

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

IN THE MATTER OF THE REQUEST)	STIPULATION AND SETTLEMENT
FOR APPROVAL OF SETTLEMENT)	AGREEMENT
STIPULATION REGARDING)	
VIOLATIONS OF SDCL 49-45)	GW21-005

This Stipulation and Settlement Agreement reflects the resolution reached between the Staff of the Public Utilities Commission (Commission) and the grain buyer BK Commodities of Minden, Nebraska. If adopted by the Commission, this Agreement resolves any and all violations for purchase of grain without a license occurring on and prior to the date this Agreement is filed.

I. BACKGROUND

In March of 2021, upon receiving complaints from licensed entities, Grain Warehouse Program Manager Cody Chambliss became aware that BK Commodities was conducting business in the State of South Dakota. Mr. Chambliss contacted the company at that time to inform them of licensing requirements and request scale tickets and assembly sheets for transactions in South Dakota. BK Commodities provided the requested the information and ceased purchasing without a license. BK Commodities was fully cooperative and started the licensing process. BK Commodities obtained a license, effective September 21, 2021. BK Commodities maintains a valid grain buyer license at this time. Staff believes it could produce evidence that BK Commodities purchased at least 30 loads of grain in South Dakota prior to obtaining a license.

Both Parties agree that BK Commodities operated as a grain buyer as defined in SDCL 49-45-1.1(3). 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.

II. Requested Resolution

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Staff and BK Commodities agree that the appropriate resolution for this violation is that BK Commodities be fined \$2,000. This amount reflects the fact that BK Commodities purchased grain without a license, the fact that BK Commodities has since obtained a license and come into compliance, as well as the fact that no transactions took place in the time between initial contact with BK Commodities and issuance of a license.

WHEREFORE, Staff and BK Commodities respectfully request the Commission adopt this Agreement and order a fine in the amount of \$2,000 as a complete and final resolution of this matter.

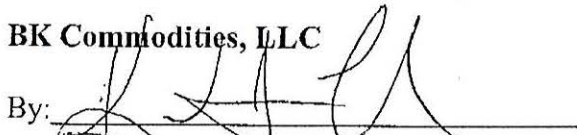
Dated this 26 day of October 2021.

South Dakota Public Utilities Commission Staff

By: 

Its: Executive Director

BK Commodities, LLC

By: 

Its: President