

AGENDA

South Dakota One Call Notification Board Enforcement Panel Conference Call

Thursday, April 23, 2026 10:00AM CT (9:00AM MT)

This meeting will be hosted via Teams, please email Kimberly Patrick at Kimberly.Patrick@state.sd.us for access.

A brief description of the Enforcement Panel process: This is a legal proceeding, and no comments will be taken by any of the parties involved in the Complaints during this call. A probable cause determination will be made based only on the written documentation received from the parties involved in the complaints. All parties will be given the opportunity to request a hearing before the full South Dakota One Call Notification Board, if there is disagreement with the recommendation of the Panel. If a hearing is requested, each party must be represented by legal counsel at the hearing. If a hearing is not requested, the Enforcement Panel recommendation will be presented to the South Dakota One Call Board of Directors for acceptance at the next Board Meeting. A Board Order will be mailed to each party after that Board Meeting. Please note, no payment is due until the final order is issued.

Factors to be considered in determining the amount of the penalty, if assessed shall be:

1. The amount of damage, degree of threat to public safety and the inconvenience caused.
2. The respondent's plan and procedures to ensure future compliance with statutes and rules.
3. Any history of previous violations.
4. Other matters as justice requires.

49-7A-18. Penalties. Except as provided in § 49-7A-19 and in addition to all other penalties provided by law, any person who violates or who procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 **may be assessed a penalty of up to one thousand dollars for the first violation and up to five thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.**

49-7A-19. Penalties for intentional violations. In addition to all other penalties provided by law, any person who intentionally violates or who intentionally procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 **may be assessed a penalty of up to five thousand dollars for the first violation and up to ten thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.**

49-7A-20. Each violation as separate offense. Each violation of any statute or rule of the Statewide One-Call Notification Board constitutes a separate offense. In the case of a continuing violation, each day that the violation continues constitutes a separate violation.

The Enforcement Panel of the South Dakota One Call Notification Board is meeting to consider the following South Dakota One Call Complaints:

OC25-016 In the matter of the complaint filed by City of Rapid City Traffic, Rapid City, SD against Cool Breeze Construction, Inc. Rapid City, SD for an incident occurring September 15, 2025 at 2003 Sheridan Lake Road in Rapid City.

Deadline to respond was November 18, 2025. Response was received on November 17, 2025. Conflict of Interest forms have been obtained on this complaint.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that Cool Breeze Construction violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC26-001 In the matter of the complaint filed by NorthWestern Energy, Huron, SD against L & L Sons Excavating, Inc. Hazel, SD for an incident occurring February 20, 2026 at 32 West Williams Street in Hazel.

Deadline to respond was April 13, 2026. NorthWestern Energy requested to withdraw the complaint on April 6, 2026 as the complaint was filed against the wrong company name.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that L&L Sons violated any statute or rule under the jurisdiction of the Board? Does the Board wish to accept the request to withdraw and dismiss the complaint?

Please note: This was a legal proceeding and only written information provided by the Complainants and the written response from the Defendants was considered per SDCL 49-7A-25. No comments from the parties involved in the complaints will be taken during this call.