

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES, RAPID CITY, SD AGAINST SAVVY DESIGNS, INC., BOX ELDER, SD, FOR AN INCIDENT OCCURRING ON OCTOBER 14, 2020 AT 649 LIBERTY PARK DRIVE, BOX ELDER, SD.	<b>ORDER ADOPTING OFFER OF RESOLUTION TO THE SOUTH DAKOTA ONE CALL BOARD</b>  OC20-081
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On October 30, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein "Claimant"), against Savvy Designs, Inc., (herein "Respondent") for an incident occurring on October 14, 2020, at 649 Liberty Park Drive, Box Elder, SD. The Complaint alleges violations of SDCL 49-7A-5, 49-7A-8, and 49-7A-12 when Respondent did not have a valid locate ticket and did not maintain the 18-inches horizontal separation between the marks (from a previous locate of another contractor) and the cutting edge of the equipment. Claimant alleges gas was blowing and 911 and Claimant were notified; 811 was not notified.

On October 30, 2020, the Notice of Complaint and Offer of Complaint Resolution was sent to the Respondent of this action with the following conditions:

1. The penalty payment of **\$250** must be made to **P.O. Box 187, Rapid City, SD 57709**, within 30 days of the Board Order,
2. Respondent must attend a Damage Prevention meeting in 2021,
3. Respondent must conduct an in-house safety meeting to discuss South Dakota One Call laws. Detail of the discussion material, date, and length of the meeting along with printed and signed names of attendees will be submitted to the Executive Director of South Dakota One Call within 30 days of the Board Order.
4. Respondent will arrange a face-to-face meeting with Claimant to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the Board Order being issued.

South Dakota One Call received the accepted Offer of Complaint Resolution on November 4, 2020. The Board reviewed the acceptance of the Offer of Complaint Resolution at its November 17, 2020 meeting pursuant to SDCL 49-7A-27. The Offer of Complaint Resolution was approved by the Board. It is now, therefore:

**ORDERED**, that the South Dakota One Call Board adopts the Offer of Complaint Resolution as a final resolution of this Complaint; and it is now, therefore

**ORDERED**, that if the resolution is not paid within thirty (30) days of this order, that the Board shall pursue any rights it has under the law regarding collections.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 10<sup>th</sup> day of December 2020.

BY ORDER OF THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD:

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