

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY WATERTOWN MUNICIPAL UTILITIES, WATERTOWN, SD AGAINST LL & SONS EXCAVATING, INC., HAZEL, SD FOR AN INCIDENT OCCURRING ON JULY 2, 2021 AT 54TH STREET AND SOUTH LAKE DRIVE IN WATERTOWN, SD.	ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD OC21-013
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On December 29, 2021, the South Dakota One Call Notification Board received a Complaint filed by Watertown Municipal Utilities (herein “Claimant”), against LL & Sons Excavating, Inc. (herein “Respondent”), for an incident occurring on July 2, 2021, at 54th St. and South Lake Dr., Watertown, SD. The Complaint alleges violations of SDCL 49-7A-8 and SDCL 49-7A-12 when Respondent damaged trace wire and attempted repair with black electrical tape. Respondent did not notify Claimant of damage.

A copy of the Complaint was sent to Respondent on January 3, 2022. The deadline to respond to the Complaint was January 25, 2022. Respondent has not answered the Complaint as of January 28, 2022.

On January 28, 2022, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. Prior to the Panel convening, Claimant voluntarily withdrew their Complaint. The Panel accepted withdrawal. Therefore, the Panel recommends the Complaint be dismissed.

The Panel recommends the South Dakota One Call Notification Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing, a party must reply within twenty (20) days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

The South Dakota One Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.