

STATE OF SOUTH DAKOTA
COUNTY OF KINGSBURY

IN CIRCUIT COURT
THIRD JUDICIAL DISTRICT

THE STATE OF SOUTH DAKOTA, * CIV _____

Plaintiff, *

vs. *

SUMMONS

MARK SEIFKES d/b/a S.P.O.T., *

Defendant. *

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to answer the Complaint of the above-named Plaintiff, which is herewith served upon you, and to serve a copy of your answer upon the subscribed at the South Dakota Public Utilities Commission, 500 E. Capitol Ave. Pierre, South Dakota 57501, within 30 days after service of this Summons and Complaint upon you, exclusive of the date of such service. You are further notified that if you fail to answer the Complaint within the time aforesaid, judgment by default may be rendered against you as requested in the Complaint.

Dated this 20th day of July, 2010 at Pierre, South Dakota.



Kara C. Semmler
Special Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Ph (605) 773-3201
Fax 866-757-6031
Attorney for Plaintiff,
South Dakota Public Utilities Commission

rules and procedures pursuant to SDCL 49-7A-4 to regulate the notification process of the above located at ARSD Article 20:25.

5. One-Call, pursuant to SDCL 49-7A-17, has the authority to receive complaints against persons who violate provisions of SDCL chapter 49-7A and rules promulgated by One-Call and may, pursuant to SDCL 49-7A-18 and 49-7A-19, access civil penalties against persons found to have violated these laws.

6. On March 3, 2009, pursuant to SDCL 49-7A-2, One-Call received a complaint filed by Larry Englergh of Sioux Falls against Mark Seifkes dba S.P.O.T.

7. Defendant failed to respond to the Complaint after notice was given pursuant to 49-7A-23 and 24.

8. Pursuant to SDCL 49-7A-22 a five member panel was appointed by the Chairman of One-Call. The panel found probable cause existed to believe a violation of SDCL 49-7A-2 occurred.

9. The panel recommended a suspended fine based on the Defendant's compliance with at least one of two conditions. Failure to comply with at least one of the listed conditions, however, resulted in civil penalties against Defendant in the total amount of Six Thousand Dollars (\$6,000.00).

10. A copy of the One-Call panel's recommendations was served on Defendant via personal service. The complete One Call enforcement committee decision and proof of service is attached hereto as exhibit A.

11. The Defendant failed to respond to the recommendations. His failure to respond, and failure to request a hearing constitutes acceptance of the panel's recommendation per SDCL 49-7A-27

12. Based on the Defendants acceptance of the Enforcement Committee recommendations, the One-Call Board issued an Order on July 21, 2009. The One Call Order was served on Defendant via personal service on July 27, 2009. The One Call Order and proof of service are attached hereto as Exhibit B. Time for Defendant to appeal the decision of One-Call expired according to SDCL 1-26-31.

13. Defendant failed to comply with the conditions in the Order, and Defendant now owes Six Thousand Dollars in civil penalties.

14. One-Call made a written demand to Defendant for payment of the civil penalties as required by SDCL 49-7A-33. The demand was personally served on Defendant, a copy of said notice and proof of service is attached hereto as Exhibit C. More than thirty (30) days have elapsed since the demand was sent and Defendant has failed to pay the prescribed civil penalties.

15. One-Call requested the Commission bring an action in this court against Defendant to recover such penalty in accordance with SDCL 49-7A-28.

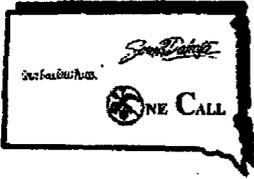
WHEREFORE, Plaintiff demands judgment against Defendant as follows:

1. For a monetary judgment in the amount of Six Thousand Dollars (\$6,000) plus Plaintiff's costs, disbursements and statutory interest to the extent allowed by law.
2. For such other and further relief as the Court may deem just and proper.

Dated this 20th day of July, 2010.


Kara C. Semmler
Special Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Ph (605) 773-3201
Attorney for Plaintiff,
South Dakota Public Utilities Commission

Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



June 12, 2009

Mr. Mark Seifkes
dba S.P.O.T.
305 Highway 14 East
DeSmet, SD 57231

Dear Mr. Seifkes:

Under the authority granted by SDCL 49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board met on June 11, 2009, to determine whether there is probable cause to believe that a violation has occurred relative to Complaint OC09-002 filed by Larry Englerth against Mark Seifkes dba S.P.O.T.

