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— Since 1881 —

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October 18, 2021

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VIA CERTIFIED MAIL:

JMD Excavating, LLC
Attn: Mike Dimond, Registered Agent
11720 Quaal Road Ste A
Black Hawk, South Dakota 57718

On December 10, 2021, the South Dakota One Call Notification Board issued an Order, Complaint Docket OC20-045 for payment of penalty of One Thousand dollars (\$1,000) with Seven Hundred Fifty dollars (\$750) suspended if all requirements of the Order were met. JMD Excavating, LLC, was to hold an in-house safety meeting discussing South Dakota One Call laws, attend a Damage Prevention Meeting held in 2021, in Rapid City, conduct a face-to-face meeting with Montana Dakota Utilities and submit the unsuspended penalty payment within thirty days of the Order. JMD Excavating, LLC, has not met any of the requirements. Therefore, the full penalty payment is due.

Be advised this is a thirty-day demand for payment letter per SDCL 49-7A-33. If payment of One Thousand dollars (\$1,000) is not received by November 16, 2021, collection activity will be brought by the South Dakota One Call Notification Board.

Remit payment:

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

Sincerely yours,

MAY, ADAM, GERDES & THOMPSON LLP


CODY L. HONEYWELL
CLH | jrw

Enclosure: Copy of OC20-045 Board Order
CC/enc: Larry Janes, Executive Director; Cody M. Gregg, Deputy Director

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

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

I IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES CO., RAPID CITY, SD AGAINST JMD EXCAVATING, BLACK HAWK, SD, FOR AN INCIDENT OCCURRING ON JULY 15, 2020 AT 1301 WOODLAWN, RAPID CITY, SD.	ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD OC20-045
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On July 28, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein "Claimant"), against JMD Excavating, LLC, (herein "Respondent"), for an incident occurring on July 15, 2020, at 1301 Woodlawn, Rapid City, SD. The Complaint alleges a violation of SDCL 49-7A-8 when Respondent failed to pot hole prior to excavation beginning. Claimant alleges that a respot of locates may have helped in this case.

A copy of the Complaint was sent to Respondent on July 28, 2020. The deadline to respond was August 18, 2020. Respondent has not answered the Complaint as of August 28, 2020.

On August 28, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel does find probable cause that an unintentional violation of SDCL 49-7A-8 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$1,000 with \$750 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 Board Order,
2. The penalty payment of **\$250** must be made to **P.O. Box 187, Rapid City, SD 57709.**
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 thirty (30) days of the Board Order being issued.

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

If any of the above conditions are not met, the suspended penalty (**\$750**) becomes immediately due and payable to **P.O. Box 187, Rapid City, SD 57709.**

On October 7, 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 November 17, 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.

ORDERED, that if the penalty is not paid, that the Board shall pursue any rights it has under the law regarding collections.

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 10th day of December 2020.

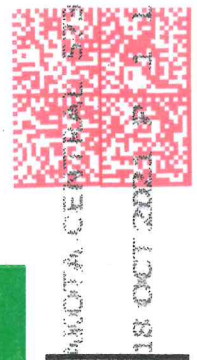
BY ORDER OF THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD:

DocuSigned by:

Fay Sandreau

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12-22-01 9W



CERTIFIED MAIL®



5764 5680 2000 062T 0202

AFTER FIVE DAYS RETURN TO
MAY ADAM
— Since 1881 —
P.O. Box 160
PIERRE, SOUTH DAKOTA 57501-0160

12/21/11

JMD Excavating, LLC
Attn: Mike Dimond
11720 Quaal Rd, Ste A
Black Hawk

553 DE 1 00110/10/21
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 57501016060 * 0711-1-14080-18-40
UNC 575010160

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
JMD Excavating, LLC
Attn: Mike Dimond
11720 Quaal Rd, Ste A
Black Hawk SD 57718

9590 9402 4644 8323 3028 05

2. Article Number (Transfer from service label)
7020 1290 0002 0895 4915

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Agent

B. Received by (Printed Name) Addressee

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt