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ROADS

From Page A1

Fischer and 41-year-old David Maskey, both of Minot — died June 21, 2013, in a fiery crash near Stanley while driving to a work site.

Vernon Wright, a semi driver from Georgia, was trying to turn left off U.S. Highway 2 near Stanley when the semi loaded with oil stalled and blocked the road, according to court documents describing negligent homicide charges against Wright.

Fog prevented Patrick Wilkie, who was driving a company semi with Fischer as a passenger, and Maskey, who was driving his personal pickup, from seeing the stalled semi, court documents said.

“By the time they saw the truck through the fog, they went underneath it,” said Bob Wolf, president of the International Brotherhood of Electrical Workers Local 714 in Minot, who knew the three men. “And the tanker exploded. All three of them were killed.”

Wright was acquitted of the charges.

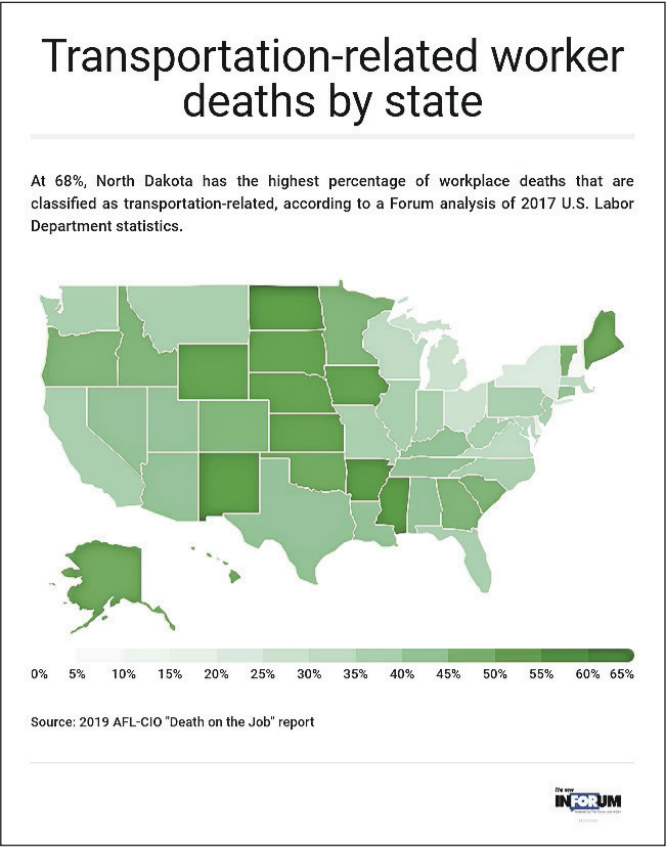
At 68%, North Dakota had the highest percentage of its workplace deaths classified as transportation-related in the country for 2017, according to a Forum analysis of the latest data from the U.S. Department of Labor and the AFL-CIO. Of the 38 workplace deaths counted that year in the state, 26 were transportation-related.

That was compared to 40% for the U.S. and 45% in Minnesota in 2017, according to the analysis.

It’s unclear whether the three men who died in the crash near Stanley were counted in the 31 workplace deaths that were transportation-related in 2013 in North Dakota, since the Labor Department does not publicly disclose how cases are classified.

The Occupational Safety and Health Administration did not investigate the three deaths. OSHA typically does not investigate transportation deaths in the workplace, said Scott Overson, the agency’s director for North Dakota.

Shavonne Wilkie doesn’t



know why OSHA doesn’t investigate transportation deaths that are work-related, but she said it should.

“Unfortunately, this wasn’t the first accident, and it hasn’t been the last,” she said.

Families who have lost loved ones in workplace incidents are not only frustrated that OSHA doesn’t investigate all transportation-related workplace deaths. They also want companies and government officials to do more to prevent them.

Confidential information

North Dakota tends to rank high when it comes to the rate of workplace fatalities. With a rate of 10.1 deaths per 100,000 workers in 2017, the state was second in the country only behind Alaska and far above the national rate of 3.5.

It’s not uncommon for North Dakota, or other states, to have a high percentage of transportation deaths. At least 50% of workplace deaths were labeled transportation-related from 2012 to 2017 in North Dakota.

The AFL-CIO, a federation of U.S. labor unions, has criticized OSHA and other federal entities for not having enough investigators to look into worker deaths. North Dakota had seven OSHA investigators in fiscal year 2018, but the AFL-CIO said the

state should have 41 investigators, according to the group’s 2019 report, “Death on the Job.”

OSHA investigated four workplace deaths in fiscal year 2018 in North Dakota. The agency releases information on when it is investigating incidents, but it doesn’t keep track of whether a death is classified as transportation-related.

A Labor Department spokesperson said the agency does not release information on individual cases, referring to a confidentiality policy that dictates data collected is used only for statistics. Data is collected from different sources, including medical records, OSHA, traffic reports and news articles, according to the Labor Department.