By a unanimous vote of the Enforcement Committee, the recommended resolution to the alleged violation included in this complaint was determined to be as follows:

Complaint OC09-002

Alleged Violation of SDCL 49-7A-2 Establishment of One-Call Notification Board

The Committee found there is probable cause Mark Seifkes dba S.P.O.T. violated SDCL 49-7A-2 by failing to become a member of the South Dakota One Call notification center as required by statute.

The committee recommends a penalty of one thousand dollars (\$1,000.00) pursuant to SDCL 49-7A-18 and five thousand dollars (\$5,000.00) pursuant to SDCL 49-7A-19 for a total fine of six thousand dollars (\$6,000.00). The entire six thousand dollar (\$6,000) penalty is suspended on the following conditions:

1. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. fully complies with SDCL 49-7A by completing membership in the South Dakota One Call System and that he fully complies with SDCL 49-7A and ARSD 20:25 for twelve months following acceptance or resolution of Complaint OC09-002, or
2. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. arrange with a third party, such as the City of DeSmet, to assume responsibility for receipt of excavation notifications marking of the sewer line operated by him.

Exhibit A

The findings and recommendation of the Enforcement Committee are summarized on the attached form.

Under SDCL 49-7A-27, either party may accept the recommendation of the Enforcement Committee or reject the recommendation of the Enforcement Committee by requesting a formal hearing on the violation alleged in this complaint. **Under the same statute, failure to respond to this notice is considered acceptance of the Enforcement Committee recommendation and your right to a hearing is waived.** Your decision should be reflected on the "Acceptance or Rejection by Parties." **Please return the signed and dated form prior to the close of business on July 13, 2009.**

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

If both parties accept this resolution, the South Dakota One Call Notification Board is required to accept the resolution and close this complaint. If either party rejects the Enforcement Committee resolution of the alleged violation, the South Dakota One Call Notification Board will conduct a hearing as a contested case under Chapter 1-26 to resolve the allegation alleged in the rejected complaint. Following this hearing, the Board shall either render a decision dismissing the complaint for insufficient evidence or shall impose a penalty pursuant to SDCL 49-7A-18 or SDCL 49-7A-19.

Pursuant to SDCL 15-6-55, failure to answer this Complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. **You are strongly urged to reply to this Notice in the time frame described above and to obtain the advice of counsel should you have any legal questions.**

If you have any procedural questions relative to this complaint, please contact me at 605-773-3201 or by e-mail at kara.semmier@state.sd.us. I would request that you do not contact any members of the South Dakota One Call Notification Board to discuss this complaint. Since they may be involved in the Chapter 1-26 hearing to resolve the complaint, they have been advised by legal counsel to not discuss any pending complaint before the Board.

Sincerely,



Kara Semmler
Staff Attorney

ENFORCEMENT COMMITTEE ACTION
OC09-002
Larry Englerth v. Mark Seifkes dba S.P.O.T.

FINDINGS:
OC09-002

Alleged Violation of SDCL 49-7A-2 Establishment of One-Call Notification Board

Allegation is made by Larry Englerth that Mark Seifkes dba S.P.O.T., an operator, failed to join the South Dakota One Call notification center as required by SDCL 49-7A-2.

Mark Seifkes dba S.P.O.T. did not dispute the allegation.

In reviewing the complaint filed by Larry Englerth, the committee determined the following:

Mark Seifkes failed to join the South Dakota One Call System as statutorily required.

Based on the information noted above, the Committee found there is probable cause to find that Mark Seifkes dba S.P.O.T. violated SDCL 49-7A-2 by failing to become a member of the South Dakota One Call System as required by SDCL 49-7A-2.

The Committee further found, due to Mark Seifkes' failure to comply with a previously filed complaint (OC07-006) he intentionally violated, and remains out of compliance with SDCL 49-7A-2.

