

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

**IN THE MATTER OF THE PUC STAFF'S)
COMPLAINT AGAINST DALLAS LANGLEY)
TRUCKING FOR VIOLATIONS OF SDCL 49-45-1)**

**COMPLAINT

GW21-007**

COMES NOW, the Staff of the South Dakota Public Utilities Commission (Staff), pursuant to SDCL 49-45-1, and hereby requests the Commission issue an Order finding Dallas Langley Trucking (Respondent) to have violated SDCL 49-45-1 and issue a fine for the violations. In support of its Petition, Staff asserts as follows:

1. Respondent is a grain buyer located in Sidney, Nebraska.
2. Respondent is not registered with the Secretary of State to do business in South Dakota.
3. Respondent held a Grain Buyer License in South Dakota for over a decade, expiring June 30, 2021.
4. Respondent Grain Buyer License lapsed for failure to renew beginning July 1, 2021.
5. Respondent was denied a South Dakota Grain Buyer License on September 30, 2021 due to financial reasons.
6. On November 30, 2021, Staff requested Respondent provide records of all South Dakota grain purchases between July 1, 2021 and November 30, 2021.
7. Respondent provided records to Staff on December 1, 2021. These records show Respondent made five purchases of grain between July 1, 2021 and November 30, 2021.

Specifically:

- a. July 6, 2021
- b. July 19, 2021
- c. August 9, 2021
- d. August 23, 2021
- e. August 31, 2021

Legal Authority and Analysis

SDCL 49-45-1 provides:

Before transacting the business of a grain buyer in this state, a person shall obtain a grain buyer license from the commission. A violation of this section is a Class 1 misdemeanor. Each purchase of grain without a license is a separate offense.

Operation as a grain buyer without a license may be enjoined upon complaint of the commission. In addition, the commission may assess a civil fine against an unlicensed grain buyer in the amount of one thousand dollars for each purchase of grain up to a maximum fine of twenty thousand dollars.

SDCL 49-45-1.1(3) defines a grain buyer as “any person who purchases grain for the purpose of reselling the unprocessed grain or who purchased three hundred thousand dollars’ worth or more of grain directly from producers in a calendar year.

Staff requests the maximum fine of \$1,000 per purchase be levied against respondent for a total fine of \$5,000.

Conclusion

WHEREFORE, the Staff respectfully requests the Commission find Dallas Langley Trucking to have committed a violation of SDCL 49-45-1 for each instance Respondent purchased grain in South Dakota without a license and issue the maximum permitted fine of \$5,000.

Dated this 29th day of December 2021.



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