

STATE OF SOUTH DAKOTA



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ATTORNEY GENERAL

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June 30, 2022

Brenda Binegar
Dept. of Agriculture & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Re: In the Matter of Notice of Violation Issued to Cody Schad

Dear Ms. Binegar:

Enclosed please find the original of the Stipulated Motion for Continuance, including a proposed Scheduling Order, entered into by the parties in the above referenced matter. Also please find a Certificate of Service indicating that a copy of these documents has been sent to Mr. Greenfield, and has been served upon Mr. Schad. Please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "SRL", with a horizontal line extending to the right.

Steven R. Blair
Assistant Attorney General

Enclosures

Cc/encl: Cody Schad
Gregg Greenfield – Hearing Chair
Charles McGuigan – Deputy Attorney General
Roberta Hudson – DANR Minerals & Mining Program (via email only)

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF NOTICE OF)	STIPULATED MOTION FOR
VIOLATION ISSUED TO CODY)	CONTINUANCE
SCHAD)	

The parties to the above captioned matter – Cody Schad (Schad), and the Department of Agriculture & Natural Resources (Department) (collectively referred to as Parties) – hereby enter into the following stipulation and agreement requesting a continuance of the contested case hearing scheduled in this matter.

The Parties hereby agree to the following:

1. On March 7, 2022, the Department issued a Notice of Violation alleging that Schad violated SDCL Ch. 45-6B by mining decorative stone without a permit from a site in Section 5, Township 2 South, Range 6 East, Pennington County.
2. On April 15, 2022, Schad submitted a letter requesting a hearing before the Board of Minerals & Environment (Board) to consider the allegations contained in the Notice of Violation.
3. On May 3, 2022, the Department filed a Petition realleging the violations pled in the Notice of Violation and putting Schad on notice that the Department intended to pursue civil damages and other potential civil relief against Schad.
4. Also on May 3, the Department issued a Notice of Hearing setting the Board's June 16, 2022, meeting as the date of the contested enforcement hearing to be held in this matter.

5. On May 4, 2022, Board member Gregg Greenfield was appointed Hearing Chair. As Hearing Chair, Mr. Greenfield has the authority to rule on prehearing motions.
6. The Parties stipulate and agree that they have been diligently working to resolve this matter informally and without the necessity of a contested action before the Board. To that end, the Parties agree that it would be in the best interests of the Parties, and the Board, to continue this matter beyond the scheduled June 16 hearing date. The Parties stipulate that they have no objection to said continuance. Further, the Parties assert that the prejudice to any party, or the Board, worked by granting a continuance in this matter would be negligible.
7. The Parties further agree that action may be taken on this stipulated motion by Hearing Chair Greenfield without the need for a prehearing conference. The Parties waive any right to a prehearing conference concerning the Stipulated Motion and waive the need to appear or present further argument on this motion.

Based on ~~the~~ foregoing, the Parties hereby respectfully request that Hearing Chair Greenfield enter his order continuing the contested enforcement hearing to be held in the above captioned matter. The Parties request that the contested hearing be re-scheduled to be held during the Board's regularly scheduled meeting on Thursday August 18, 2022.

This Stipulated Motion may be executed in counterparts, each of which will be deemed to be an original, but all of which, taken together, will constitute a complete stipulation and agreement.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

Dated this 29th day of June, 2022.



Steven R. Blair
Assistant Attorney General
P.O. Box 70
Rapid City, SD 57702
(605) 394-2258
steven.blair@state.sd.us
*Counsel for Department of Agriculture &
Natural Resources – Minerals & Mining
Program*

Dated this 16th day of June, 2022.



Cody Schad – Respondent
2801 Skyline Drive
Rapid City, SD 57701-5345
605-390-4812
Schad103@gmail.com
Respondent

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STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF NOTICE OF)	SCHEDULING ORDER
VIOLATION ISSUED TO CODY)	
SCHAD)	

The Parties in the above captioned matter, Cody Schad and the Department of Agriculture & Natural Resources, jointly filed a Stipulated Motion for Continuance of the contested hearing scheduled to be held in this matter before the Board of Minerals and Environment. Through the Stipulated Motion the Parties waived a hearing on said motion. The Board's duly appointed Hearing Chair, having considered the Stipulated Motion, and being apprised of all pertinent facts, enters the following Order.

It is hereby ORDERED:

1. The contested enforcement action held concerning this matter will be heard by the Board at its regularly scheduled meeting on Thursday August 18, 2022.
2. Any settlement agreement entered into by the Parties which resolves this matter without the necessity of a formal hearing must be filed with the Board no later than July 21, 2022.

Dated this ____ day of July, 2022

BOARD OF MINERALS AND ENVIRONMENT

Gregg Greenfield
Hearing Chair

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

BOARD OF MINERALS & ENVIRONMENT

IN THE MATTER OF NOTICE OF) CERTIFICATE OF SERVICE
VIOLATION ISSUED TO CODY)
SCHAD)

The undersigned hereby certifies that the original of the STIPULATED MOTION FOR CONTINUANCE, including proposed SCHEDULING ORDER, was submitted via United States Mail, First Class, Postage Prepaid upon the following to be filed in the above captioned matter:

Brenda Binigar
Dept. of Agriculture & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
Staff – Brd. Minerals & Env.

Further, the undersigned certifies that a true and correct copy of the above referenced document(s) was served via United States Mail, First Class, Postage Prepaid upon the following:

Cody Schad
2801 Skyline Drive
Rapid City, SD 57701-5345
Respondent

Gregg Greenfield
609 E. Tan Tara Circle, Suite 102
Sioux Falls, SD 57108
Hearing Chair

Charles McGuigan
Chief Deputy Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501
Counsel – Brd. Minerals & Env.

On this 30th day of June, 2022.



Steven R. Blair
Assistant Attorney General