RECOMMENDATION
OC09-002

INTENTIONAL VIOLATION OF SDCL 49-7A-2:

The Committee found probable cause to conclude Mark Seifkes dba S.P.O.T. intentionally violated SDCL 49-7A-2 by his continued failure to join the South Dakota One Call System as required by SDCL 49-7A-2.

PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-18 and SDCL 49-7A-19:

The committee recommends a penalty of one thousand dollars (\$1,000.00) pursuant to SDCL 49-7A-18 and five thousand dollars (\$5,000.00) pursuant to SDCL 49-7A-19 for intentionally remaining out of statutory compliance, for a total fine of six thousand dollars (\$6,000.00). The entire six thousand dollar (\$6,000) penalty is suspended on the following conditions:

1. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. fully complies with SDCL 49-7A by completing membership in the South Dakota One Call System and that he fully complies with SDCL 49-7A and ARSD 20:25 for twelve months following acceptance or resolution of Complaint OC09-002, or
2. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. arrange with a third party, such as the City of DeSmet, to assume responsibility for receipt of excavation notifications marking of the sewer line operated by him.

**ACCEPTANCE OR REJECTION BY PARTIES
COMPLAINT OC09-002**

THE ENFORCEMENT COMMITTEE OF THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD HAS PROPOSED A RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC09-002.

IF BOTH PARTIES INVOLVED IN THIS COMPLAINT ACCEPT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC09-002, THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD IS REQUIRED BY SDCL 49-7A-27 TO ACCEPT THIS AS FINAL RESOLUTION OF COMPLAINT OC09-002.

IF EITHER PARTY INVOLVED IN THIS COMPLAINT REJECT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC09-002, THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD WILL SET UP A HEARING TO RESOLVE THE REJECTED RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC09-002. THIS HEARING SHALL BE CONDUCTED AS A CONTESTED CASE UNDER CHAPTER 1-26. FOLLOWING THE HEARING, THE BOARD SHALL EITHER RENDER A DECISION DISMISSING THE COMPLAINT FOR INSUFFICIENT EVIDENCE OR SHALL IMPOSE A PENALTY PURSUANT TO THE PROVISIONS OF SDCL 49-7A-18 OR SDCL 49-7A-19.

TO ACCEPT OR REJECT THE RESOLUTION OF THE ALLEGED VIOLATION, YOU SHOULD COMPLETE THE FOLLOWING AND RETURN TO THE ADDRESS BELOW PRIOR TO THE CLOSE OF BUSINESS ON JULY 13, 2009.

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
C/O PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501**

PURSUANT TO SDCL 15-6-55, FAILURE TO ANSWER THIS COMPLAINT RESOLUTION COULD RESULT IN A DEFAULT JUDGMENT BEING ISSUED AGAINST YOU. APPROPRIATE LIENS AND OTHER LEGAL COLLECTION ACTIONS COULD RESULT.

OC09-002

VIOLATION OF SDCL 49-7A-2 Establishment of One-Call Notification Board

I ACCEPT THE COMMITTEE RESOLUTION TO COMPLAINT OC09-002 VIOLATION OF SDCL 49-7A-2 Establishment of One-Call Notification Board.

Signature

Date

I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC09-002 VIOLATION OF SDCL 49-7A-2 ESTABLISHMENT OF ONE-CALL NOTIFICATION BOARD AND REQUEST A HEARING TO RESOLVE THE VIOLATION ALLEGED IN COMPLAINT OC09-002.

Signature

Date

RECEIVED

SHERIFF'S RETURN

JUN 18 2009

AND DAY BOOK ENTRY

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION 7679

STATE OF SOUTH DAKOTA, COUNTY OF KINGSBURY, SS.

I, the undersigned, sheriff within and for the said County of Kingsbury, hereby certify and return; that on the 16th day of June, 2009, in said county and state,

I did then and there serve the annexed Letter, Enforcement Committee Action & Acceptance Or Rejection By Parties

on Robin Seifkes for husband Mark Seifkes the party named therein, by then and there delivering to and leaving with her a full, true and correct copy thereof.

