

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Docket No. GDC 443

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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.

O R D E R

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 19th day of November 2018.

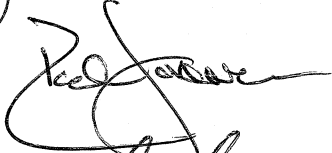
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:





Chair



ATTEST:





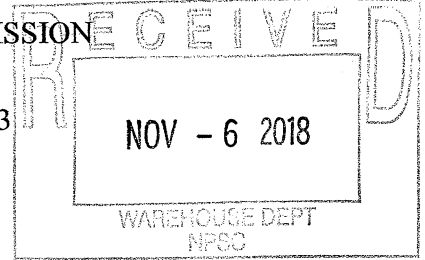
Executive Director

//s//Frank E. Landis

//s//Mary Ridder

APPENDIX A

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION



In the Matter of the Complaint of John A. Fecht, Director of the Nebraska Public Service Commission Grain Warehouse Department,

COMPLAINANT,

vs.

Roberts Seed, Inc., Axtell, Nebraska,

Respondent.

) Docket No. GDC-443

) STIPULATION

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.

9. Respondent agrees to satisfy the civil penalty by making six (6) monthly installment 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.

10. In exchange for the payment of the agreed upon civil penalty, the Department acknowledges that Respondent will have satisfied the requirements set forth within the August 8, 2018 Order.

12. The Department and the Respondent agree that the terms of this agreement will be 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.

13. The Department and the Respondent jointly recommend the Commission enter an 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 1st day of Nov., 2018.

GRAIN DEPARTMENT OF THE NEBRASKA
PUBLIC SERVICE COMMISSION

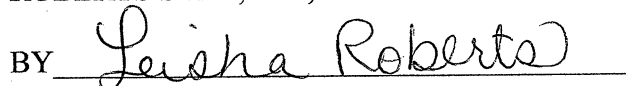
BY



John Fecht, Director
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ROBERTS SEED, INC,

BY



Print Name Leisha Roberts