

From: [Kenefick-Aschoff, Paul](#)
To: [Blais, Justin](#); [Mike Williams](#)
Cc: [Chambliss, Cody](#)
Subject: RE: [EXT] SD PUC Inspection
Date: Monday, November 1, 2021 8:40:00 AM
Attachments: [Applying for a Grain Buyer-Warehouse License.pdf](#)
[image001.png](#)
[What to expect after licensing with South Dakota Public Utilities Commission.pdf](#)
[Grain License Application Form.pdf](#)
[Web Grain Bond Form.pdf](#)

Attached is information on licensing as a grain buyer for South Dakota. The bond form will need to be completed by your surety and signed by 2 officers. I have also included below a couple of South Dakota laws on licensing and the expiration of a license in South Dakota. I will also be sending a separate email from years past noting the need to renew your license. Let us know if you have any questions licensing.

Thank you, have a great day!

49-45-1. Grain buyer's license required--Violation as misdemeanor-- Injunction--Civil fine. 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.

Source: SL 1949, ch 434, § 1; SL 1957, ch 488; SDC Supp 1960, § 60.0335; SL 1983, ch 15, § 174; SL 1985, ch 376, § 71; SL 1992, ch 332, § 5; SL 2008, ch 251, § 1.

49-45-3. Expiration, revocation, and suspension of license--Appeal. Each license issued pursuant to § 49-45-1 expires on the next June thirtieth following the issuance of the license. The commission may at any time for cause shown revoke or suspend any grain buyer license. However, the grain buyer has the right of appeal from such decisions as provided by chapter 1-26 for the review of final decisions of the commission.

Source: SL 1949, ch 434, § 1; SL 1957, ch 488; SDC Supp 1960, § 60.0335; SL 1974, ch 300; SL 1985, ch 376, § 74; SL 2008, ch 251, § 3.

Paul Kenefick-Aschoff

South Dakota Public Utilities Commission

Grain Warehouse Program

(605) 773-5280

From: Blais, Justin <Justin.Blais@state.sd.us>
Sent: Sunday, October 31, 2021 8:57 PM
To: Mike Williams <mike@agpmc.com>
Cc: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>; Chambliss, Cody <Cody.Chambliss@state.sd.us>
Subject: RE: [EXT] SD PUC Inspection

Mike,

You will need to speak with Paul or Cody in our Pierre office for that information. I have copied them

on this message so you guys can open a dialogue.

I will tentatively put you down for Monday, November 8 for an inspection.

Thanks,

Justin Blais
Grain Warehouse Inspector
SD Public Utilities Commission
(605) 695-8978



From: Mike Williams <mike@agpmc.com>

Sent: Friday, October 29, 2021 2:42 PM

To: Blais, Justin <Justin.Blais@state.sd.us>

Subject: Re: [EXT] SD PUC Inspection

Justin

We need to renew out SD license.

Send me the paper or direct me to that site

Thanks

Mike

On 10/29/2021 11:03 AM, Blais, Justin wrote:

Mike,

Good morning. I hope harvest is treating you well. I am an inspector for the South Dakota Public Utilities Commission.

In 2019 you elected not to renew your license with us, owing to the damage you suffered during the floods that year. The head of our program has tasked me with visiting your facility and ensuring no South Dakota farmers are owed, and to ensure you haven't purchased in SD since your license expired.

I understand that harvest is in full-swing. With that in mind I would like to set up a time in the next couple of weeks for your inspection so that you can be prepared. I do not expect to require more than one day for my inspection.

Please respond as soon as possible so we can set this up. I look forward to your response.

Regards,

Justin Blais
Grain Warehouse Inspector
SD Public Utilities Commission
(605) 695-8978



--
Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649

From: [Mike Williams](#)
To: [Kenefick-Aschoff, Paul](#)
Subject: Re: [EXT] So Dakota fees
Date: Saturday, November 6, 2021 3:10:19 PM

Any idea when the inspector will arrive. ? I need to be in fremont at 8:30 for 20 minutes meeting

Have him call to make arrangements on time. Thanks

Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649
Sent from my iPhone

On Nov 1, 2021, at 8:42 AM, Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us> wrote:

Here is an email from 2019 showing the need to renew your license.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Wednesday, May 15, 2019 7:32 AM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Subject: [EXT] So Dakota fees

Paul

As a small coop, we reviewed the sales in So Dakota. That plus the insurance fee is just cost prohibitive to serve these few organic producers at this time . Over \$800

We like so many in the region have had a devastating flood , total office destruction . Estimated rebuild is well over 30,000

We have reviewed sales potential and are choosing to suspend work in So Dakota, after the deadline of our current registration. We know your producers are great people but the crops are not the quality we need to fill markets due to the past years weather events and the delayed 2019 crop season to date.

Hope fully that will change but the current facts warrant this action to defer registration at this time.

Mike Williams

Sent from my iPad

On May 14, 2019, at 4:36 PM, Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us> wrote:

As of today, our office has not received all your license renewal information. Please be mindful that your current South Dakota grain license will expire at midnight on June 30, 2019. For our office to properly process all licensees we ask that you make a strong attempt to have information to our office by June 1st. If you have not received our license renewal information in the mail or have misplaced it, please contact our office. If you have any questions on the renewal process, please don't hesitate to ask. Thank you for working with us on this matter.

Renewal licensing check list

- Renewal application
- Renewal bond for the 2019-2020 licensing period
- Licensing fee of \$275 per location or municipality
- Most recent fiscal yearend financial statement
- Insurance waiver (broker type license only)
- Schedule of rates form (state licensed warehouses only)

Have a great day!

Thanks

Paul A. Kenefick-Aschoff
South Dakota Public Utilities Commission
500 East Capital Avenue
Pierre, South Dakota 57501
Phone (605) 773-5280
www.puc.sd.gov/warehouse

Sent from my iPad

From: [Kenefick-Aschoff, Paul](#)
To: [Mike Williams](#)
Subject: RE: [EXT] So Dakota signatures
Date: Monday, November 8, 2021 5:27:00 PM

We will need both signatures on the original bond form from the surety. The best way to do this is make a copy of page 2 of the bond where the signatures are to be notarized. This will give you the ability to have the signatures notarized separately.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Monday, November 8, 2021 11:39 AM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Subject: Re: [EXT] So Dakota signatures

Paul

Question on signatures on SO Dakota application and the bond requirements forms.

We are widely spread out officers. How to handle the two signature requirement?

We can do one signature here and get it notarized, then scan and send to the bonding site or your offices . Then get a second signature there since one of our officers is close to the bond agency in Sargent Neb. Then send to you. Another way would be send one form , scan and send to the second signature so that both are on the same forms . That will have two different notary documents verify the signatures

Call to review at you availability

Thanks

Mike

On 11/1/2021 8:42 AM, Kenefick-Aschoff, Paul wrote:

Here is an email from 2019 showing the need to renew your license.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Wednesday, May 15, 2019 7:32 AM

To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>

Subject: [EXT] So Dakota fees

Paul

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Estimated rebuild is well over 30,000

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Hope fully that will change but the current facts warrant this action to defer registration at this time.

Mike Williams

Sent from my iPad

On May 14, 2019, at 4:36 PM, Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us> wrote:

As of today, our office has not received all your license renewal information. Please be mindful that your current South Dakota grain license will expire at midnight on June 30, 2019. For our office to properly process all licensees we ask that you make a strong attempt to have information to our office by June 1st. If you have not received our license renewal information in the mail or have misplaced it, please contact our office. If you have any questions on the renewal process, please don't hesitate to ask. Thank you for working with us on this matter.

Renewal licensing check list

1. Renewal application
2. Renewal bond for the 2019-2020 licensing period
3. Licensing fee of \$275 per location or municipality
4. Most recent fiscal yearend financial statement
5. Insurance waiver (broker type license only)
6. Schedule of rates form (state licensed warehouses only)

Have a great day!

Thanks

Paul A. Kenefick-Aschoff

South Dakota Public Utilities Commission
500 East Capital Avenue
Pierre, South Dakota 57501
Phone (605) 773-5280
www.puc.sd.gov/warehouse

Sent from my iPad

--

Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649

From: [Kenefick-Aschoff, Paul](#)
To: [Mike Williams](#)
Subject: RE: [EXT] SD PUC grain buyers license for OPINS Coop
Date: Monday, December 6, 2021 11:51:00 AM

Thank you

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Monday, December 6, 2021 11:46 AM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Subject: Re: [EXT] SD PUC grain buyers license for OPINS Coop

Yes

That was supposed to be sent to you from the insurance folks I will get them aware of that also

Mike Williams

On 12/6/2021 11:44 AM, Kenefick-Aschoff, Paul wrote:

Also, I did reach out to the surety and they assured me a bond with the 2021-2022 dates has been issued and mailed.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Kenefick-Aschoff, Paul
Sent: Monday, December 6, 2021 11:38 AM
To: Mike Williams <mike@agpmc.com>
Cc: Cody Chambliss (<Cody.Chambliss@state.sd.us>) <Cody.Chambliss@state.sd.us>; Blais, Justin <Justin.Blais@state.sd.us>
Subject: SD PUC grain buyers license for OPINS Coop

Today in the mail we received a check for the \$275 licensing fee, application for the bond (form from the surety) and a copy of the original bond from 2018-2019 with new signatures. We will still need a copy of your most recent fiscal yearend financial statement. If your FYE is 12/31 we would except your 2020 financials. This can be emailed if you would prefer. We need the original SD PUC grain buyers application which can be found on the link below or attached is a printable PDF. The application

will need to be completed, signed and notarized. We will also need the original page 1 & 2 and the power of attorney page of the bond from the surety that has the effective dates of month? & date?, 2021 through June 30, 2022. This bond will need to be the original as we are not able to except copies except when it comes to the notary on page 2. As indicated in a previous email, since the two officers will not be signing the bond together, you may make a copy of page 2 of the original bond for use by the second notary.

<https://puc.sd.gov/commission/warehouse/Grain%20License%20Application%20Form.pdf>

Thank you

Paul A. Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
500 East Capitol Avenue
Pierre, South Dakota 57501
Phone (605) 773-5280
www.puc.sd.gov/warehouse

--

Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649

From: [Kenefick-Aschoff, Paul](#)
To: [Mike Williams](#)
Subject: RE: [EXT] SD PUC grain buyers license for OPINS Coop
Date: Monday, December 6, 2021 11:51:00 AM

Thank you

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Monday, December 6, 2021 11:44 AM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Subject: Re: [EXT] SD PUC grain buyers license for OPINS Coop

Paul

We have one of those CPA used by the NEb PSC documents.

Sorry I did not send that along or maybe the folks at the insurance kept that copy for their files.

I am amazed it got there this fast It took two weeks to send those documents 200 Mile by USPS So we nor use electronic payments to insure rapid payments.

Reviewing :Those doc were all in the doc we sent to the insurance folks. We asked them to add the signatures and mail to your offices.

They seemed to have dropped the ball I will make some calls, re do what we can not find and get that to your offices ASAP

Mike Williams

On 12/6/2021 11:38 AM, Kenefick-Aschoff, Paul wrote:

Today in the mail we received a check for the \$275 licensing fee, application for the bond (form from the surety) and a copy of the original bond from 2018-2019 with new signatures. We will still need a copy of your most recent fiscal yearend financial statement. If your FYE is 12/31 we would except your 2020 financials. This can be emailed if you would prefer. We need the original SD PUC grain buyers application which can be found on the link below or attached is a printable PDF. The application will need to be completed, signed and notarized. We will also need the original page 1 & 2 and the power of attorney page of the bond from the surety that has the effective dates of month? & date?, 2021 through June 30, 2022. This bond will need to be the original as we are not able to except copies except when it comes to the notary on page 2. As indicated in a previous email, since the two officers will not be signing the

bond together, you may make a copy of page 2 of the original bond for use by the second notary.

<https://puc.sd.gov/commission/warehouse/Grain%20License%20Application%20Form.pdf>

Thank you

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South Dakota Public Utilities Commission
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--

Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649

From: [Kenefick-Aschoff, Paul](#)
To: [Mike Williams](#)
Subject: RE: [EXT] HP Smart
Date: Monday, December 6, 2021 3:09:00 PM

Perfect, thanks Mike

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Monday, December 6, 2021 3:02 PM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Subject: Re: [EXT] HP Smart

Will send the whole folder to you postal service multi pages in a binder

Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649
Sent from my iPhone

On Dec 6, 2021, at 2:17 PM, Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us> wrote:

Was the CPA report supposed to be attached to this email? It was not attached, just checking.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Monday, December 6, 2021 2:04 PM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Subject: Re: [EXT] HP Smart

Copy of the cpa report also

Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649
Sent from my iPhone

On Dec 6, 2021, at 1:21 PM, Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us> wrote:

This application looks to be in order just needs the notarized signature and the original mailed to our office.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Monday, December 6, 2021 12:42 PM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Cc: Sargent Ins Office <pholeman@juffer.com>; sdritz@ncpc.net
Subject: [EXT] HP Smart

So Dakota application

From: [Kenefick-Aschoff, Paul](#)
To: [Mike Williams](#)
Cc: [Cody Chambliss \(Cody.Chambliss@state.sd.us\)](#); [Blais, Justin](#)
Subject: FW: [EXT] So Dakota signatures
Date: Wednesday, December 29, 2021 11:47:00 AM
Attachments: [scan.pdf](#)

Today our office received your original bond form in the mail. Upon review it was noted that certain parts of the form are incomplete and incorrect. We will be returning this for completion. Attached is the letter that was included with the bond form we are returning. I have also supplied a return envelope once completed. You may wish to scan a copy to our office prior to mailing back for review, but we will need the original in the mail. See email below.

Bottom of page 1 of the bond form requires 2 signatures from the principal(OPINS), need to complete all the lines for officer 1 at the bottom of page 1. Bottom of page 1 of the bond form, the name of officer 2 will need to be printed on the line below the signature. The 2 signatures of the principal(OPINS) need to be notarized on page 2 of the bond form. The original page 2 is on the backside of page 1. Notary will need to complete the top section of page 2. Since you indicated that the signatures will be done in 2 different places, I have provided a copy of page 2 for the second notary to complete. The notary stamp and signature on page 1 will not satisfy the notary requirement.

Let us know if you have any questions on this.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Kenefick-Aschoff, Paul
Sent: Monday, November 8, 2021 5:28 PM
To: Mike Williams <mike@agpmc.com>
Subject: RE: [EXT] So Dakota signatures

We will need both signatures on the original bond form from the surety. The best way to do this is make a copy of page 2 of the bond where the signatures are to be notarized. This will give you the ability to have the signatures notarized separately.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Monday, November 8, 2021 11:39 AM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>

Subject: Re: [EXT] So Dakota signatures

Paul

Question on signatures on SO Dakota application and the bond requirements forms.

We are widely spread out officers. How to handle the two signature requirement?

We can do one signature here and get it notarized, then scan and send to the bonding site or your offices . Then get a second signature there since one of our officers is close to the bond agency in Sargent Neb. Then send to you. Another way would be send one form , scan and send to the second signature so that both are on the same forms . That will have two different notary documents verify the signatures

Call to review at you availability

Thanks

Mike

On 11/1/2021 8:42 AM, Kenefick-Aschoff, Paul wrote:

Here is an email from 2019 showing the need to renew your license.

Paul Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
(605) 773-5280

From: Mike Williams <mike@agpmc.com>
Sent: Wednesday, May 15, 2019 7:32 AM
To: Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us>
Subject: [EXT] So Dakota fees

Paul

As a small coop, we reviewed the sales in So Dakota. That plus the insurance fee is just cost prohibitive to serve these few organic producers at this time . Over \$800

We like so many in the region have had a devastating flood , total office destruction . Estimated rebuild is well over 30,000

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Hope fully that will change but the current facts warrant this action to defer registration at this time.

Mike Williams

Sent from my iPad

On May 14, 2019, at 4:36 PM, Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us> wrote:

As of today, our office has not received all your license renewal information. Please be mindful that your current South Dakota grain license will expire at midnight on June 30, 2019. For our office to properly process all licensees we ask that you make a strong attempt to have information to our office by June 1st. If you have not received our license renewal information in the mail or have misplaced it, please contact our office. If you have any questions on the renewal process, please don't hesitate to ask. Thank you for working with us on this matter.

Renewal licensing check list

1. Renewal application
2. Renewal bond for the 2019-2020 licensing period
3. Licensing fee of \$275 per location or municipality
4. Most recent fiscal yearend financial statement
5. Insurance waiver (broker type license only)
6. Schedule of rates form (state licensed warehouses only)

Have a great day!

Thanks

Paul A. Kenefick-Aschoff
South Dakota Public Utilities Commission
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Phone (605) 773-5280
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Sent from my iPad

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Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649

From: [Kenefick-Aschoff, Paul](#)
To: [Mike Williams](#)
Cc: [Cody Chambliss \(Cody.Chambliss@state.sd.us\)](mailto:Cody.Chambliss@state.sd.us)
Subject: SD PUC grain buyers license for Organic Producers in Iowa, Nebraska, and South Dakota (OPINS) Coop
Date: Friday, January 7, 2022 1:25:00 PM
Attachments: [scan.pdf](#)

Mike,

Attached is a copy of your grain buyers application as we discussed on the phone. On page 3 of this application number 16 and 17 need to be completed and the original notarized document mailed to our office. We will also need a copy of your fiscal year end financial statement. We also discussed the proper signing, notarizing and returning of the original bond to our office. If you would like to scan and email any of this information to ensure it is completed properly prior to mailing you may do so.

Thank you

Paul A. Kenefick-Aschoff
South Dakota Public Utilities Commission
Grain Warehouse Program
500 East Capitol Avenue
Pierre, South Dakota 57501
Phone (605) 773-5280
www.puc.sd.gov/warehouse

From: [Mike Williams](#)
To: [Kenefick-Aschoff, Paul](#)
Subject: Re: [EXT] SD PUC grain buyers license for Organic Producers in Iowa, Nebraska and South Dakota (OPINS) Coop
Date: Thursday, February 10, 2022 9:19:36 AM

We will attempt to find out where these papers are held up. We have done multiple signings mailing of duplicates and are just not understand the need for duplicates of information that was accepted for years prior. Yes we had a non funded time but that issue was resolved as soon as we were made aware if this. Service and prompt action is a hall mark we strive for and see every where else

Mike Williams
OPINS Coop - Manager
Independent Agronomist - PMC
402-720-2614
mike@agpmc.com
130 E 10th St
North Bend, NE 68649
Sent from my iPhone

On Feb 10, 2022, at 9:10 AM, Kenefick-Aschoff, Paul <Paul.Kenefick-Aschoff@state.sd.us> wrote:

Mike,

To date, we have not received your bond form in the mail with proper signatures and notary. I know you are anxious to resume business in South Dakota and we would like to see that happen. The commission intends to seek penalties for operating without a proper license. Traditionally, the commission holds favor with a company that has completed the licensing process.

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