SHERIFF'S FEES	
Summons	\$
Garnishee Summons	\$
Complaint	\$
Affidavit	\$
Warrant of Attachment	\$
Notice	\$
Order	\$
Petition	\$
Levy	\$
Subpoena	\$
Undertaking	\$
Demand	\$
Execution.....	\$
Other.....	\$ X 25.00
..... Copies	\$
Mileage.....	\$ 1.00
Total Fees	\$ 26.00

ENTRY		
South Dakota One Call Notification Board		
		Plaintiff.
-vs-		
Mark Seifkes		
		Defendant.
Kara Semmler - Staff Attorney		
500 East Capitol Ave.		
Pierre, SD 57501		
ATTORNEY'S ADDRESS		
06-13-09	06-16-09	06-17-09
DATE RECEIVED	DATE SERVED	DATE RETURNED
Same as listed above		
KIND OF PROCESS		
Third J.C.		
IN WHAT COURT		
Wade Hoefert		
BY WHOM SERVED		
Robin Seifkes for husband Mark Seifkes		
UPON WHOM PAPERS WERE SERVED		

Dated at DeSmet, South Dakota, this 16th day of June, 2009

Sheriff of Kingsbury County

By Wade Hoefert 42-1B Deputy

RECEIVED

JUN 18 2009

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF KINGSBURY)

IN CIRCUIT COURT
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION
THIRD JUDICIAL CIRCUIT

SD ONE CALL NOTIFICATION BOARD
 Plaintiff,

CIV.

vs

**SHERIFF'S RETURN OF
SUBSTITUTED PERSONAL
SERVICE**

MARK SEIFKES

Defendant

I, the undersigned Deputy Sheriff of Kingsbury County, South Dakota, hereby certify and return as follows:

That on the 16th day of June, 2009, in said county and state, I did then and there serve the annexed Letter, Enforcement Committee Action & Acceptance Or Rejection By Parties on Defendant Mark Seifkes, by leaving a true and correct copy of said Letter, Enforcement Committee Action & Acceptance Or Rejection By Parties in the presence of Robin Seifkes (wife of Defendant), who was at the time of service, a member of said household and over the age of 14 years, and the reason such service was made by me was that said Defendant was not at his/her dwelling house or place of residence and could not conveniently be found by me.

Dated at De Smet, South Dakota, this 16th day of June, 2009.

KINGSBURY COUNTY DEPUTY SHERIFF

By Wade Hoefert

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE)	ORDER
COMPLAINT AGAINST)	OC09-002
MARK SEIFKES dba S.P.O.T.)	
)	

On March 3, 2009, the South Dakota Public Utilities Commission received a complaint from Larry Englerth against Mark Seifkes dba S.P.O.T. Mr. Seifkes did not reply to the complaint alleging he failed to join the One Call System per SDCL 49-7A-2.

The Enforcement Committee of the South Dakota One Call Board met on June 11, 2009, and determined sufficient probable cause existed to find a violation of SDCL 49-7A-2 occurred in docket OC09-002.

The committee recommended a penalty of one thousand dollars (\$1,000.00) pursuant to SDCL 49-7A-18 and five thousand dollars (\$5,000.00) pursuant to SDCL 49-7A-19 for a total fine of six thousand dollars (\$6,000.00). The entire six thousand dollar (\$6,000) penalty is suspended on the following conditions:

1. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. fully complies with SDCL 49-7A by completing membership in the South Dakota One Call System and that he fully complies with SDCL 49-7A and ARSD 20:25 for twelve months following acceptance or resolution of Complaint OC09-002, or
2. Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. arrange with a third party, such as the City of DeSmet, to assume responsibility for receipt of excavation notifications marking of the sewer line operated by him.

The parties to docket OC09-002 were provided notice of the Enforcement Committee decision. Under SDCL 49-7A-27 failure to respond to said notice is considered acceptance of the Enforcement Committee recommendation and a right to a hearing is waived. Both parties accepted the Enforcement Committee decision. It is therefore

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement shall be incorporated into this Order by reference and attached hereto, the same as if it was fully recited herein and shall as such be fully binding upon the parties to it; and it is

FURTHER ORDERED, that the docket in this matter shall be closed.

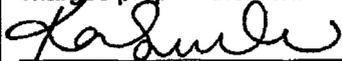
The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, 49-7A-26.

