

U.S. Bankruptcy Court

District of South Dakota

Notice of Electronic Claims Filing

The following transaction was received from Semmler, Kara C. on 9/9/2011 at 4:55 PM CDT

Case Name: Scott Olson Digging, Inc.
Case Number: 11-40680
State of South Dakota
Creditor Name: South Dakota Public Utilities Commission
500 E Capitol
Pierre, SD 57501
Claim Number: 2 Claims Register
Total Amount Claimed: \$11000.00

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**C:\fakepath\proof of claim.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=987020185 [Date=9/9/2011] [FileNumber=2047550-0] [4129fce451093d5ee0ae0077c6ecbce70f5c46b8d2c3cb0b3b730df700af7c19f11836feba28e2fdcf284bed1930255fc6573c1167a2d3996ec6ad003594b531]]

Document description:Exhibit Agency Orders**Original filename:**C:\fakepath\proof of claim attachments.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=987020185 [Date=9/9/2011] [FileNumber=2047550-1] [b6176cdfba617dcccfe3d684689d8dc6f9f9bb766024c5d32007a175e2775346991f390949ae93ba92d67ed905cba8835f97a94d0cc9297e3e1750028c31d7016]]

[File another claim](#)

**UNITED STATES BANKRUPTCY COURT
District of South Dakota**

**PROOF OF CLAIM
(Revised 04/10)**

Debtor's name: Scott Olson Digging, Inc.	Case number: 11-40680 Chapter: 11	Please see the instructions that accompany this form for definitions and guidance on completing a proof of claim.
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Creditor's name: State of South Dakota Public Utilities Commission	Last four digits of any number by which creditor identifies debtor:	This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.
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Send notices to (name and address): Kara Semmler 500 E. Capitol Ave Pierre SD 57501 Phone number: (605) 773-3201	<input type="checkbox"/> Check this box if you are aware that someone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	<input type="checkbox"/> Check this box if this claim is intended to amend a previously filed claim. Date of previously filed claim:
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1. Basis for claim (check all that apply and use "Other" to describe any claim not fitting within one of the listed categories):

<input type="checkbox"/> Goods sold	<input type="checkbox"/> Wages, salaries, or compensation, for services performed (insert dates):	<input checked="" type="checkbox"/> Other (describe): State Agency Civil Penalties
<input type="checkbox"/> Services performed	From: _____ To: _____	
<input type="checkbox"/> Money loaned	Last four digits of your SS #: _____	
<input type="checkbox"/> Personal injury/wrongful death		
<input type="checkbox"/> Taxes		
<input type="checkbox"/> Retiree benefits (per 11 U.S.C. § 1114(a))		

2. Date(s) debt incurred: 2/16/11 **3. Date(s) of any judgment:** _____

4. CLASSIFICATION OF CLAIM. Check the appropriate box(es) that best describes your claim. See reverse side for important explanations.

<p>UNSECURED NONPRIORITY CLAIM <input checked="" type="checkbox"/> Check this box if: (a) there is no lien on property securing your claim; (b) your claim exceeds the value of the property securing it; (c) none or only part of your claim is entitled to priority. State the amount of any unsecured nonpriority claim in the space provided for "Unsecured" claims in section 5 below.</p> <p>SECURED CLAIM <input type="checkbox"/> Check this box if your claim is secured by a lien on property (including a right of setoff). State the amount of any secured claim in the space provided for "Secured" claims in section 5 below.</p> <p>Check the appropriate box(es) if your claim is secured by:</p> <input type="checkbox"/> Real estate <input type="checkbox"/> Motor vehicle(s) <input type="checkbox"/> Other property (describe): _____ <p>Value of property: \$ _____ Annual interest rate _____%</p> <p>Arrearage and other charges at the time the case was filed included in secured claim, if any: \$ _____</p>	<p>UNSECURED PRIORITY CLAIM <input type="checkbox"/> Check this box if you have an unsecured claim, all or part of which is entitled to priority. State the amount of any unsecured priority claim in the space provided for "Priority" claims in section 5 below.</p> <p>Check the appropriate box(es) if your claim is entitled to priority for:</p> <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Deposits (up to \$2,600*) toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - 11 U.S.C. § 507(a)(_____) (specify paragraph) <p>* Amounts are subject to adjustment on 4/1/2013 and every three years thereafter with respect to cases filed on or after the date of the adjustment.</p>
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5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED:

\$ <u>11,000</u>	+	\$ _____	+	\$ _____	=	\$ <u>11,000</u>
a. Unsecured		b. Secured		c. Priority		TOTAL (a+b+c)

6. CREDITS: All payments on this claim have been credited for the purpose of making this claim.

7. DOCUMENTS: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. Also attach redacted copies of documents providing evidence of the perfection of a security interest. You may also attach summaries. See definition of "redacted" on reverse side.

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

Date: 9/7/11 **Signature:** *Kara C. Semmler*

The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach a copy of power of attorney, if any.

Penalty for presenting a fraudulent claim: Fine of up to \$500,000 or imprisonment for up to five years, or both. 18 U.S.C. §§ 152 and 3571.

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	ORDER ADOPTING ENFORCEMENT
BY NORTHWESTERN ENERGY AGAINST)	PANEL RECOMMENDATIONS AND
SCOTT OLSON DIGGING, INC.)	CLOSING DOCKET
)	OC10-006

On September 13, 2010, the South Dakota Public Utilities Commission received a complaint from NorthWestern Energy against Scott Olson Digging, Inc. The Complaint alleges Scott Olson Digging, Inc. damaged NorthWestern Energy facilities while excavating yet did not notify the utility as required by SDCL 49-7A-12. In its October 27, 2010 reply, Scott Olson Digging, Inc. stated the line was to be relocated by NorthWestern Energy and that it was in contact with a third party regarding the relocation.

On October 28, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-12 occurred.

In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended one-thousand dollar (\$1,000) penalty. In making its recommendation the Panel considered all factors in SDCL 49-7A-26.

Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation is considered accepted by both.

At its scheduled meeting of February 16, 2011, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure and approved its findings.

THE ONE CALL BOARD OF SOUTH DAKOTA HEREBY ORDERS, the terms and conditions as recommended by the Panel as final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered and fully incorporated herein; and it is

FURTHER ORDERED that complete payment of said penalty be made within thirty days of issuance of this Order; and it is

FURTHER ORDERED this docket shall be closed.

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile by first class mail, or by other electronic means.



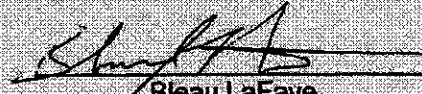
Larry L. Janes, Executive Director

Date 2-18-2011

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota,

this 16th day of February, 2011



Beau LaFave
Chairman

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED) ORDER GRANTING CIVIL
BY NORTHWESTERN ENERGY, HURON,) COURT FILING
SOUTH DAKOTA, AGAINST SCOTT OLSON)
DIGGING, INC., HURON, SOUTH DAKOTA) OC10-006**

On September 13, 2010, the South Dakota Public Utilities Commission (Commission) received a complaint from Northwestern Energy against Scott Olson Digging, Inc. The Complaint alleges Scott Olson Digging, Inc. damaged Northwestern Energy facilities while excavating yet did not notify the utility as required by SDCL 49-7A-12. In its October 27, 2010 reply, Scott Olson Digging, Inc. stated the line was to be relocated by Northwestern Energy and that it was in contact with a third party regarding the relocation. On October 28, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-12 occurred. In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended a one-thousand dollar (\$1,000) penalty. In making its recommendation the Panel considered all factors in SDCL 49-7A-26. Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation was considered accepted by both. At its scheduled meeting of February 16, 2011, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure, approved its findings and issued a Final Order requiring complete payment of the penalty within 30 days of service of the Order on Scott Olson Digging, Inc. Scott Olson Digging, Inc. failed to make payment and is out of compliance with the Board Order. On April 6, 2011 a demand letter was sent to Scott Olson Digging, Inc. pursuant to SDCL 49-7A-33. The One Call Board of South Dakota met on May 18, 2011 to consider this matter and voted unanimously to request the Commission bring an action in the name of the State of South Dakota for recovery of the penalty pursuant to SDCL 49-7A-28.

At the May 31, 2011, meeting, the Commission discussed the One Call Board's request. The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-7A-28. The Commission finds it is appropriate to bring an action to recover the One Call penalty of \$1,000.

It is therefore

ORDERED, that action be brought in the name of the State of South Dakota to recover the One Call penalty in docket OC10-006.

Dated at Pierre, South Dakota, this 17th day of June, 2011.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u><i>Jan Udahl</i></u>
Date: <u>6-17-11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT BY NORTHWESTERN ENERGY AGAINST SCOTT OLSON DIGGING, INC.)))))	ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATIONS AND CLOSING DOCKET OC10-007
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On September 13, 2010, the South Dakota Public Utilities Commission received a complaint from NorthWestern Energy against Scott Olson Digging, Inc. The Complaint alleges Scott Olson Digging, Inc. damaged NorthWestern Energy facilities while excavating yet did not notify the utility as required by SDCL 49-7A-12. Scott Olson Digging, Inc. did not dispute the allegations.

On October 28, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-12 occurred.

In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended a five-thousand dollars (\$5,000) penalty, with two thousand five hundred dollars (\$2,500) suspended. In making its recommendation the Panel considered all factors in SDCL 49-7A-26.

The recommended suspension is based on the following: (i) Scott Olson Digging, Inc. fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of this Order and (ii) Scott Olson Digging, Inc. fully comply with the resolution of this complaint by making payment of two thousand five hundred dollars (\$2,500) within thirty days of the issuance of this Order. If either condition is violated, the suspended portion of the penalty becomes immediately due and payable.

Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation is considered accepted by both.

At its scheduled meeting of February 16, 2011, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure and approved it findings.

THE ONE CALL BOARD OF SOUTH DAKOTA HEREBY ORDERS, the terms and conditions as recommended by the Panel as final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered and fully incorporated herein; and it is

FURTHER ORDERED this docket shall be closed.

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile by first class mail, or by other electronic means.



Larry L. Janes, Executive Director

Date 2-18-2011

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota,

this 16th day of February, 2011



Bleau LaFave
Chairman

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED)
BY NORTHWESTERN ENERGY, HURON,)
SOUTH DAKOTA, AGAINST SCOTT OLSON)
DIGGING, INC., HURON, SOUTH DAKOTA)**

**ORDER GRANTING CIVIL
COURT FILING**

OC10-007

On September 13, 2010, the South Dakota Public Utilities Commission (Commission) received a complaint from Northwestern Energy against Scott Olson Digging, Inc. The Complaint alleges Scott Olson Digging, Inc. damaged Northwestern Energy facilities while excavating yet did not notify the utility as required by SDCL 49-7A-12. Scott Olson Digging, Inc. did not dispute the allegations. On October 28, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-12 occurred. In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended a five-thousand dollars (\$5,000) penalty, with two thousand five hundred dollars (\$2,500) suspended if several conditions were met. In making its recommendation, the Panel considered all factors in SDCL 49-7A-26. Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation was considered accepted by both. At its scheduled meeting of February 16, 2011, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure, approved its findings and issued a Final Order regarding the same. Scott Olson Digging, Inc. failed to make payment, is out of compliance with the Board Order and the full Five Thousand Dollar (\$5,000) penalty is now due. On April 6, 2011 a demand letter was sent to Scott Olson Digging, Inc. pursuant to SDCL 49-7A-33. The One Call Board of South Dakota met on May 18, 2011 to consider this matter and hereby unanimously requests the Commission bring an action in the name of the State of South Dakota for recovery of the penalty pursuant to SDCL 49-7A-28.

At the May 31, 2011, meeting, the Commission discussed the One Call Board's request. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-7A-28. The Commission finds it is appropriate to bring an action to recover the One Call penalty of \$5,000.

It is therefore

ORDERED, that action be brought in the name of the State of South Dakota to recover the One Call penalty in docket OC10-007.

Dated at Pierre, South Dakota, this 17th day of June, 2011.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u><i>René Ardahl</i></u>
Date: <u>6-17-11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)
BY NORTHWESTERN ENERGY AGAINST)
SCOTT OLSON DIGGING, INC.)

ORDER ADOPTING ENFORCEMENT)
PANEL RECOMMENDATIONS AND)
CLOSING DOCKET)
OC10-008)

On September 13, 2010, the South Dakota Public Utilities Commission received a complaint from NorthWestern Energy against Scott Olson Digging, Inc. The Complaint alleges excavation occurred at Lawnridge Ave, SE from Third Street SE to Seventh Street SE, Huron, South Dakota, without providing advance notice through the South Dakota One Call System. Scott Olson Digging, Inc. denied the allegations stating marks were still on site from a previous One Call ticket.

On December 6, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-5 occurred.

In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended a five-thousand dollars (\$5,000) penalty, with two thousand five hundred dollars (\$2,500) suspended. In making its recommendation the Panel considered all factors in SDCL 49-7A-26.

The recommended suspension is based on the following: (i) Scott Olson Digging, Inc. fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of this Order and (ii) Scott Olson Digging, Inc. fully comply with the resolution of this complaint by making payment of two thousand five hundred dollars (\$2,500) within thirty days of the issuance of this Order. If either condition is violated, the suspended portion of the penalty becomes immediately due and payable.

Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation is considered accepted by both.

At its scheduled meeting of February 16, 2011, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure and approved its findings.

THE ONE CALL BOARD OF SOUTH DAKOTA HEREBY ORDERS, the terms and conditions as recommended by the Panel as final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered and fully incorporated herein; and it is

FURTHER ORDERED this docket shall be closed.

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile by first class mail, or by other electronic means.



Larry L. Janes, Executive Director

Date 2-18-2011

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota,
this 16th day of February, 2011



Bleau LaFave
Chairman

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)	ORDER GRANTING CIVIL
BY NORTHWESTERN ENERGY, HURON,)	COURT FILING
SOUTH DAKOTA, AGAINST SCOTT OLSON)	
DIGGING, INC., HURON, SOUTH DAKOTA)	OC10-008

On September 13, 2010, the South Dakota Public Utilities Commission (Commission) received a complaint from Northwestern Energy against Scott Olson Digging, Inc. The Complaint alleges Scott Olson Digging, Inc. began excavation prior to the legal start time in violation of SDCL 49-7A-5. On December 6, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-5 occurred. In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended a five-thousand dollars (\$5,000) penalty, with two thousand five hundred dollars (\$2,500) suspended if several conditions were met. In making its recommendation the Panel considered all factors in SDCL 49-7A-26. Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation was considered accepted by both. At its scheduled meeting of February 16, 2011, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure, approved its findings and issued a Final Order regarding the same. Scott Olson Digging, Inc. failed to make payment, is out of compliance with the Board Order and the full Five Thousand Dollar (\$5,000) penalty is now due. On April 6, 2011 a demand letter was sent to Scott Olson Digging, Inc. pursuant to SDCL 49-7A-33. The One Call Board of South Dakota met on May 18, 2011 to consider this matter and hereby unanimously requests the Public Utilities Commission bring an action in the name of the State of South Dakota for recovery of the penalty pursuant to SDCL 49-7A-28. The One Call Board of South Dakota met on May 18, 2011 to consider this matter and hereby unanimously requests the Commission bring an action in the name of the State of South Dakota for recovery of the penalty pursuant to SDCL 49-7A-28.

At the May 31, 2011, meeting, the Commission discussed the One Call Board's request. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-7A-28. The Commission finds it is appropriate to bring an action to recover the One Call penalty of \$5,000.

It is therefore

ORDERED, that action be brought in the name of the State of South Dakota to recover the One Call penalty in docket OC10-008.

Dated at Pierre, South Dakota, this 17th day of June, 2011.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.</p> <p>By: <u><i>Berni Nydahl</i></u></p> <p>Date: <u>6-17-11</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner