



November 2, 2020

In the Matter of the Complaint OC20-082 filed by Montana Dakota Utilities against Darwin Toof for an incident occurring at 815 E New York Street, Lot 29 in Rapid City on October 15, 2020.

A complaint has been filed against Darwin Roof by Montana Dakota Utilities. One Call staff has reviewed the complaint and determined that the complaint states a case, that you've had no prior violations and that no personal injury occurred as a result.

If you agree, at your option, you may choose to accept the following with no further process:

1. A \$250 penalty payment must be made within 30 days of the Board Order which will be issued after the next One Call Board Meeting.
2. You will arrange a face to face meeting with Montana Dakota Utilities to review the damage, the dangers while working around utilities, and will discuss excavation best practices. This meeting is to take place within 30 days of the Board Order issued after the next Board meeting. Documentation of this meeting will be signed and dated by both parties and returned to exedir@sdonecall.com or be received at P.O. Box 187, Rapid City, SD 57709 within the 30 day time frame.
3. You must conduct an in-house safety meeting with employees 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 at exedir@sdonecall.com.
4. You must attend a Damage Prevention meeting in 2021. Meeting dates will be provided.

If you consent, this matter will be forwarded to the South Dakota One Call Board for approval at the next Board Meeting.

Please understand that it is your right to reject this offer, and request the Enforcement Panel of the One Call Board to review this complaint docket, at which time the Panel will make a Recommendation to the Board for approval. If accepting this resolution, the notice attached has to be received no later than November 23, 2020. Darwin Toof may also reject the Panel Recommendation and request a Hearing before the Board. Rejection of the Executive Committee Recommendation will have no impact on the Panel Recommendation.

Questions or concerns are to be emailed to exedir@sdonecall.com.

Larry Janes

Larry Janes
Executive Director
South Dakota One Call Notification Board

**ACCEPTANCE
OC20-082**

I ACCEPT RESOLUTION OF THIS MATTER BY AGREEING TO THE PENALTY AMOUNT ASSESSED AND AGREE TO COMPLETE THE FOUR REQUIREMENTS AS LISTED.

(Name of Company)

Printed Name

Signed Name

DATE

**REQUEST FOR ENFORCEMENT PANEL REVIEW
OC20-082**

I REJECT THE OFFER TO RESOLVE COMPLAINT OC20-082 AND REQUEST THE COMPLAINT TO BE HEARD BY THE ENFORCEMENT PANEL OF THE ONE CALL BOARD. I HAVE BEEN MADE AWARE OF THE ONLINE RESPONSE FORM AND THE RESPONSE DUE DATE. I UNDERSTAND THIS REQUEST MAY RESULT IN A HIGHER PENALTY AMOUNT IF A DETERMINATION IS MADE THAT A VIOLATION OCCURRED.

(Name of Company)

Printed Name

Signed Name

DATE