Exhibit B

Dated at Pierre, South Dakota, this 21st day of July 2009.

CERTIFICATE OF SERVICE

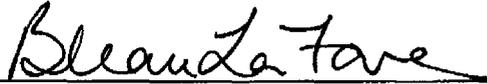
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.



Kara Semmler, PUC Staff Attorney

Dated: July 21, 2009

BY ORDER OF THE SD ONE-CALL BOARD:



Bleau LaFave, Chairman

Under the Authority and on Behalf of the Chairman



Kara Semmler, PUC Staff Attorney

ENFORCEMENT COMMITTEE ACTION
OC09-002
Larry Englerth v. Mark Seifkes dba S.P.O.T.

FINDINGS:
OC09-002

Alleged Violation of SDCL 49-7A-2 Establishment of One-Call Notification Board

Allegation is made by Larry Englerth that Mark Seifkes dba S.P.O.T., an operator, failed to join the South Dakota One Call notification center as required by SDCL 49-7A-2.

Mark Seifkes dba S.P.O.T. did not dispute the allegation.

In reviewing the complaint filed by Larry Englerth, the committee determined the following:

Mark Seifkes failed to join the South Dakota One Call System as statutorily required.

Based on the information noted above, the Committee found there is probable cause to find that Mark Seifkes dba S.P.O.T. violated SDCL 49-7A-2 by failing to become a member of the South Dakota One Call System as required by SDCL 49-7A-2.

The Committee further found, due to Mark Seifkes' failure to comply with a previously filed complaint (OC07-006) he intentionally violated, and remains out of compliance with SDCL 49-7A-2.

RECOMMENDATION
OC09-002

INTENTIONAL VIOLATION OF SDCL 49-7A-2:

The Committee found probable cause to conclude Mark Seifkes dba S.P.O.T. intentionally violated SDCL 49-7A-2 by his continued failure to join the South Dakota One Call System as required by SDCL 49-7A-2.

PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-18 and SDCL 49-7A-19:

The committee recommends a penalty of one thousand dollars (\$1,000.00) pursuant to SDCL 49-7A-18 and five thousand dollars (\$5,000.00) pursuant to SDCL 49-7A-19 for intentionally remaining out of statutory compliance, for a total fine of six thousand dollars (\$6,000.00). The entire six thousand dollar (\$6,000) penalty is suspended on the following conditions:

1. *Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. fully complies with SDCL 49-7A by completing membership in the South Dakota One Call System and that he fully complies with SDCL 49-7A and ARSD 20:25 for twelve months following acceptance or resolution of Complaint OC09-002, or*
2. *Within thirty days of the issuance of an order in Complaint OC09-002, Mark Seifkes dba S.P.O.T. arrange with a third party, such as the City of DeSmet, to assume responsibility for receipt of excavation notifications marking of the sewer line operated by him.*

RECEIVED

SHERIFF'S RETURN

JUL 30 2009

AND DAY BOOK ENTRY SOUTH DAKOTA PUBLIC UTILITIES COMMISSION 7709

STATE OF SOUTH DAKOTA, COUNTY OF KINGSBURY, SS.

I, the undersigned, sheriff within and for the said County of Kingsbury, hereby certify and return; that on the 27th day of July, 2009, in said county and state, I did then and there serve the annexed Letter & Order

on Robin Seifkes for husband Mark Seifkes the party named therein, by then and there delivering to and leaving with her a full, true and correct copy thereof.

SHERIFF'S FEES

Table with 2 columns: Fee Item, Amount. Rows include Summons, Garnishee Summons, Complaint, Affidavit, Warrant of Attachment, Notice, Order (25.00), Petition, Levy, Subpoena, Undertaking, Demand, Execution, Other (X), Copies, Mileage (1.00), Total Fees (26.00).

