

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

IN THE MATTER OF THE PUC STAFF'S COMPLAINT AGAINST BANGHART PROPERTIES, LLC, GETTYSBURG, SOUTH DAKOTA)))))	AFFIDAVIT OF CODY CHAMBLISS GW23-001
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I, Cody Chambliss, hereby swear and affirm as follows:

1. I am the manager of the Grain Warehouse Program of the South Dakota Public Utilities Commission.
2. On May 4, 2023, during a routine inspection of a licensed Grain Buyer inspector Sarah McIntosh discovered open payables to Banghart Properties. The email I received on May 8, 2023, shares a bit more about her findings see (Attachment 1).
3. The inspection revealed transactions that took place on April 13, 2023, and April 17, 2023. The shipping order clearly states the grain was picked up in Ludlow, South Dakota. The contract for this producer (Exhibit G SD purchases after 1/12/23) was discussed in detail during the hearing on April 27, 2023.
4. The contract states a Scranton, North Dakota address. Banghart identified these transactions as North Dakota transactions to Staff in its classification system. However, as indicated by the shipping order the loads were picked up in Ludlow South Dakota. The shipping order also identified the Ludlow address as a Ludlow, South Dakota address instead of the Scranton, North Dakota address listed on the contract. The loads were then delivered to a South Dakota location.
5. Whether the Commission considers Banghart's argument or Staff's this is clearly a South Dakota transaction. The grain was picked up in South Dakota and delivered to a South Dakota facility. I also investigated the producer's address by searching in google maps and as evidenced by Attachment 2 Confidential. This searched showed no record of the Scranton, North Dakota address, but did recognize the street address to be Northeast of Ludlow. The search also showed a farm site and grain bins at the Ludlow, South Dakota address.
6. Since Staff issued a cease and desist Letter, Banghart has made representations to Staff that Banghart has fully complied with the cease and desist and was planning to continue to comply with the cease and desist Letter until this matter was resolved by the Commission. Banghart has clearly violated the cease and desist and continues to purchase grain in South Dakota for resale.

Dated this 8th day of May 2023

Cody Chambliss
Cody Chambliss

Subscribed and sworn to before me this 8th day of May, 2023

Mikayla Frick (Notary Public)

My Commission expires: 10/27/2028

