



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
Meeting on February 9, 2021**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:00 a.m., via WebEx Telephonic Conferencing per Executive Order No. 16 which permits an electronic meeting without a physical quorum in order to accomplish necessary business for the public health and safety of Tennesseans.

**Executive Committee Members Present:**

Wayne Hastings, Vice Chairman  
Eddie Hood  
Bobby Pitts

**TPUC Staff Present:**

Aaron Conklin, Legal Advisor to the TPUC Staff  
Ryan McGehee, Legal Advisor to the TUUDEB  
Stacy Balthrop  
Slayde Warren

**Also Present:**

Bill Turner  
Craig Ingram

**Roll Call & Minutes:**

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Vice Chairman Wayne Hastings, Mr. Eddie Hood, and Mr. Bobby Pitts as present. The Committee considered the Minutes of the meeting of January 12, 2021. A motion to approve the Minutes by Mr. Pitts was seconded by Mr. Hood and approved unanimously. Three members voting on this motion, the motion carries 3-0.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB20-0203-**

**Alleged Violator:** MDI Contracting

**Alleged Excavator:** Chad Swank

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini Excavator

**Root Cause:** Excavating before the locate ticket was valid

**Finding:** In violation for excavating before the locate ticket was valid and Chad Swank ordered to attend compliance training.

**EB20-0205-**

**Alleged Violator:** Southeast Excavating

**Alleged Excavator:** Unknown

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini Excavator

**Root Cause:** No notification made to Tennessee 811

**Finding:** In violation for failure to give notice prior to excavation and a civil penalty of \$1,250 assessed for subsequent violation.

**EB20-0215-**

**Alleged Violator:** Green Scene Landscaping

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trencher

**Root Cause:** No notification made to Tennessee 811

**Finding:** In violation for failure to give notice prior to excavation, Jose Garcia ordered to attend compliance training, and a civil penalty of \$625 assessed for subsequent violation.

**EB20-0218-**

**Alleged Violator:** Sam C. Franklin & Sons

**Alleged Excavator:** Eric Hodges

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini Excavator

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Eric Hodges ordered to attend compliance training.

**EB20-0221-**

**Alleged Violator:** Bell and Associates Construction

**Alleged Excavator:** Dakota Stack

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Trackhoe

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failure to use reasonable care within the tolerance zone and Dakota Stack ordered to attend compliance training.

**EB20-0225-**

**Alleged Violator:** All Star Fire Protection

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trackhoe

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** No violation

**EB021-0007-**

**Alleged Violator:** L&R Plumbing

**Alleged Excavator:** Rolando Figueroa

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Trencher

**Root Cause:** Failure to use reasonable care within the tolerance zone

**Finding:** In violation for failing to use reasonable care within the tolerance zone and a civil penalty of \$2,500 assessed for subsequent violation.

**EB20-0204, EB20-0208, EB20-0209, EB20-0210, EB20-0213, EB20-0216, EB20-0220, and EB20-0226-**

**Alleged Violator:** First Violation

**Root Cause:** Failure to notify Tennessee 811

**Finding:** In violation for failure to give notice prior to excavation.

**EB20-0211-**

**Alleged Violator:** Construction Hauling and More

**Alleged Excavator:** Kenny Kirby

**Complainant:** Knoxville Utilities Board

**Facility Type:** Gas

**Equipment:** Mini Excavator

**Root Cause:** No notification made to Tennessee 811

**Finding:** Administratively closed

**Update of Training Program by Tennessee 811 and Legislative Update**

Mr. Turner reported that in 2021, there have been 11 individuals trained with 10 more on the schedule. The program totals are now 465 individuals from 368 organizations have been trained. The bill for the current legislative session will be addressed as the legislative session proceeds.

**Discussion of future topics for next executive committee meeting.**

Future discussion topics include scheduling the time for the next meeting and the potential number of complaints for the upcoming March meeting were discussed.

A Public Comment period was opened, but no member of the public sought recognition to speak.

The Executive Committee meeting adjourned at 9:22 a.m.