

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PUC STAFF'S) COMPLAINT AGAINST ENGELMAN) COMMERCIAL GROUP, LLC DBA BC TRADING) CORP.))))	JOINT MOTION FOR APPROVAL OF STIPULATION AND SETTLEMENT AGREEMENT GW20-001
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The Staff of the Public Utilities Commission (Staff) and Engelman Commercial Group, LLC dba BC Trading Corp. (BC Trading) jointly referred to as "Parties," hereby move that the South Dakota Public Utilities Commission adopt the attached Stipulation and Settlement Agreement (Stipulation) entered into between Staff and BC Trading as the settlement and resolution of all the issues between the Parties in this matter.

In support of this Motion, the Parties submit as follows:

1. This Joint Motion is made pursuant to ARSD 20:10:01:19;
2. The Stipulation represents a negotiated settlement of all of the issues in docket No. GW20-001.

The undersigned Parties jointly request the Commission adopt the attached Stipulation and Settlement Agreement without modification for the purpose of resolving the issues described therein.

Dated this 28th day of February 2020.

South Dakota Public Utilities Commission Staff

By: *Amanda M. Reiss*

Its: *Staff Attorney*

Engelman Commercial Group, LLC dba BC Trading Corp.

By: *Laura Clark Rowe*

Its: *Counsel*

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF PUC STAFF'S COMPLAINT)
AGAINST ENGELMAN COMMERCIAL GROUP,)
LLC DBA BC TRADING CORP.)**

**STIPULATION AND
SETTLEMENT AGREEMENT**

GW20-001

This Stipulation and Settlement Agreement reflects the resolution reached between the Staff of the Public Utilities Commission (Staff) and Engelman Commercial Group, LLC dba BC Trading Corp. (BC Trading).

I. BACKGROUND

On January 7, 2020 Staff filed with the Public Utilities Commission (Commission) a Complaint against BC Trading. BC Trading has done business in the state of South Dakota for more than six years. During that time, BC Trading operated as a grain buyer as defined in SDCL 49-15-1.1(3). On or about October 15, 2019, Staff became aware that BC Trading was purchasing grain in this state for resale without a license. On or about October 28, 2019, Staff was able to make contact and inform BC Trading that it needed to obtain a grain buyer license to purchase grain for resale in the state. On November 1, 2019, Staff issued a formal memorandum of Adjustment to BC Trading.

The penalty for operating as a grain buyer without a license is described in SDCL 49-45-1, which provides for a fine of \$1,000 for each purchase of grain up to a maximum fine of \$20,000. If, after a hearing, the Commission believed BC Trading had made twenty or more purchases during the time it was not licensed, BC Trading could be subject to a \$20,000 fine.

Now, to avoid a hearing, Staff and BC Trading stipulate to the facts below and agree to resolve this matter as follows:

1. BC Trading is located in Georgia and is in the business of commodity merchandising. BC Trading operates as a “grain buyer” in South Dakota as the term is defined in SDCL 49-45-1.1(3).
2. BC Trading is not licensed to operate in the State of South Dakota.
3. BC Trading engaged in the business of purchasing grain for the purpose of resale without a license.
4. BC Trading is subject to licensure as required by SDCL 49-45-1.
5. Over the past six years, BC Trading made at least 20 purchases of grain in South Dakota without a license.
6. Both Staff and BC Trading acknowledge that BC Trading is subject to penalties for operating as a grain buyer without a license. Staff and BC Trading both believe a civil penalty in the amount of \$4,000 for failure to obtain a grain buyer license should be paid by BC Trading for this violation.
7. BC Trading is working with Staff to become a licensed grain buyer.
8. BC Trading agrees it will not operate as a grain buyer in this state until such time as BC Trading obtains a grain buyer license.
9. BC Trading agrees that it will make payment of the \$4,000 civil fine within thirty days of receipt of the Commission Order.
10. Staff agrees this Stipulation and Settlement Agreement if approved by the Commission, represents the final disposition of the issues specified herein and will not pursue additional fines or penalties for the infractions outlined in this Agreement.

Both Parties acknowledge that they may have different reasoning for the agreed upon settlement and absent the settlement, both parties could have presented argument supporting

their positions. This Stipulation and Settlement Agreement does not reflect the concession of any single issue, but a negotiated global agreement.

Dated this 28th day of February 2020.

South Dakota Public Utilities Commission Staff

By: *Amanda M. Rein*

Its: *Staff Attorney*

Engelman Commercial Group, LLC dba BC Trading Corp.

By: 

Its: *President*