ENTRY

SD Public Utilities Commission Plaintiff. -vs- Mark Seifkes dba S.P.O.T. Defendant. Kara Semmler - Staff Attorney 500 East Capitol Ave Pierre, SD 57501-5070 ATTORNEY'S ADDRESS 07-22-09 07-27-09 07-29-09 DATE RECEIVED DATE SERVED DATE RETURNED Letter & Order KIND OF PROCESS Third J.C. IN WHAT COURT Steven A. Strande BY WHOM SERVED Robin Seifkes for husband Mark Seifkes UPON WHOM PAPERS WERE SERVED

Dated at DeSmet, South Dakota, this 27th day of July, 2009

Sheriff of Kingsbury County

By Steven A. Strande 42-15 Deputy



Dustin Johnson, Chair
Steve Kolbeck, Vice Chair
Gary Hanson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

June 8, 2010

Mr. Mark Seifkes
DBA SPOT
305 Highway 14 East
DeSmet, SD 57231

Re: PUC Docket OC-002

Dear Mr. Seifkes:

As you know from a previous proceeding, you are in violation of South Dakota statutes due to your failure to participate in the SD One Call System. According to One Call laws, your utilities that extend past your property line must be marked when excavation occurs in the area. You, as the owner of those facilities, are responsible. The system is designed to protect the public and we ask for your cooperation.

As was previously explained to you, the city of DeSmet is willing to assist you. The City, upon execution of a proper agreement is willing to mark the facilities on your behalf. Please advise if you have reconsidered this option and are willing to discuss it. If you agree to work with the City, we will dismiss this action against you. If, however, you fail to either personally participate in the One Call System or enter into an agreement with the City we will pursue judgment and collection of all civil penalties.

Due to your continued failure to observe the law, a Six Thousand Dollar (\$6,000) civil penalty has been assessed against you, the Order is enclosed. As the Order indicates, you had thirty days to either (i) join the One Call System and comply with all rules and regulations or (ii) contract with a third party to assume responsibility for receipt of excavation notifications. You failed to do either and as a result now owe the penalty.

The One Call Board remains open to resolution of this matter, but will pursue collection according to SDCL 49-7A-33 and 49-7A-28 if you do not either pay the penalty or immediately take steps to comply with relevant One Call laws. Please call me with any questions or information regarding your attempts to comply with relevant One Call laws.

Sincerely,

Kara Semmler
One Call Board Staff Attorney

FILED

**SHERIFF'S RETURN
AND DAY BOOK ENTRY**

8021

STATE OF SOUTH DAKOTA, COUNTY OF KINGSBURY, SS.

I, the undersigned, sheriff within and for the said County of Kingsbury, hereby certify and return;
that on the 10th day of June, 2010, in said county and state,
I did then and there serve the annexed Letter

on Mark Seifkes the party named therein,
by then and there delivering to and leaving with him a full, true and correct copy thereof.

SHERIFF'S FEES	
Summons	\$ _____
Garnishee Summons	\$ _____
Complaint	\$ _____
Affidavit	\$ _____
Warrant of Attachment	\$ _____
Notice	\$ _____
Order	\$ _____
Petition	\$ _____
Levy	\$ _____
Subpoena	\$ _____
Undertaking	\$ _____
Demand	\$ _____
Execution.....	\$ _____
Other..... <u>Letter</u>	\$ <u>25.00</u>
.....Copies	\$ _____
Mileage	\$ <u>1.00</u>
Total Fees	\$ <u>26.00</u>

ENTRY		
<u>South Dakota Utilities Commission</u>		
		<u>Plaintiff.</u>
-vs-		
<u>Mark Seifkes</u>		
		<u>Defendant.</u>
<u>Kara Semmler - One Call Board Staff Attorney</u>		
ATTORNEY RECEIVED FROM		
<u>500 E Capitol Ave., Pierre, SD 57501-9935</u>		
ATTORNEY'S ADDRESS		
<u>6-9-10</u>	<u>6-10-10</u>	<u>6-11-10</u>
DATE RECEIVED	DATE SERVED	DATE RETURNED
<u>Letter</u>		
KIND OF PROCESS		
<u>Third J.C.</u>		
IN WHAT COURT		
<u>Wade Hoefert</u>		
BY WHOM SERVED		
<u>Mark Seifkes</u>		
UPON WHOM PAPERS WERE SERVED		

Dated at DeSmet, South Dakota, this 10th day of June, 2010
By Wade Hoefert 42-1B
Sheriff of Kingsbury County Wade Hoefert Deputy

RECEIVED
JUN 15 2010
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION