AGENDA

South Dakota One Call Notification Board
Enforcement Panel Conference Call

Thursday, November 19, 2026 2:00 PM CT (1:00PM MT)

This meeting will be hosted via Teams, please email Codi at Codi@sd811.com 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 statues 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:

OC26-010 In the matter of the complaint filed by B & B Excavating, Rapid City, SD against Town of Hermosa, Hermosa, SD for an incident occurring August 11, 2026 at 315 Manning Street in Hermosa.

Deadline to respond was October 7, 2026. Response was received on October 2, 2026.
There is no history for consideration.

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

OC26-011 In the matter of the complaint filed by State of South Dakota Bureau of Information and Technology, Pierre, SD against Morris, Inc., Fort Pierre, SD for an incident occurring June 30, 2026 at Intersection of Euclid Avenue and 6th Street in Pierre.

Deadline to respond was October 19, 2026. Response was received on October 15, 2026.
There is no history for consideration.

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

OC26-012 In the matter of the complaint filed by Otter Tail Power Company, Arlington, SD, against Fineline Dirtworx, Lake Norden, SD for an incident occurring September 28, 2026 at 939 Jay Headley Drive in Lake Norden.

Deadline to respond was October 19, 2026. Response was received on October 06, 2026.
There is no history for consideration.

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

OC26-013 In the matter of the complaint filed by Anita Mai, Chester, SD against Mitchell Construction, Chester, SD for an incident occurring October 2, 2026 at 2131 South Shore Drive in Chester.

Deadline to respond was October 27, 2026. Response was received on October 21,2026.
There is no history for consideration.

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

Please note: This is 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.