

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY DG UTILITIES, SPEARFISH, SD AGAINST OAK MOUNTAIN COUNTRY ESTATES OWNERS ASSOCIATION, STURGIS, SD FOR AN INCIDENT OCCURRING ON JANUARY 3, 2024 AT 20760 RANCH ROAD IN STURGIS, SD.</p>	<p style="text-align: center;">ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align: center;">OC24-006</p>
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On February 16, 2024, the South Dakota One Call Notification Board received a Complaint filed by DG Utilities, (herein “Claimant”) against Oak Mountain Country Estates Owners Association (herein “Respondent”) for an incident occurring on January 3, 2024, at 20760 Ranch Road in Sturgis, SD. The Complaint alleges violations of SDCL 49-7A-8 and SDCL 49-7A-15 when Respondent was not registered with 811 and did not mark their water line. Claimant alleges they hit Respondent’s 2” water main crossing 76 Ranch Road along bore route.

A copy of the Complaint was sent to Respondent on May 3, 2024. The deadline to respond was May 24, 2024. Claimant withdrew the Complaint on May 10, 2024.

On May 21, 2024, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel recommends the Complaint be dismissed pursuant to Claimant’s request.

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.