

*South Dakota*

Know what's below.  
Call before you dig.



April 17, 2020

Mr. Patrick Mastel  
Midcontinent Communications  
3901 North Louise Avenue  
Sioux Falls, South Dakota 57107

Mr. Mike Brown  
Sod Buster Inc. and B Green  
46919 Cody Trail  
Tea, South Dakota 57064

**Re: OC20-003 Midcontinent Communications vs. Sod Busters, Inc. and B Green**

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on February 28, 2020 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC20-003. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings. If you do request a hearing you must be represented by legal counsel at the time you present your case to the One Call Board.

**Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the South Dakota One Call Notification Board and your right to hearing is waived.**

**If you choose to request a hearing you must return the signed and dated form prior to the close of business on May 8, 2020.**

South Dakota One Call Notification Board  
PO Box 187  
Rapid City, South Dakota 57709

Be aware, any future violations of any One Call statute or rule may be subject to additional penalties up to \$5,000 for each subsequent violation that occurs within twelve months of the initial violation. If you have procedural questions relative to this complaint, please contact me at 605-863-0951 or by email at [deputydirector@sd811.com](mailto:deputydirector@sd811.com). Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

*Cody M Gregg*

Cody M. Gregg  
Deputy Director  
South Dakota One Call

**REQUEST FOR A HEARING  
COMPLAINT OC20-003**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC20-003 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – Midcontinent Communications**

\_\_\_\_\_  
**Date**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC20-003 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – Sod Busters Inc and B Green**

\_\_\_\_\_  
**Date**

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER  
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD  
PO BOX 187  
RAPID CITY, SOUTH DAKOTA 57709**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's  
Recommendation by the South Dakota One Call Board. The Board will then  
Order the Recommendation as the final disposition of this Complaint.**



BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY MIDCONTINENT  
COMMUNICATIONS, SIOUX FALLS, SD  
AGAINST SOD BUSTERS INC. AND B  
GREEN, TEA, SD, FOR AN INCIDENT  
OCCURRING ON JUNE 6, 2018 AT 3611  
N. ORION DRIVE, SIOUX FALLS, SD.

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

OC20-003

On January 22, 2020, the South Dakota One Call Board received a Complaint filed by Midcontinent Communications (herein “Midco”), against Sod Busters Inc. and B Green, (herein “Respondent”) for an incident occurring on June 6, 2018, at 3611 N. Orion Drive, Sioux Falls, SD. The Complaint alleges a violation of SDCL 49-7A-8 and 49-7A-12 when Respondent did perform locates but did not do any hand digging and did not contact Midco after cables were cut.

A copy of the Complaint was sent to Respondent on January 28, 2020. Respondent answered the Complaint on February 18, 2020 and denies a violation of South Dakota One Call law. Respondent alleges they do hand dig, but Midco’s lines are so close to the surface that they are being hit by the shovels.

On February 28, 2020, the Enforcement Panel (herein “Panel”) convened pursuant the authority present in SDCL 49-7A. Pursuant to SDCL 49-7A-21, the Panel dismisses this action because the Complaint was not brought within ninety (90) days of damage or within one (1) year of discovery.

The Panel recommends the South Dakota One Call 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 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.