

IN THE MATTER OF THE PUC STAFF'S)	STIPULATION AND
COMPLAINT AGAINST ALL STAR)	SETTLEMENT AGREEMENT
TRADING, INC FOR VIOLATIONS OF SDCL)	AND REQUEST FOR
49-45-1 AND SDCL 49-45-26)	ADOPTION OF SETTLEMENT
)	AGREEMENT
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	GW25-001

STIPULATION OF FACTS

1. Respondent is currently licensed to act as a grain buyer in the State of South Dakota.
2. Respondent has held a grain buyer license in this state, beginning October 24, 2019, and has renewed the license yearly since this time, though there have been lapses in licensing due to failure to timely renew the license prior to June 30, including for the 2025 licensing year, beginning July 1, 2024.
3. On March 25, 2024, May 13, 2024, June 10, 2024, and June 28, 2024, Staff of the Public Utilities Commission (Staff) sent reminders to obtain a license to all licensees who had not renewed, including Respondent. The June 28, 2024, reminder specifically informed Respondent its grain buyer license would expire June 30, 2024, at midnight.
4. Respondent did not submit a renewal application for a grain buyer license by close of business on June 30, 2024.
5. On July 8, 2024, Respondent submitted a renewal application for a grain buyer license and bond to the PUC. On July 22, 2024, Staff received the filing fee associated with

Respondent's application and Staff issued Respondent a grain buyer license with an effective date of July 22, 2024.

6. On August 21, 2024, Staff began a remote inspection on Respondent, issuing an initial data request to Respondent. Respondent provided responses on August 28, 2024.
7. As a part of the inspection, Staff issued a second data request to Respondent on September 9, 2024. Respondent failed to provide the responses within five working days (September 16, 2024) as required by SDCL 49-45-26. Staff sent follow up emails to Respondent on September 16, 2024, and September 23, 2024, to obtain the requested information. Respondent finally provided responses on September 24, 2024, 6 working days after responses were due.
8. This inspection showed Respondent purchased approximately 11 loads of grain for resale, between July 8, 2024, and July 21, 2024, a period of time where Respondent did not hold a valid grain buyer license, a violation of SDCL 49-45-1. These 11 purchases were made from 3 different entities on five different days.
9. Both Staff and Respondent acknowledge that Respondent is subject to a civil fine of \$5,000 for each purchase of grain without a license, up to a maximum of \$50,000 pursuant to SDCL 49-45-1.
10. Both Staff and Respondent acknowledge that Respondent is subject to a civil fine of \$1,000 per day, for failure to provide timely responses to data requests, up to a maximum of \$20,000 pursuant to SDCL 49-45-26.

SETTLEMENT AGREEMENT

The Parties agree as follows:

1. Both Staff and Respondent believe a civil fine in the amount of \$11,000 should be assessed against Respondent: \$5,000 for the purchase of grain without a license pursuant to SDCL 49-45-1, and \$6,000 for the six days Respondent failed to provide timely responses to a data request pursuant to SDCL 49-45-26. The grounds for the settlement take into account:

- a. Respondent experienced staff turnover around the time the license lapsed, potentially leading to the renewal deadline being overlooked.
2. Respondent agrees to make payment of the \$11,000 civil fine within thirty days of receipt of the Commission Order.
3. Staff agrees this Stipulation and Settlement Agreement, if approved by the Commission, represents the final disposition of the issues specified herein and will not pursue additional fines or penalties for the infractions outlined in this Agreement.

Both Parties acknowledge that they may have different reasoning for the agreed upon Stipulation and Settlement Agreement, and absent which, Staff could have filed a Complaint with the Commission and both Parties could have presented argument supporting their positions. This Stipulation and Settlement Agreement does not reflect the concession of any single issue, but a negotiated global agreement both Parties believe reasonable.

WHEREFORE, Staff and All Star Trading, Inc respectfully request the Commission adopt this Stipulation and Settlement Agreement and order a civil fine in the amount of \$11,000 against All Star Trading, Inc as a complete and final resolution of this matter.

Dated this of ~~February~~ 2025:

April 16, 2025

South Dakota Public Utilities Commission Staff

By: *Amanda M. Reiss*

Its: Staff Attorney

All Star Trading, Inc

By: *[Signature]*

Its: *CEO*