

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY CITY OF CROOKS, CROOKS,
SD AGAINST DEGEN ELECTRIC, SIOUX
FALLS, SD, FOR AN INCIDENT
OCCURRING ON NOVEMBER 3, 2020 AT
47522 PONY MEADOW COURT,
RENNER, SD.

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

OC20-084

On November 5, 2020, the South Dakota One Call Board received a Complaint filed by City of Crooks (herein "Claimant"), against Degen Electric, Inc., (herein "Respondent") for an incident occurring on November 3, 2020, at 47522 Pony Meadow Court, Renner, SD. The Complaint alleges violations of SDCL 49-7A-5 when Respondent hit a gas service line while using a trenching machine. Claimant alleges Respondent was not sure if they had called in a locate. Claimant's records showed no locates had been called in for the previous 30 days. Gas was blowing for a short time due to an excess flow valve.

On November 9, 2020, the Notice of Complaint and Offer of Complaint Resolution was sent to the Respondent to this action with the following conditions:

1. The penalty payment of **\$250** must be made to **South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709**, within 30 days of the Board Order,
2. Respondent must attend a Damage Prevention meeting in 2021,
3. 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 Board Order.
4. 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 30 days of the Board Order being issued.

South Dakota One Call received the accepted the Offer of Complaint Resolution on November 16, 2020. The Board reviewed the acceptance of the Offer of Complaint Resolution at its February 19, 2021 meeting pursuant to SDCL 49-7A-27. The Offer of Complaint Resolution in the amount of \$250.00 was approved by the Board. It is now, therefore:

ORDERED, that the South Dakota One Call Board adopts the Offer of Complaint Resolution as a final resolution of this Complaint; and it is now, therefore

ORDERED, that if the resolution is not paid within thirty (30) days of this order, 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 24th day of February, 2021.

BY ORDER OF THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD:

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