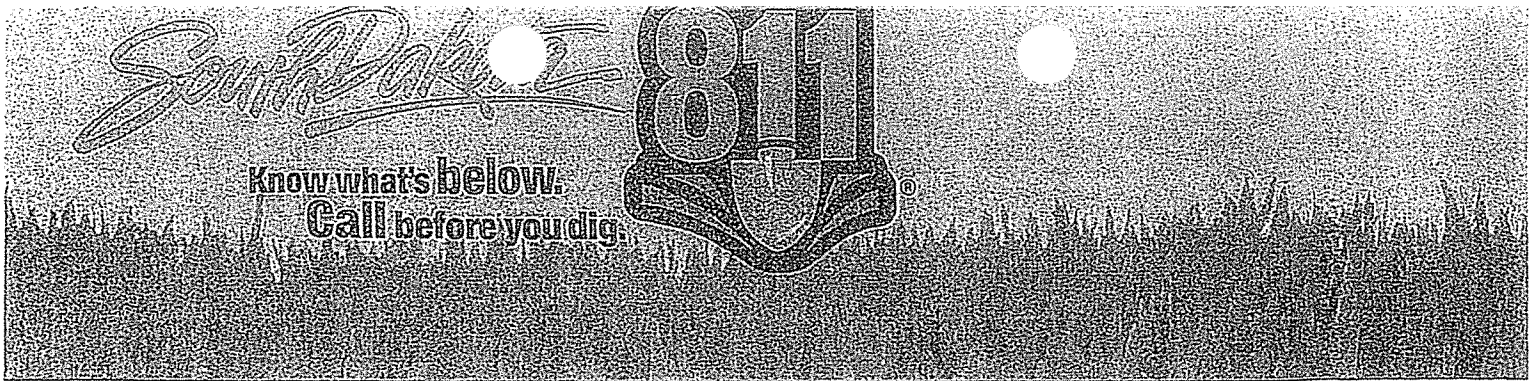
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 18th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:
Fay Sandreau
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January 20, 2021

Mr. Michael Brown
Sodbusters, Inc.
46919 Cody Trail, Ste 20
Tea, South Dakota 57064

On June 3, 2020, the South Dakota One Call Notification Board issued an Order, Complaint Docket OC20-005 for payment of penalty in the amount of one thousand two hundred and fifty dollars (\$1,250) with one thousand dollars (\$1,000) suspended for the violation of 49-7A-8 and 49-7A-12 if all requirements of the Order were met. Sodbusters, Inc. was to meet five requirements, listed on the attached Board Order. To date, one of the requirements have been met, therefore the full penalty payment is due.

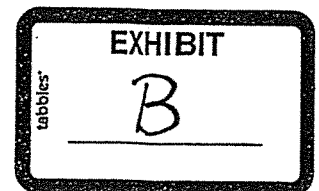
Be advised this is a thirty-day demand for payment letter per SDCL 49-7A-33. If the balance of the penalty payment of one thousand dollars (\$1,000) is not received by February 19, 2021 collection activity will be brought by South Dakota One Call Notification Board.

Remit payment:

South Dakota One Call Notification Board
PO Box 187
Rapid City, South Dakota 57709

Cody M. Gregg
Deputy Director
South Dakota One Call Notification Board

Enclosure: Copy of OC20-005 Board Order



BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY MIDCONTINENT
COMMUNICATIONS, SIOUX FALLS, SD
AGAINST SOD BUSTERS INC. AND B
GREEN, TEA, SD, FOR AN INCIDENT
OCCURRING ON JULY 13, 2019 AT 5901
S. BOUNTY PL., SIOUX FALLS, SD.

ORDER ADOPTING ENFORCEMENT
PANEL RECOMMENDATION TO THE
SOUTH DAKOTA ONE CALL BOARD

OC20-005

On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on July 13, 2019, at 5901 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of \$250 must be made to P.O. Box 187, Rapid City, SD 57709, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,

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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (\$1,000) becomes immediately due and payable to P.O. Box 187, Rapid City, SD 57709.

On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, 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.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 18th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:
Fay Jandreau
01AEC68AEFF0469...

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY MIDCONTINENT
COMMUNICATIONS, SIOUX FALLS, SD
AGAINST SOD BUSTERS INC. AND B
GREEN, TEA, SD, FOR AN INCIDENT
OCCURRING ON AUGUST 20, 2019 AT
5704 S. BOUNTY PL., SIOUX FALLS, SD.

ORDER ADOPTING ENFORCEMENT
PANEL RECOMMENDATION TO THE
SOUTH DAKOTA ONE CALL BOARD

OC20-006

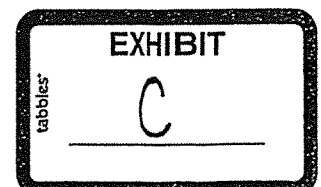
On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 20, 2019, at 5704 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of \$250 must be made to P.O. Box 187, Rapid City, SD 57709, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,



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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (\$1,000) becomes immediately due and payable to P.O. Box 187, Rapid City, SD 57709.


On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the board. It is now, therefore:

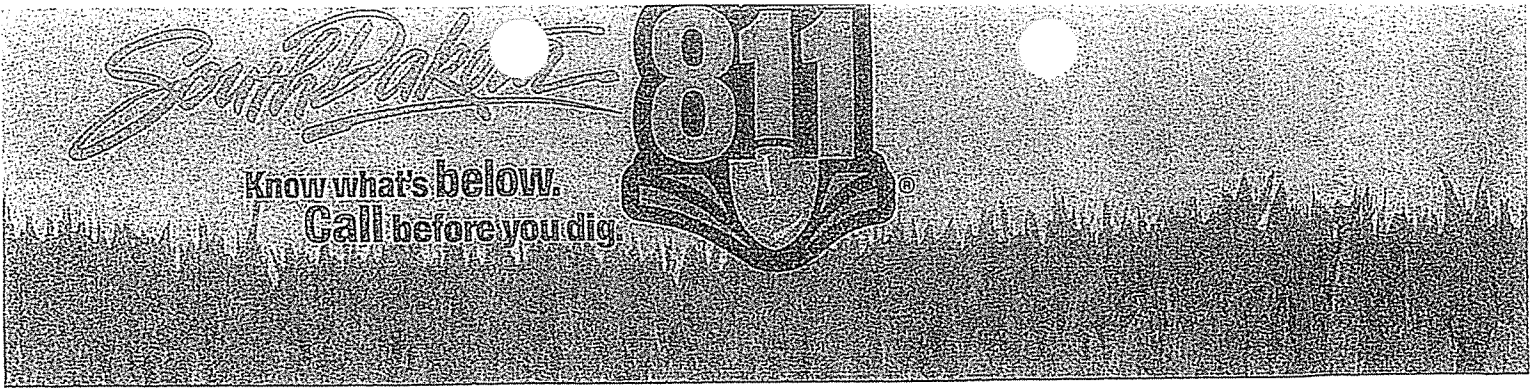
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:

91AEC66AEFF0400



January 20, 2021

Mr. Michael Brown
Sodbusters, Inc.
46919 Cody Trail, Ste 20
Tea, South Dakota 57064

On June 3, 2020, the South Dakota One Call Notification Board issued an Order, Complaint Docket OC20-006 for payment of penalty in the amount of one thousand two hundred and fifty dollars (\$1,250) with one thousand dollars (\$1,000) suspended for the violation of 49-7A-8 and 49-7A-12 if all requirements of the Order were met. Sodbusters, Inc. was to meet five requirements, listed on the attached Board Order. To date, one of the requirements have been met, therefore the full penalty payment is due.

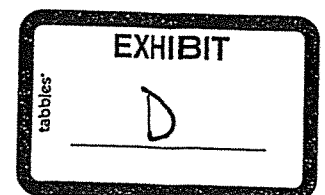
Be advised this is a thirty-day demand for payment letter per SDCL 49-7A-33. If the balance of the penalty payment of one thousand dollars (\$1,000) is not received by February 19, 2021 collection activity will be brought by South Dakota One Call Notification Board.

Remit payment:

South Dakota One Call Notification Board
PO Box 187
Rapid City, South Dakota 57709

Cody M. Gregg
Deputy Director
South Dakota One Call Notification Board

Enclosure: Copy of OC20-006 Board Order



BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MIDCONTINENT COMMUNICATIONS, SIOUX FALLS, SD AGAINST SOD BUSTERS INC. AND B GREEN, TEA, SD, FOR AN INCIDENT OCCURRING ON AUGUST 20, 2019 AT 5704 S. BOUNTY PL., SIOUX FALLS, SD.</p>	<p style="text-align: center;">ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align: center;">OC20-006</p>
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On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 20, 2019, at 5704 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of **\$250** must be made to **P.O. Box 187, Rapid City, SD 57709**, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021.

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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$1,000**) becomes immediately due and payable to **P.O. Box 187, Rapid City, SD 57709**.

On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the board. It is now, 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.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:
Fay Sandrea
01AEC96A5FF0400...

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MIDCONTINENT COMMUNICATIONS, SIOUX FALLS, SD AGAINST SOD BUSTERS INC. AND B GREEN, TEA, SD, FOR AN INCIDENT OCCURRING ON AUGUST 29, 2019 AT 5711 S. BOUNTY PL., SIOUX FALLS, SD.</p>	<p>ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align: center;">OC20-007</p>
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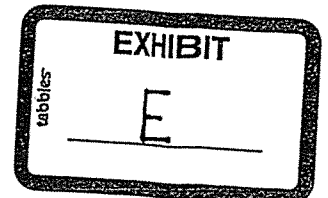
On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 29, 2019, at 5711 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of \$250 must be made to P.O. Box 187, Rapid City, SD 57709, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,



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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (\$1,000) becomes immediately due and payable to P.O. Box 187, Rapid City, SD 57709.

On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

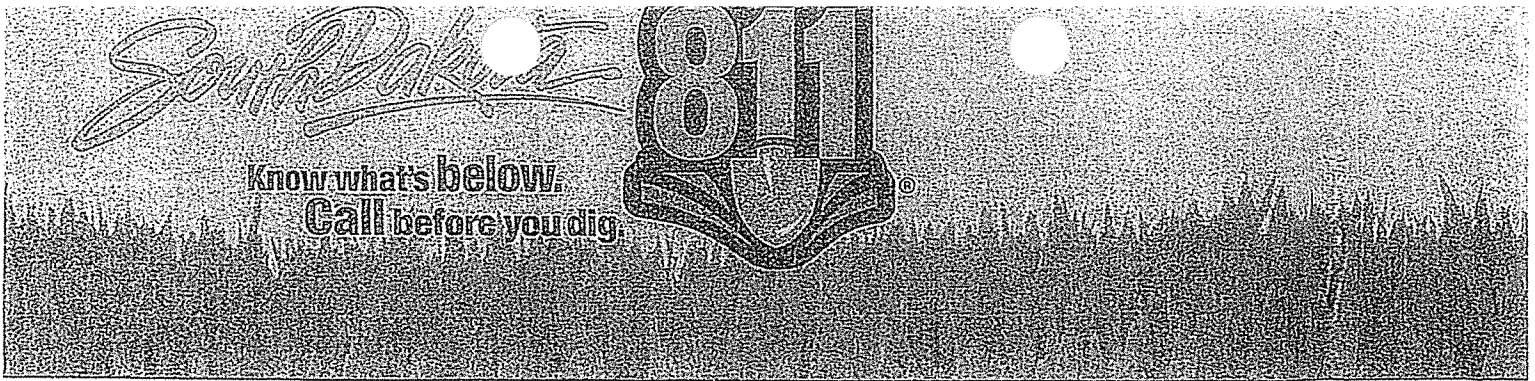
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:
Fay Sandrea
91AEC86A5FF9499



January 20, 2021

Mr. Michael Brown
Sodbusters, Inc.
46919 Cody Trail, Ste 200
Tea, South Dakota 57064

On June 3, 2020, the South Dakota One Call Notification Board issued an Order, Complaint Docket OC20-007 for payment of penalty in the amount of one thousand two hundred and fifty dollars (\$1,250) with one thousand dollars (\$1,000) suspended for the violation of 49-7A-8 and 49-7A-12 if all requirements of the Order were met. Sodbusters, Inc. was to meet five requirements, listed on the attached Board Order. To date, one of the requirements have been met, therefore the full penalty payment is due.

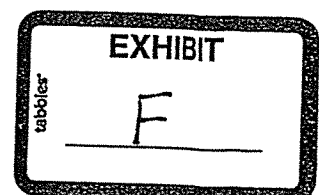
Be advised this is a thirty-day demand for payment letter per SDCL 49-7A-33. If the balance of the penalty payment of one thousand dollars (\$1,000) is not received by February 19, 2021 collection activity will be brought by South Dakota One Call Notification Board.

Remit payment:

South Dakota One Call Notification Board
PO Box 187
Rapid City, South Dakota 57709

Cody M. Gregg
Deputy Director
South Dakota One Call Notification Board

Enclosure: Copy of OC20-007 Board Order



BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MIDCONTINENT COMMUNICATIONS, SIOUX FALLS, SD AGAINST SOD BUSTERS INC. AND B GREEN, TEA, SD, FOR AN INCIDENT OCCURRING ON AUGUST 29, 2019 AT 5711 S. BOUNTY PL., SIOUX FALLS, SD.</p>	<p style="text-align: center;">ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align: center;">OC20-007</p>
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On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 29, 2019, at 5711 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of **\$250** must be made to **P.O. Box 187, Rapid City, SD 57709**, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,

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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$1,000**) becomes immediately due and payable to **P.O. Box 187, Rapid City, SD 57709**.

On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, 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.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:
Fay Sandron
91AEC86AEFF0490...

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MIDCONTINENT COMMUNICATIONS, SIOUX FALLS, SD AGAINST SOD BUSTERS INC. AND B GREEN, TEA, SD, FOR AN INCIDENT OCCURRING ON AUGUST 30, 2019 AT 5816 S. BOUNTY PL., SIOUX FALLS, SD.</p>	<p>ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align: center;">OC20-008</p>
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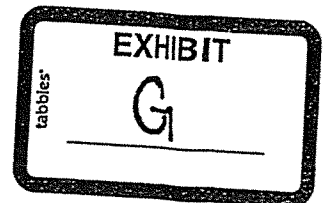
On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 30, 2019, at 5816 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of **\$250** must be made to **P.O. Box 187, Rapid City, SD 57709**, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,



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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (\$1,000) becomes immediately due and payable to P.O. Box 187, Rapid City, SD 57709.

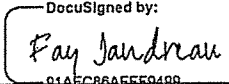
On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

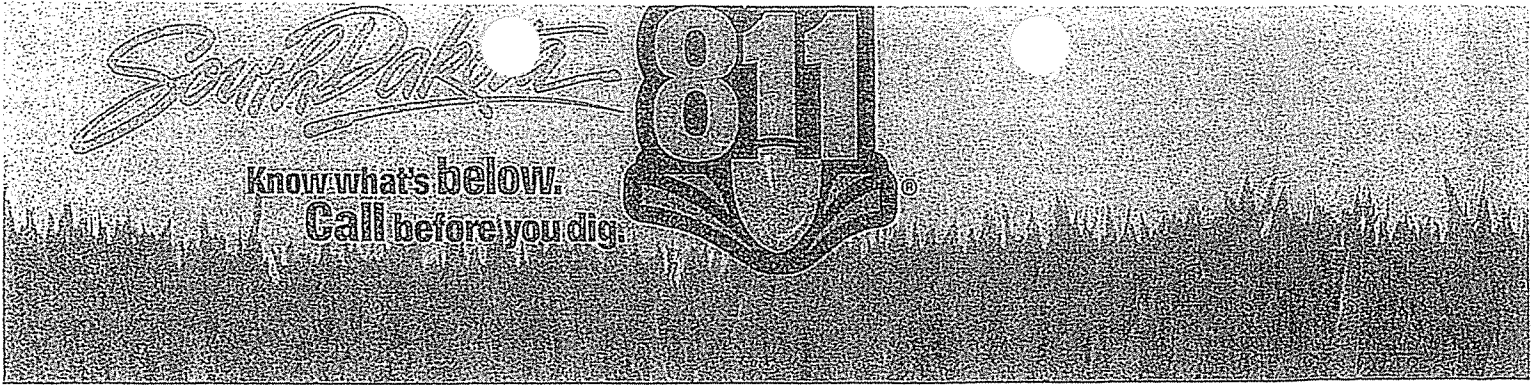
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:

01AEC88AEFF9499...



January 20, 2021

Mr. Michael Brown
Sodbusters, Inc.
46919 Cody Trail, Ste 200
Tea, South Dakota 57064

On June 3, 2020, the South Dakota One Call Notification Board issued an Order, Complaint Docket OC20-008 for payment of penalty in the amount of one thousand two hundred and fifty dollars (\$1,250) with one thousand dollars (\$1,000) suspended for the violation of 49-7A-8 and 49-7A-12 if all requirements of the Order were met. Sodbusters, Inc. was to meet five requirements, listed on the attached Board Order. To date, one of the requirements have been met, therefore the full penalty payment is due.

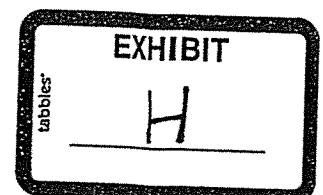
Be advised this is a thirty-day demand for payment letter per SDCL 49-7A-33. If the balance of the penalty payment of one thousand dollars (\$1,000) is not received by February 19, 2021 collection activity will be brought by South Dakota One Call Notification Board.

Remit payment:

South Dakota One Call Notification Board
PO Box 187
Rapid City, South Dakota 57709

Cody M. Gregg
Deputy Director
South Dakota One Call Notification Board

Enclosure: Copy of OC20-008 Board Order



BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY MIDCONTINENT
COMMUNICATIONS, SIOUX FALLS, SD
AGAINST SOD BUSTERS INC. AND B
GREEN, TEA, SD, FOR AN INCIDENT
OCCURRING ON AUGUST 30, 2019 AT
5816 S. BOUNTY PL., SIOUX FALLS, SD.

ORDER ADOPTING ENFORCEMENT
PANEL RECOMMENDATION TO THE
SOUTH DAKOTA ONE CALL BOARD

OC20-008

On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 30, 2019, at 5816 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not expose cable with hand tools or noninvasive methods and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-8 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$250 with \$250 suspended for SDCL 49-7A-8 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$1,250 with \$1,000 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 12 months of the final Board Order,
2. The penalty payment of **\$250** must be made to **P.O. Box 187, Rapid City, SD 57709**, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021.

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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midco to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$1,000**) becomes immediately due and payable to **P.O. Box 187, Rapid City, SD 57709**.


On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, 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.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:

91AEC86AEFF9409...

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MIDCONTINENT COMMUNICATIONS, SIOUX FALLS, SD AGAINST SOD BUSTERS INC. AND B GREEN, TEA, SD, FOR AN INCIDENT OCCURRING ON AUGUST 30, 2019 AT 5709 S. BOUNTY PL., SIOUX FALLS, SD.</p>	<p>ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align: center;">OC20-013</p>
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On January 24, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 30, 2019, at 5709 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-5 and 49-7A-12 when Respondent did not perform locates prior to doing underground sprinkler repair and cut the cable.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels. Respondent states they did not request a locate.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-5 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$1,000 with \$500 suspended for SDCL 49-7A-5 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$2,000 with \$1,250 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 12 months of the final Board Order,
2. The penalty payment of \$750 must be made to P.O. Box 187, Rapid City, SD 57709, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,



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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midcontinent Communications to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$1,250**) becomes immediately due and payable to **P.O. Box 187, Rapid City, SD 57709.**

On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

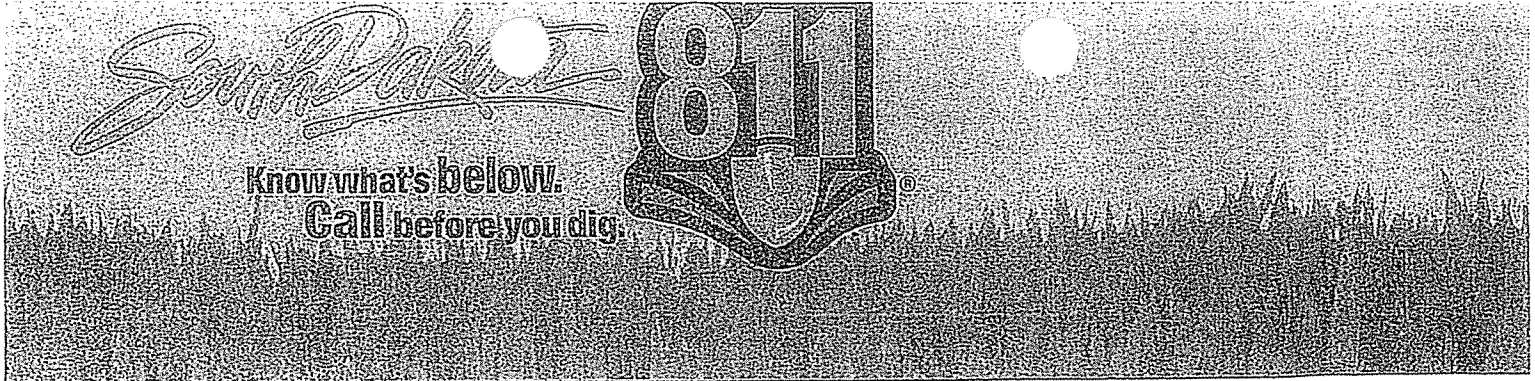
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:
Fay Sandreau
91AEC85AEFF9499



January 20, 2021

Mr. Michael Brown
Sodbusters, Inc.
46919 Cody Trail, Ste 200
Tea, South Dakota 57064

On June 3, 2020, the South Dakota One Call Notification Board issued an Order, Complaint Docket OC20-013 for payment of penalty in the amount of two thousand dollars (\$2,000) with one thousand two hundred and fifty dollars (\$1,250) suspended for the violation of 49-7A-5 and 49-7A-12 if all requirements of the Order were met. Sodbusters, Inc. was to meet five requirements, listed on the attached Board Order. To date, one of the requirements have been met, therefore the full penalty payment is due.

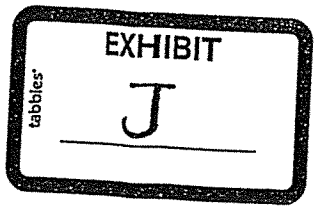
Be advised this is a thirty-day demand for payment letter per SDCL 49-7A-33. If the balance of the penalty payment of one thousand two hundred and fifty dollars (\$1,250) is not received by February 19, 2021 collection activity will be brought by South Dakota One Call Notification Board.

Remit payment:

South Dakota One Call Notification Board
PO Box 187
Rapid City, South Dakota 57709

Cody M. Gregg
Deputy Director
South Dakota One Call Notification Board

Enclosure: Copy of OC20-013 Board Order



BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MIDCONTINENT COMMUNICATIONS, SIOUX FALLS, SD AGAINST SOD BUSTERS INC. AND B GREEN, TEA, SD, FOR AN INCIDENT OCCURRING ON AUGUST 30, 2019 AT 5709 S. BOUNTY PL., SIOUX FALLS, SD.</p>	<p style="text-align: center;">ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align: center;">OC20-013</p>
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On January 24, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein "Midco"), against Sod Busters Inc. and B Green, (herein "Respondent") for an incident occurring on August 30, 2019, at 5709 S. Bounty Pl., Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-5 and 49-7A-12 when Respondent did not perform locates prior to doing underground sprinkler repair and cut the cable.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco's lines are so close to the surface that they are being hit by the shovels. Respondent states they did not request a locate.

On February 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that unintentional violations of SDCL 49-7A-5 and 49-7A-12 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$1,000 with \$500 suspended for SDCL 49-7A-5 and \$1,000 with \$750 suspended for SDCL 49-7A-12 for a total recommended penalty of \$2,000 with \$1,250 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 12 months of the final Board Order,
2. The penalty payment of \$750 must be made to P.O. Box 187, Rapid City, SD 57709, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,

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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with Midcontinent Communications to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (\$1,250) becomes immediately due and payable to P.O. Box 187, Rapid City, SD 57709.

On April 17, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 18, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, 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.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 20th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

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STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

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IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,
vs.
SOD BUSTERS, INC.
Defendant.

41CIV21-_____

SUMMONS

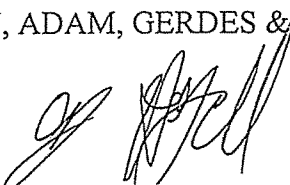
TO THE ABOVE-NAMED RESPONDENTS: SOD BUSTERS, INC., MICHAEL D. BROWN, 46919 CODY TRAIL, SUITE 200, TEA, SOUTH DAKOTA, 57064.

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon Cody Honeywell, Petitioner's attorney, whose address is 503 South Pierre Street, P.O. Box 160, Pierre, South Dakota 57501-0160, an answer to the Summons and Complaint which is herewith served upon you within 30 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this 24 day of February, 2021.

MAY, ADAM, GERDES & THOMPSON LLP

BY: _____


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