‘Minimal contact’

Vehicle crash investigations typically fall under the jurisdiction of law enforcement, OSHA officials said.

Some deaths that OSHA investigated in North Dakota over the last decade appear to have been ones that would be classified as transportation-related, including a fatal semi rollover near Watford City in 2016, a 2014 collision with a train near Ray, where a truck driver died, and a 2013 crash that killed a postal worker near Noonan.

The agency looked into the 2015 death of Benjamin Enterman, an



North Dakota Highway Patrol / Special to The Forum  
Smoke billows from the wreckage of a fiery crash that killed Patrick Wilkie, Tyler Fischer and David Maskey near Stanley, N.D., in 2013. The three were on their way to a work site.

engineering intern from Georgia who was hit by a semi while working in a highway construction zone east of Watford City.

The Forum sent questions to OSHA, asking whether the agency classified those incidents as transportation-related and whether the agency should investigate transportation-related workplace deaths, but the agency did not respond.

When asked if OSHA keeps records on transportation-related workplace deaths, the agency referred The Forum to the North Dakota Highway Patrol and the state Department of Transportation, neither of which keeps data on whether crashes are classified as work-related.

It is rare for OSHA to work with the Highway Patrol, according to patrol spokesman Sgt. Wade Kadrmas.

“I have been checking within our department, and we have minimal contact with OSHA regarding motor vehicle crashes,” Kadrmas said. “In my 15-year career, I remember dealing with them once.”

If OSHA investigated all transportation-related workplace deaths, it could determine the cause of crashes and create guidelines to prevent future crashes, Wolf said.

“The highway patrol is investigative only,” he said.

‘Too casually’

More than 37,000 people died in vehicle crashes in 2017 across the U.S., at a rate of 11.4 deaths per 100,000 people, according to the U.S. Department of

Transportation. The same year, North Dakota saw 116 crash deaths, with a rate of 15.2 per 100,000. That put the state 16th highest for fatal crashes by rate.

Crashes are the leading cause of injury-related death in North Dakota, with almost all being preventable because they are attributed to human error, the state Department of Transportation said in its annual report. Speed is one of the most common contributing factors for fatal crashes, said Terry Weaver, traffic safety manager for the North Dakota Safety Council.

“I think people take driving too casually,” she said. “They’re texting, they’re talking on the phone, and they’re not making driving their priority.”

Workers may be at higher risk if they are driving more miles for companies. “They have more of an opportunity to be injured because they are on the road more,” Weaver said.

The Safety Council, a private nonprofit organization, instructs companies on a voluntary basis on how to train workers to drive. Weaver said education will help reduce crashes.

The state of North Dakota also has launched several initiatives in recent years to bring awareness to traffic and workplace safety.

Gov. Doug Burgum and several agencies in early 2018 launched Vision Zero, with the goal of curbing traffic fatalities through educational, legislative, law enforcement,

infrastructural and technology efforts.

Earlier this year, the North Dakota Petroleum Council, the Safety Council and TrainND Northwest established the One Basin–One Way safety curriculum. Fifty oil companies helped develop the 18-month training program.

Some companies in the state have defensive driving as part of their orientation for new employees, Weaver said.

Sometimes it takes ‘a tragic incident’

Some companies do make changes after deaths.

Patrick Wilkie’s company, Triangle Electric, reviewed its driving policy and added provisions that prevent drivers from going out when no-travel advisories are issued, Wolf said. North Dakota, however, doesn’t typically issue no-travel advisories for fog.

“I think it was a wake-up call,” Wolf said of the deadly crash. “I think it ... made some people think, ‘Yeah, we’re making good money out here and they are good jobs, but it’s not worth killing yourself over.’”

The Wilkies don’t plan to pursue any legal action related to the crash.

“Nothing is going to bring him back,” Dave Wilkie said. “All we can do is hope that the union or the OSHA folks get things changed.”

Weaver wants companies to be proactive to reduce crashes, including by training workers.

“Sometimes it takes companies a tragic incident ... for them to say, ‘Wow, we need to be doing something different or something better to help our employees make it to and from work or if they’re driving on duty,’” she said.

Reducing workplace deaths should be a collaborative effort from citizens, workers, companies and government agencies, Wolf said.

“Everybody should be able to come home at night — the same way they left in the morning — to their families,” he said.

Readers can reach Forum reporter April Baumgarten at 701-241-5417 or follow her on Twitter @aprilbaumsaway.

Goose carcasses found discarded in Minn. ditch

Kevin Wallevand  
kwallevand@wday.com

MOORHEAD — The Minnesota Department of Natural Resources is investigating the dumping of several geese carcasses in a ditch along a busy tar road in Oakport Township just north of Moorhead.

The geese had their breast meat harvested, but the carcasses were tossed.

Tara Goehring spotted more than a dozen carcasses thrown into a pile

near busy Broadway not far from her home in Oakport Township.

“It was very irresponsible to dump there,” Goehring said.

Although the Canada goose hunting season is open in some parts of North Dakota, these geese were found just across the line in Minnesota where the season hasn’t opened yet.

“I don’t know if they were legally shot in North Dakota and dropped off

here in Minnesota or if they were poached,” Goehring said.

Wildlife has been spotted near the carcasses, which is another concern with the heavy traffic.

The DNR has since removed most of the carcasses and a mower has been through the area.

The Minnesota DNR is investigating although it isn’t illegal to dump the carcasses. However, it is a littering issue, and the DNR frowns on hunters

who harvest geese, take the meat and leave the carcasses in a ditch on a public busy roadway.

The DNR reminds hunters that disposing of car-

casses on private property is fine.

Early Canada goose season opens in Minnesota this Sunday, Sept. 1.

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Man sentenced on lesser charge in case involving 14-year-old

FARGO — A 33-year-old Fargo man originally charged with a felony count stemming from a sexual assault case was sentenced to about one year of probation on an amended misdemeanor charge.

Mason Jay Lewis appeared Thursday, Aug. 29, in Cass County District Court, where Judge Steven Marquart sentenced him to 360 days of unsupervised probation on a misdemeanor count of contributing to the deprivation or delinquency of a minor.

He received credit for having already spent five days in jail and must pay about \$300 in fines and fees.

Lewis was originally charged with a felony count of gross sexual imposition in April and was accused of sexually assaulting a 14-year-old boy after meeting him through the dating app, Grindr.

But the charge was amended after an investigation revealed there was no forcible sexual misconduct, said Lewis’ attorney, Bruce Quick.

AARP hosting retirement workshops Sept. 11

FARGO — AARP North Dakota is hosting two retirement planning workshops on Wednesday, Sept. 11, at the Delta by Marriott, 1635 42nd St. SW.

There will be a lunch and learn from 11:30 a.m. to 1 p.m., and a lounge and learn from 5:30 to 7 p.m. The information presented at both sessions will be the same.

The “Get to Know Social Security and Medicare” education events aim to help people nearing retirement make informed decisions about both programs. Presenters will be from the Social Security Administration and the Centers for Medicare and Medicaid Services.

There is no cost to attend, but registration is required. To register, call 877-926-8300 or register online at https://aarp.cvent.com/FargoLunchSocSec9-11-19 for the lunch session, or https://aarp.cvent.com/FargoEveningSocSec9-11-19 for the evening session.

CASS COUNTY BOARD OF COMMISSIONERS	
AGENDA FOR SEPTEMBER 3, 2019 (TUESDAY)	
3:30 PM	Meeting called to order Roll call of the members Pledge of Allegiance Approve minutes of previous meeting Approve order of agenda
<u>CONSENT AGENDA</u>	
a.	Approve special event permits for Bordertown Bar & Grill; Rookies Sports Bar & Grill; Pub West
b.	Amend Commission Policy Section 4.00, Advisory Boards; appoint rural Planning Commission member
c.	Receive and file Lost Instrument Bonds
d.	Approve human trafficking grants for Youthworks; Rape and Abuse Crisis Center; YWCA Cass Clay
e.	Contract approval—Houston Engineering, Inc.
<u>PUBLIC COMMENT</u>	
<u>REGULAR AGENDA</u>	
1.	Public hearing on Cass County Multi-Hazard Mitigation Plan (Prochniak)
2.	Flood Diversion items a. Cass County MOU and Executive Director employment agreement update (John Shockley) b. Transfer of flood sales tax dollars (Montplaisir)
c.	State Water Commission reimbursement request (Montplaisir)
3.	Property Tax Incentive Projects a. West Fargo project for Cass County Housing Authority (Larry Weil) b. Fargo project for City Flats, LLC (Jim Gilmour)
4.	Independent audit of Cass County Jail (Jahner, Frobig)
5.	Proposal for Finance and Recorder Office remodel project (Wilson)
6.	Discuss cancellation of October 7th Commission meeting (Commissioners)
7.	Approve vouchers (Peterson)
8.	Committee reports
9.	Correspondence
10.	Adjournment
<u>REMINDEES:</u>	
September 3, 2:00 PM—Social Services Board meeting, Commission conference room	
September 5, 8:00 AM—Maple River Water Resource Board, Highway Department conference room	
September 9, 8:00 AM—Cass County Weed Control Board, Weed Control office building	
September 10, 8:30 AM—Southeast Cass Water Resource Board, Highway Department conference room	
September 12, 8:00 AM—Cass County Joint Water Resource Board, Highway Department conference room	
NEXT REGULAR MEETING TO BE HELD SEPTEMBER 16, 2019	
AGENDA DEADLINE IS 5:00 PM ON MONDAY, SEPTEMBER 9, 2019	
People with disabilities who plan to attend the meeting and need special arrangements should contact the Commission Office, 241-5609 or TDD 233-6784	