

Chambliss, Cody

From: Chambliss, Cody
Sent: Monday, December 27, 2021 1:18 PM
To: Dallas Langley
Cc: Kenefick-Aschoff, Paul
Subject: RE: [EXT] South Dakota License

Dallas the below was copied from an email I sent to you on Monday morning 12-20-2021 and again on 12-23.

Dallas,

After reviewing your November 30, 2021 financials we have decided to deny your South Dakota Grain buyers application again for financial reasons. We don't feel Equity in future contracts is a current asset. With that being said you have negative working capital and don't meet the minimum requirement for a South Dakota class B grain buyers license per administrative rule posted below. Any purchases made in South Dakota since July 1st are subject to penalty seeing your previous license expired June 30, 2021.

You may request a hearing before the commission to appeal Staff's decision on the denial of your grain buyers application. To do so please call 605-773-3201 to request a hearing. Let me know if you have any questions regarding this issue.

Thank You

Cody Chambliss
South Dakota Public Utilities Commission
Grain Warehouse Program Manager
605-773-5278

20:10:12:15. Financial criteria for licensing. At a minimum, for a class A license the applicant's balance sheet must show a positive net worth of \$100,000. At a minimum, for a class B license the applicant's balance sheet must show a positive net worth. In determining net worth for a class A or class B applicant, the commission may disallow the following assets if the assets are withdrawals of equity or are uncollectible:

- (1) Accounts and notes receivable from or advances to stockholders, owners, partners, employees, or affiliates;
- (2) Accounts receivable over 180 days old;
- (3) Investments or equities in cooperatives; or
- (4) Goodwill.

At a minimum, the balance sheet for a **class A or class B applicant must show current assets greater than current liabilities.** In determining working capital, the commission may disallow the following assets if the assets are withdrawals of equity or are uncollectible:

- (1) Accounts and notes receivable from or advances to stockholders, owners, partners, employees, or affiliates;
- (2) Accounts receivable over 180 days old;
- (3) Investments or equities in cooperatives; or
- (4) Goodwill.

From: Dallas Langley <dallaslangleytrucking@hamilton.net>
Sent: Monday, December 27, 2021 12:15 PM
To: Chambliss, Cody <Cody.Chambliss@state.sd.us>
Subject: Re: [EXT] South Dakota License

Cody haven't heard anything on license just wondering what's going on.DALLAS

Sent from my iPhone

On Dec 15, 2021, at 10:04 AM, Chambliss, Cody <Cody.Chambliss@state.sd.us> wrote:

Dallas

Yes, I received them, I am out of this office until Friday I will take a look at them and make a determination then.

Thank You

Cody Chambliss
South Dakota Public Utilities Commission
Grain Warehouse Program Manager
605-773-5278

From: Dallas Langley <dallaslangleytrucking@hamilton.net>
Sent: Wednesday, December 15, 2021 11:02 AM
To: Chambliss, Cody <Cody.Chambliss@state.sd.us>
Subject: Re: [EXT] South Dakota License

Cody did you get finicalls? Accocuant said he sent it Monday. Thanks DALLAS

Sent from my iPhone

On Dec 13, 2021, at 9:24 AM, Chambliss, Cody <Cody.Chambliss@state.sd.us> wrote:

Dallas,

Was it emailed or sent regular mail? Paul and I are out of the office until late Wednesday.

Thank You

Cody Chambliss
South Dakota Public Utilities Commission
Grain Warehouse Program Manager
605-773-5278

From: Dallas Langley <dallaslangleytrucking@hamilton.net>
Sent: Sunday, December 12, 2021 10:36 AM
To: Chambliss, Cody <Cody.Chambliss@state.sd.us>
Subject: Re: [EXT] South Dakota License

I sent my new financial statements and have not received a response. Thanks DALLAS LANGLEY

Sent from my iPhone

On Dec 1, 2021, at 8:30 AM, Chambliss, Cody
<Cody.Chambliss@state.sd.us> wrote:

Dallas,

We are not arguing that you have your application fee, application, and bond in to our office. The issue is that your financial statements provided to our office don't meet minimum requirements to obtain a grain buyers license. Attached below is the statue if you would like a hearing before the commissioners to have them decide on granting you a grain buyers license you may request a hearing at the next available commission meeting. The next available commission meeting is December 21, 2021. You will need to request a hearing before December 13, 2021 for proper notice.

We will wait for all documentation of your purchases as requested in the previous email. Let me know if we can assist in any other way.

Thank You

Cody Chambliss
South Dakota Public Utilities Commission
Grain Warehouse Program Manager

49-45-7. Application for license--Contents--Issuance or denial--Multiple warehouses of licensee.

An application for a grain buyer license shall be filed with the commission and shall be in a form prescribed by the commission. The application shall set forth the name of each owner or principal in the management of the business and shall contain financial information depicting the financial condition of the business at the time of application. If the applicant is a corporation, the application shall include the name of the president, secretary, and treasurer of the corporation. The application shall also include the location of the principal office or place of business and any additional place of business of the applicant. The application shall contain the affirmation statement set forth in § 22-29-9.1. The application shall be signed by the owner, managing partner, or chief executive officer of the applicant and shall be notarized.

Upon receipt of an application and sufficient bond as required by § 49-45-9, the commission may grant the license applied for or may, for good cause shown and after notice and an opportunity for hearing, deny the issuance of the license.

If a grain buyer has more than one grain buying facility in the same municipality, only one license is required for all the grain buying facilities.

From: Dallas Langley <dallaslangleytrucking@hamilton.net>
Sent: Tuesday, November 30, 2021 8:50 PM
To: Chambliss, Cody <Cody.Chambliss@state.sd.us>
Subject: Re: [EXT] South Dakota License

Cody I have called repeatedly to SOUTH DAKOTA about the license! I sent money for the license my bonding sent you the bond my account has talked about repeatedly I pay my bills on time and I'll bet you have no complaints about me. RESPECTLY DALLAS LANGLEY

Sent from my iPhone

On Nov 30, 2021, at 1:55 PM, Chambliss, Cody
<Cody.Chambliss@state.sd.us> wrote:

Dallas,

As discussed on the phone earlier today your company Dallas Langley Trucking was denied a grain buyers license for South Dakota for financial reasons. Please see the attached letter that was mailed to your office September 30, 2021. With the aggression you showed over the phone today I'm led to believe your company has been purchasing grain in South Dakota without proper licensing. We would like records of all South Dakota grain purchased from July 1, 2021 to November 30, 2021. These records should include scale tickets, and assembly sheets along with proof of payment. Please see attached Statue below for requesting records you have five working days to provide our office with the requested documentation of grain purchased from South Dakota to avoid additional penalties.

49-45-26. Time and place for providing requested records--Violation as misdemeanor--Civil fine.

A grain buyer, whether licensed or unlicensed, who purchases grain within the state shall have the ability to provide all of the books, accounts, and electronic records relating to the transactions of the grain buyer, either within or without the state, upon request or within five working days of the request. Any requested materials shall be provided to the inspector at a licensed

location within the state or at the offices of the commission. A willful violation of this section is a Class 1 misdemeanor.

In addition, the commission may assess a civil fine in an amount not to exceed one thousand dollars for each day requested materials are withheld up to a maximum of twenty thousand dollars.

Feel free to contact Paul or myself with questions.

Thank You

Cody Chambliss
South Dakota Public Utilities Commission
Grain Warehouse Program Manager
605-773-5278

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