

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY MONTANA DAKOTA
UTILITIES, RAPID CITY, SD AGAINST
JONES CONSTRUCTION COMPANY,
RAPID CITY, SD, FOR AN INCIDENT
OCCURRING ON DECEMBER 3, 2020 AT
5630 BING, RAPID CITY, SD.

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

OC20-092

On December 9, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein "Claimant"), against Ross Jones d/b/a Jones Construction Co., (herein "Respondent") for an incident occurring on December 3, 2020, at 5630 Bing, Rapid City, SD. The Complaint alleges violations of SDCL 49-7A-5 when Respondent was working on installing an egress window and hit the service line to the home. Claimant alleges the line was located on a previous locate ticket from another contractor and that Respondent did have a locate for the address where the damage happened. Gas was blowing; 811 and 911 were notified.

On December 10, 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 February 1, 2021. 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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