

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY ROGER FRENCH, BROOKINGS, SD AGAINST PRUNTY CONSTRUCTION, BROOKINGS, SD, FOR AN INCIDENT OCCURRING IN AUGUST, 2019 AT 4TH AVENUE AND SOUTH ROBERTS STREET, HUMBOLDT, SD.</p>	<p>ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p>OC20-041</p>
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On July 6, 2020, the South Dakota One Call Board received a Complaint filed by Roger French (herein “Claimant”), against Prunty Construction Company, Inc. (herein “Respondent”), for an incident occurring in August, 2019, at 4th Avenue and South Roberts Street, Humboldt, SD. The Complaint alleges multiple violations of SDCL49-7A when Respondent failed to do the required hand digging, used mechanical equipment within the 18 inches of the marking, failed to notify Midco of the hit line, failed to notify Midco or SD811 of the hit line, failed to protect the internet line, failed to call USIC for a damage investigation, and failed to call for a relocate.

A copy of the Complaint was sent to Respondent on July 7, 2020. The deadline to respond was July 28, 2020. Respondent answered the Complaint on July 27, 2020 and does not dispute that a violation of South Dakota One Call law occurred.

On August 13, 2020, the Enforcement Panel (herein “Panel”) convened pursuant the authority present in SDCL 49-7A. The Panel discussed that they do not have authority to hear the complaint pursuant to 49-7A-21, as the Complaint was not brought within ninety (90) days of discovery. Therefore, the Panel recommends the Complaint be dismissed.

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 (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.