

Individual Report for Docket Number : GW23-001

Docket Title:

In the Matter of PUC Staff's Complaint Against Banghart Properties, LLC, Gettysburg, South Dakota

Open Date : 01/30/2023

Close Date : 02/29/2024

Days Open : 395

Reopened Date :

Filing Type :

GW

Tax ID # :

Attorney :

AR

Staff :

CC

Date Of Final Decision :

10/24/2023

Memo :

Commission Meeting: 3/28/23, 4/27/23, Hearing 4/27/23, Com.Mtg: 5/9/23, 6/6/23, 10/24/23

Primary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Secondary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

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Docket Notes :

01/30/23 - Filed and Docketed - M:\PUC\WEB\Internet\commission\Dockets\graindealer\2023\GW23-001\filename.pdf

01/30/23 - PUC Staff's Letter regarding Complaint - M:\LTR013023.pdf

01/30/23 - Complaint - M:\Complaint.pdf

01/30/23 - Complaint Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Complaint.pdf

01/30/23 - Summons - M:\Summons.pdf

01/30/23 - Admission of Service - M:\AOS013023.pdf

01/30/23 - Certificate of Service - M:\COS013023.pdf

01/30/23 - Affidavit of Cody Chambliss - M:\CCAffidavit.pdf

01/30/23 - Affidavit of Cody Chambliss Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\CCAffidavit.pdf

01/30/23 - Attachment 1 - Class A Denial Letter - M:\CCAffidavit.pdf

01/30/23 - Attachment 1 - Class A Denial Letter Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Attach1.pdf

01/30/23 - Attachment 2 - FY 22 and FY23 Purchases Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Attach2.pdf

01/30/23 - Attachment 3 - Memorandum of Adjustment - M:\Attach3.pdf

01/30/23 - Attachment 4 - Inspector Checklist - M:\Attach4.pdf

01/30/23 - Attachment 4 - Inspector Checklist Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Attach4.pdf

01/30/23 - Attachment 5 - Banghart Cease and Desist - M:\Attach5.pdf

01/30/23 - Attachment 6 - Unsettled Tickets Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Attach6.pdf

01/30/23 - Attachment 7 - Emails - M:\Attach7.pdf

01/30/23 - Attachment 8 - Balance Sheet Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Attach8.pdf

01/30/23 - Attachment 9 - FY 2022 Financial Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Attach9.pdf

01/30/23 - Attachment 10 - Bond Letter and Business Flow Chart - M:\Attach10.pdf

01/30/23 - Attachment 11 - Answers - M:\Attach11.pdf

01/30/23 - May 19, 2022, Application Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\051922App.pdf

01/30/23 - January 20, 2023, Application Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\012023App.pdf

01/30/23 - Affidavit of Sarah McIntosh - M:\SMAffidavit.pdf

02/02/23 - Signed Admission of Service of Summons and Complaint by Electronic Mail - M:\AOS020223.pdf

02/07/23 - Supplemental Affidavit of Cody Chambliss - CCAffidavitSupp.pdf

02/07/23 - Staff's Timeline Regarding Major Interactions with Banghart Properties, LLC - M:\Timeline.pdf

02/07/23 - Timeline 1 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline1.pdf

02/07/23 - Timeline 2 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline2.pdf

02/07/23 - Timeline 3 - M:\Timeline3.pdf

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02/07/23 - Timeline 5 - M:\Timeline5.pdf
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02/07/23 - Timeline 7 - M:\Timeline7.pdf
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02/07/23 - Timeline 8 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline8.pdf
02/07/23 - Timeline 9 - M:\Timeline9.pdf
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02/07/23 - Timeline 11 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline11.pdf
02/07/23 - Timeline 12 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline12.pdf
02/07/23 - Timeline 13 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline13.pdf
02/07/23 - Timeline 14 - M:\Timeline14.pdf
02/07/23 - Timeline 14 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline14.pdf
02/07/23 - Timeline 15 - M:\Timeline15.pdf
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02/07/23 - Timeline 16 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline16.pdf
02/07/23 - Timeline 17 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline17.pdf
02/07/23 - Timeline 18 - M:\Timeline18.pdf
02/07/23 - Timeline 18 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline18.pdf
02/07/23 - Timeline 19 - M:\Timeline19.pdf
02/07/23 - Timeline 19 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline19.pdf
02/07/23 - Timeline 20 - M:\Timeline20.pdf
02/07/23 - Timeline 20 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline20.pdf
02/07/23 - Timeline 21 - M:\Timeline21.pdf
02/07/23 - Timeline 21 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline21.pdf
02/07/23 - Timeline 22 - M:\Timeline22.pdf
02/07/23 - Timeline 23 - M:\Timeline23.pdf
02/07/23 - Timeline 23 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline23.pdf
02/07/23 - Timeline 24 - M:\Timeline24.pdf
02/07/23 - Timeline 25 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Timeline25.pdf
02/17/23 - Banghart Properties, LLC's Answer - M:\Answer021723.pdf

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02/17/23 - Certificate of Service - M:\COS021723.pdf
03/20/23 - Banghart Properties, LLC's Motion to Allow Delivery on Open Contracts and Certificate of Service - M:\MotionDeliver032023.pdf
03/20/23 - Affidavit of Jan Banghart in Support of Motion to Allow Delivery of Open Contracts and Certificate of Service - M:\Affidavit032023.pdf
03/20/23 - Affidavit of Jan Banghart in Support of Motion to Allow Delivery of Open Contracts and Certificate of Service Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Affidavit032023.pdf
03/20/23 - Exhibit A - Excel Open Contract Summary - M:\ExhA032023.pdf
03/20/23 - Exhibit A - Excel Open Contract Summary Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\ExhA032023.pdf
03/20/23 - Exhibit B - Open Contracts - M:\ExhB032023.pdf
03/20/23 - Exhibit B - Open Contracts Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\ExhB032023.pdf
03/22/23 - Second Affidavit of Jan Banghart in Support of Motion to Allow Delivery of Open Contracts and Certificate of Service - M:\MotionDeliver032223.pdf
03/22/23 - Second Affidavit of Jan Banghart in Support of Motion to Allow Delivery of Open Contracts and Certificate of Service Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\MotionDeliver032223.pdf
03/22/23 - Exhibit A - Independent Accountant's Review Report and Financial Statements - M:\ExhA032223.pdf
03/22/23 - Exhibit A - Independent Accountant's Review Report and Financial Statements Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\ExhA032223.pdf
03/23/23 - Staff's Response in Opposition to Banghart's Motion to Allow Delivery on Open Contracts - M:\StaffResp032323.pdf
03/23/23 - Exhibit A - Contract Delivery Summary Confidential (not available to the public) (excel format) - N:\Internet\grainwarehouse\2023\GW23-001\ExhA032323.xlsx
03/23/23 - Certificate of Service - M:\COS032323.pdf
03/27/23 - Banghart Properties, LLC's Reply Brief in Support of its Motion to Allow Delivery on Open Contracts - M:\MotionDeliver032723.pdf
03/27/23 - Certificate of Service - M:\COS032723.pdf
03/30/23 - Order Denying Motion to Allow Delivery on Open Contracts - M:\GW23-001\DenyMot.pdf
04/04/23 - Banghart Properties, LLC's Motion for Expedited Order Granting Class A Grain Buyer License and Certificate of Service - M:\Motion040423.pdf
04/04/23 - Staff's Denial Letter to Banghart Properties, LLC Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\LTR040523.pdf
04/04/23 - Application Confidential (not available to the public)- N:\Internet\grainwarehouse\2023\GW23-001\Application040523.pdf
04/17/23 - Order for and Notice of Evidentiary Hearing on Less Than 10 Days' Notice - M:\GW23-001\NOH.pdf
04/24/23 - Banghart Properties, LLC's Motion to Allow Telephonic or Video Testimony - M:\Motion042423.pdf
04/25/23 - Affidavit of Cody Chambliss - M:\CCAffidavit042523.pdf
04/25/23 - Affidavit of Cody Chambliss Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\CCAffidavit042523.pdf
04/25/23 - Banghart Reconciliation Confidential (not available to the public) excel format - N:\Internet\grainwarehouse\2023\GW23-001\Reconciliation.xlsx
04/25/23 - 2021 and 2022 Purchases Confidential (not available to the public) excel format - N:\Internet\grainwarehouse\2023\GW23-001\2122Purchases.xlsx

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04/25/23 - SD Purchases after 01/12/23 Confidential (not available to the public) - M:\SDPurchases.pdf
04/25/23 - Facebook Posts - M:\FBPosts.pdf
04/25/23 - Banghart Denial Letter, April 4, 2023 - M:\DenialLTR040423.pdf
04/25/23 - Email regarding Bond Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\Email042523.pdf
04/25/23 - Data Request 1 - 01/25/23 - M:\DR1012523.pdf
04/25/23 - Data Request 1 - 01/25/23 Letter Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\DR1012523.pdf
04/25/23 - 2021 Paid Shipments Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-
001\2021PaidShip.pdf
04/25/23 - 2022 End of Year Financial Statements Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\2022EofYear.pdf
04/25/23 - 2023 Grain Purchases Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\2023GrainPurchase.pdf
04/25/23 - All Sales Contracts Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-
001\AllSalesContracts.pdf
04/25/23 - Fiscal Year 2021 Purchases Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\FY2021Purchases.pdf
04/25/23 - Fiscal Year 2022 Purchases Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\FY2022Purchases.pdf
04/25/23 - Loads Dispatched prior to C & D Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\LoadsDispatch.pdf
04/25/23 - Open Invoices Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-
001\OpenInvoices.pdf
04/25/23 - Purchase Contract Summary Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\PurchaseContractSummary.pdf
04/25/23 - Ticket Listing Since 1-1-2021 Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\010121TicketListing.pdf
04/25/23 - Unpaid Grain 1-20-2023 Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\012023UnpaidGrain.pdf
04/25/23 - Cover Page 4-14-23 - M:\CoverLTR041423.pdf
04/25/23 - Cover Page 4-14-23 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-
001\CoverLTR041423.pdf
04/25/23 - Bank Statements Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-
001\BankStatements.pdf
04/25/23 - Copy of Checks Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-
001\CopyCheck.pdf
04/25/23 - Reconciliation Reports Confidential (not available to the public) -
N:\Internet\grainwarehouse\2023\GW23-001\ReconilitionReports.pdf
04/25/23 - Order for and Notice of Motion Hearing on Less Than 10 Days' Notice - M:\GW23-001\NotMotH.pdf
04/26/23 - Staff's Witness List and Exhibit List - M:\WitnessExhibitList.pdf
04/26/23 - Certificate of Service - M:\COS042623.pdf
04/26/23 - Pre-Filed Exhibits - M:\GW23-001\exhibits.aspx
04/26/23 - Timeline 14 - M:\Timeline14ExhC.pdf
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04/26/23 - Letter Regarding Data Requests - M:\LtrReDR.pdf

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04/26/23 - Letter Regarding Data Requests Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\LtrReDRConf.pdf

04/27/23 - Banghart Properties, LLC's Witness List and Exhibit List - M:\BanghartExhibitList.pdf

04/27/23 - Certificate of Service - M:\COS042723.pdf

04/28/23 - Order Granting Motion to Allow Telephonic or Video Testimony - M:\GW23-001AllowTelVidTest.pdf

05/08/23 - Staff's Motion to Reopen the Record and Allow Additional Testimony - M:\StaffMotion050823.pdf

05/08/23 - Affidavit of Cody Chambliss - M:\CodyCAff050823.pdf

05/08/23 - Attachment 1 - M:\Attach1050823.pdf

05/08/23 - Attachment 2 Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Attach2050823.pdf

05/08/23 - Banghart Contract Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Contract050823.pdf

05/08/23 - 04/13/23 Scale Ticket Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\041323ScaleTicket.pdf

05/08/23 - 04/17/23 Scale Ticket Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\041723ScaleTicket.pdf

05/08/23 - Check Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Check050823.pdf

05/08/23 - Open Payables Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\OpenPayables050823.pdf

05/08/23 - Shipping Order Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\ShippingOrder050823.pdf

05/08/23 - Certificate of Service - M:\COS050823.pdf

05/08/23 - Banghart Properties, LLC's Objection to Staff's Motion to Reopen the Record to Allow Additional Testimony - M:\Objection050823.pdf

05/08/23 - Certificate of Service - M:\BanghartCOS050823.pdf

05/10/23 - Commissioner Hanson's Certification - M:\GHCertification.pdf

05/22/23 - Staff's Letter to the Commission - M:\LTR052223.pdf

05/22/23 - Staff's Letter to Banghart Properties, LLC - M:\BanghartLTR052223.pdf

05/22/23 - Banghart Properties, LLC's Grain Buyer's License Application Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Application2024.pdf

05/23/23 - Order Granting Motion to Reopen the Record to Allow Additional Testimony- Order Denying Class A License- Order Setting Post-Hearing Procedural Schedule - M:\GW23-001Order.pdf

05/26/23 - Banghart Properties LLC's Request for Hearing - M:\LTR052623.pdf

06/05/23 - Affidavit of Jeremy Frost in Support of Application for Class B Grain Buyer License and Certificate of Service - M:\FrostAffidavit060523.pdf

06/06/23 - Affidavit of Jan Banghart in Support of Application for Class B Grain Buyer License and Certificate of Service - M:\BanghartAffidavit060623.pdf

06/08/23 - Order for and Notice of Evidentiary Hearing on Less Than 10 Days' Notice - M:\GW23-001NOH062123.pdf

06/12/23 - Staff's Post-Hearing Brief - M:\StaffPostBrief061223.pdf

06/12/23 - Staff's Post-Hearing Brief Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\StaffPostBrief061223.pdf

06/12/23 - Certificate of Service - M:\COS061223.pdf

06/20/23 - Banghart Properties LLC's Post-Hearing Brief - M:\PostBrief062023.pdf

06/20/23 - Certificate of Service - M:\COS062023.pdf

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06/20/23 - Subpoena of Paul Kenefick-Aschoff and Certificate of Service - M:\SubpoenaPKA062023.pdf
06/21/23 - Staff's Post-Hearing Rebuttal Brief - M:\StaffPostBrief062123.pdf
06/21/23 - Certificate of Service - M:\COS062123.pdf
06/22/23 - Admission of Service (Paul Kenefick-Aschoff) - M:\AOSPKA.pdf
06/22/23 - Banghart Properties LLC's Witness and Exhibit List and Certificate of Service - M:\COS062223.pdf
06/23/23 - Sheriff's Return of Personal Service, South Dakota Attorney General Marty Jackley - M:\ReturnPSJackley.pdf
06/23/23 - Sheriff's Return of Personal Service, Paul Kenefick-Aschoff, Warehouse Inspector - M:\ReturnPSPKA.pdf
06/28/23 - Banghart Properties LLC's Financial Statements Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\Financials602823.pdf
07/07/23 - Order Resolving Staff's Complaint- Order Granting Class B License- Notice of Entry - M:\GW23-001Final.pdf
10/18/23 - Banghart Properties LLC's Motion to Approve Forms and Quarterly Financials - M:\MotiontoApprove.pdf
10/18/23 - Affidavit of Jan Banghart in Support of Motion to Approve Forms and Quarterly Financial Statements - M:\JanBanghartAffidavit101823.pdf
10/18/23 - Exhibit A – Form Contract - M:\ExhA101823.pdf
10/18/23 - Exhibit B – Form BOL - M:\ExhB101823.pdf
10/18/23 - Exhibit C – Example File Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\ExhCConf101823.pdf
10/18/23 - Exhibit D – Financial Statements Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\ExhDConf101823.pdf
10/18/23 - Staff's Certificate of Service - M:\COS101823.pdf
11/27/23 - Banghart Properties LLC's Profit and Loss and Certificate of Service Confidential (not available to the public) - N:\Internet\grainwarehouse\2023\GW23-001\ProfitLossConf112723.pdf
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Docket Synopsis :