



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD  
EXECUTIVE COMMITTEE  
Meeting on April 26, 2022**

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**MINUTES**

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The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:00 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, Nashville, Tennessee 37243.

**Executive Committee Members Present:**

Wayne Hastings, Vice Chairman  
Eddie Hood

**TPUC Staff Present:**

Aaron Conklin, Legal Advisor to the TPUC staff  
Ryan McGehee, Legal Advisor to the TUUDEB  
Stacy Balthrop  
Slayde Warren  
Monique Brazelton

**Tennessee 811 Present:**

Bill Turner  
Craig Ingram

**Roll Call & Minutes:**

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Vice Chairman Wayne Hastings and Mr. Eddie Hood as present making a quorum. The Committee considered the Minutes of the meeting of March 29, 2022. Mr. Hood motioned to approve the Minutes which were approved.

**Presentation of Investigation of Complaints:**

The Committee heard and ruled on the following complaints:

**EB22-0015-**

**Alleged Violator:** Hiller Plumbing

**Alleged Excavator:** Sam Willi

**Complainant:** Atmos Energy

**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, Sam Willi ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB22-0025-**

**Alleged Violator:** Omni TN

**Alleged Excavator:** Dennis Cortez

**Complainant:** Horton Highway Utility District

**Facility Type:** Gas

**Equipment:** 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 Dennis Cortez ordered to attend compliance training.

**EB22-0028-**

**Alleged Violator:** LNT Landscaping

**Alleged Excavator:** Unknown

**Complainant:** Atmos Energy

**Facility Type:** Gas

**Equipment:** Skid steer

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

**Finding:** In violation for failure to give notice prior to excavation, Nelson Adonay Torres ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

**EB22-0029-**

**Alleged Violator:** New Century Excavation

**Alleged Excavator:** Dwayne Kirby

**Complainant:** Metro Water & Sewer

**Facility Type:** N/A

**Equipment:** N/A

**Root Cause:** Reporting a false emergency for a locate ticket

**Finding:** No violation

**EB22-0031-**

**Alleged Violator:** Division 2 Constructors

**Alleged Excavator:** Tom Bujorian

**Complainant:** Metro Water & Sewer

**Facility Type:** N/A

**Equipment:** N/A

**Root Cause:** Reporting a false emergency for a locate ticket

**Finding:** No violation

**EB22-0038-**

**Alleged Violator:** MLGW  
**Alleged Excavator:** Michael Matthews  
**Complainant:** Joseph Home Services  
**Facility Type:** N/A  
**Equipment:** N/A  
**Root Cause:** Failure to locate or mark facility  
**Finding:** No violation

**EB22-0040-**

**Alleged Violator:** Site Pro  
**Alleged Excavator:** Alexander Huffman  
**Complainant:** Horton Highway Utility District  
**Facility Type:** Gas  
**Equipment:** Excavator  
**Root Cause:** Failure to notify Tennessee 811  
**Finding:** In violation for failure to give notice prior to excavation and Alexander Huffman ordered to attend compliance training.

**EB22-0042-**

**Alleged Violator:** Alford Jackson  
**Alleged Excavator:** Alford Jackson  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Ditch witch  
**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 Alford Jackson ordered to attend compliance training.

**EB22-0043-**

**Alleged Violator:** Progression Electric  
**Alleged Excavator:** Jay Wise  
**Complainant:** Atmos Energy  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**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 Jay Wise ordered to attend compliance training.

**EB22-0045-**

**Alleged Violator:** American Exscapes  
**Alleged Excavator:** Matt Byrd  
**Complainant:** Horton Highway Utility District  
**Facility Type:** Gas  
**Equipment:** Backhoe  
**Root Cause:** Excavating beyond the 15-day expiration  
**Finding:** In violation for excavating beyond the 15-day expiration and Matt Byrd ordered to attend compliance training.

**EB22-0046-**

EB22-0046 regarding Chapman Utility District was rolled to the next meeting of the Executive Committee. Vice Chairman Hastings recused himself from voting on this matter.

**EB22-0026, EB22-0044, and EB22-0047 -**

**Alleged Violator:** First Violation

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

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

**Update of Training Program by Tennessee 811**

Mr. Turner reported that 628 individuals from 524 organizations have been trained since the inception of the program. At this point in 2022, 59 individuals were trained. Forty-two of the trainings were completed online. There have been 3 more cancellations fees charged for cancellation within the forty-eight hour window.

**Discussion of Future Topics for the Next Executive Committee Meeting**

There have been 83 complaints received so far year to date. There is a total of \$180,000 in civil fines assessed. The fund balance is \$98,100. The PHMSA grants for 2022 have been submitted. The current grants expire at the end of September. The PHMSA evaluation checklist is due by June 30. The schedule of upcoming industry events was discussed. The next Executive Committee meeting is May 24.

No member of the public sought to make comment during the public comment period.

The Executive Committee meeting adjourned at 10:28 a.m.