## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint	) Docket No. GDC-443
of John A. Fecht, Director of	)
the Nebraska Public Service	)
Commission Grain Warehouse	)
Department,	)
	) ORDER ACCEPTING STIPULATION
COMPLAINANT,	) AND ESTABLISHING PAYMENT
	) PLAN
vs.	)
	)
Roberts Seed, Inc., Axtell,	)
Nebraska,	)
	)
Respondent.	) Entered: November 19, 2018

## BY THE COMMISSION:

On June 18, 2018, the Commission held a hearing in this matter to determine whether Roberts Seed, Inc. (Roberts) had operated as a Grain Dealer without a license. Based upon evidence produced at that hearing, the Commission entered an order on August 8, 2018, finding Roberts had engaged in 25 separate incidents of grain dealer activity without a license. The Commission assessed a Civil Penalty in the amount of \$10,000.00.

On October 12, 2018, the Grain Department (Department) sent a letter to Roberts indicating no payments had yet been received. The Department notified Roberts that failure to pay the Civil Penalty could result in referral of the matter to Lancaster District Court. The Department provided a deadline for Roberts to contact the Commission to discuss payment. Roberts did contact the Grain Department and requested a payment plan.

On October 29, 2018, the Department provided a stipulation agreement outlining the payment plan process for Roberts. Roberts successfully completed the stipulation and submitted their first payment to the Commission on November 6, 2018. A copy of the signed stipulation is attached hereto as Appendix A.

Based on the foregoing, the Commission finds that the stipulation entered into between Roberts Seed, Inc. and the Grain Department should be accepted. Roberts Seed, Inc. shall be required to make the proper monthly installment payments in

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accordance with the stipulation agreement. Failure to make timely payments in the amount set forth may result in additional Commission action, including referring the matter to Lancaster District Court as outlined in the stipulation agreement.

## ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation entered into by Roberts Seed, Inc., of Axtell, Nebraska, and the Grain Department of the Nebraska Public Service Commission should be and hereby is accepted.

IT IS FURTHER ORDERED that the Roberts Seed, Inc., shall make monthly installment payments in accordance with the terms of the stipulation agreement.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this  $19^{\rm th}$  day of November 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

//s//Frank E. Landis
//s//Mary Ridder

## **APPENDIX A**

BEFORE THE NEBRASKA PUE	BLIC SERVICE COMMIS	SION	<u> </u>		W L	The state of the s
In the Matter of the Complaint of John A. Fecht, Director of the Nebraska Public Service Commission Grain Warehouse Department,	) Docket No. GDC-443 ) )	CETATATATATATATATATATATATATATATATATATATA		-6		
COMPLAINANT,	) ) ) STIPULATION	Š-victor—i unitariopaugarijaini	en e	eraksis Kalendar (1964)	erriginingsky (si Tudottallanti Attantani	innaccommentum-ener
VS.						
Roberts Seed, Inc., Axtell, Nebraska,						
Respondent.						

The Grain Department ("Department") of the Nebraska Public Service Commission ("Commission") and Roberts Seed, Inc., ("Respondent") hereby jointly stipulate and agree to the following terms to satisfy the civil penalty assessed by the Commission against Respondent on August 8, 2018:

- 1. The Complaint was filed by the Department on May 15, 2018, alleging Respondent operated as a Grain Dealer without a license in violation of Neb. Rev. Stat. §75-903.
  - 2. Hearing in this matter was held on June 18, 2018.
- 3. Based upon evidence presented by the Department and the Respondent, the Commission found Respondent engaged in twenty-five separate incidents of operating as a Grain Dealer without a license. Respondent did not contest that they had operated in such a manner.
- 4. In an Order dated August 8, 2018, The Commission levied a Civil Penalty in the amount of \$400 per violation for a total penalty of \$10,000.00 against the Respondent pursuant to Neb. Rev. Stat. §\$75-156 and 75-910 as well as Title 291 Neb. Admin Code Ch. 8 §003.09.
  - 5. Respondent did not seek rehearing or file an appeal in this matter.
- 6. The Department and Respondent enter into this stipulation for the purpose of providing the Respondent an opportunity to satisfy the Civil Penalty assessed.
- 7. The Department and Respondent agree to be bound by the terms of this stipulation for payment only if the Commission enters an order approving its terms. In the event the Commission determines that it will not enter an order consistent with the terms of this stipulation,

the terms of this stipulation shall, ab initio, become null and void and Respondent shall be obligated to satisfy the civil penalty as assessed.

- Respondent agrees to satisfy the civil penalty by making six (6) monthly installment 9. payments of One Thousand Six Hundred Sixty-Six dollars and Sixty-Seven cents (\$1,666.67) each. Each installment payment shall be due on the final business day of each month. The first installment payment shall be remitted with this executed stipulation.
- In exchange for the payment of the agreed upon civil penalty, the Department 10. acknowledges that Respondent will have satisfied the requirements set forth within the August 8, 2018 Order.
- The Department and the Respondent agree that the terms of this agreement will be 12. upheld. The Commission reserves the right pursue the civil remedy outlined in Neb. Rev. Stat. §75-156 should Respondent fail to make payments in a timely manner.
- The Department and the Respondent jointly recommend the Commission enter an 13. order in this docket accepting this stipulation and allowing Respondent to satisfy the civil penalty assessed pursuant to the terms of this agreement.

Dated this 1 st day of Nov., 2018.

GRAIN DEPARTMENT OF THE NEBRASKA PUBLIC SERVICE COMMISSION

John Fecht, Director

300 The Atrium, 1200 N Street

Lincoln, NE 68508 (402) 471-3101

ROBERTS SEED, INC,

BY <u>Leisha Roberts</u> Print Name <u>Leisha Roberts</u>