

meeting. Documentation shall be submitted to the Executive Director of South Dakota One Call.

If any of the conditions are not met, the entire Five Thousand Dollar Penalty (\$5,000) will be immediately due and owing.

JULY 29 VIOLATION: The Panel found it proper to recommend a **Five Thousand Dollar (\$5,000) penalty** due to the existence of previous complaints, the degree of danger when excavating around natural gas facilities and the failure of Stromseth to take steps to prevent future violations. (SDCL 49-7A-19)

II. VIOLATION OF ARSD 20:25:03:05.03

The Panel found sufficient evidence was presented to determine probable cause exists to believe a violation of ARSD 20:25:03:05.03 occurred. Specifically, the Panel found Stromseth failed to properly expose facilities in compliance with the administrative rule. Based on the existence of previous Complaints against Stromseth, and its lack of response to the Complaint, the Panel found the violation to be intentional.

The Panel found it proper to recommend a **Five Thousand Dollar (\$5,000) penalty** due to the existence of previous complaints, the degree of danger when excavating around natural gas facilities and the failure of Stromseth to take steps to prevent future violations. (SDCL 49-7A-19)

At its scheduled meeting of October 3, 2012, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure and approved its findings. As such, a Twelve Thousand Five Hundred Dollar penalty (\$12,500) is due within thirty days from issuance of this Order. If the conditions above are not met, an additional Two Thousand, Five Hundred (\$2,500) will be added to the total penalty.

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, if the penalty is not paid, the Board shall pursue any rights it has under the law regarding collection; and it is

FURTHER ORDERED this docket shall be dismissed and 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


Larry L. Janes, Executive Director

Date 10-4-2012

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Fort Pierre, South Dakota,

this 3rd day of Oct., 2012


Kurt Pfeifle
Chairman