

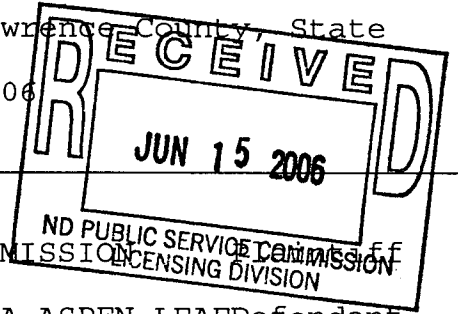
# DIVIDER

STATE OF NORTH DAKOTA  
INFORMATION TECHNOLOGY DEPARTMENT  
SFN 2053 (4-2002)

**GE-06-183**  
**Public Service Commission**  
**Kent Anderson dba Aspen Leaf Organic Farm**  
**Ex Parte Cease & Desist** 06  
Filed 5/1/2006 Closed 7/7/2006

SHERIFF'S RETURN No. 052293  
 And Day Book Entry File. GE-06-183  
 STATE OF SOUTH DAKOTA, COUNTY OF LAWRENCE, SS.

I, Richard E. Mowell, Sheriff of Lawrence County, South Dakota, hereby certify and return that the following annexed papers came into my hands for service on the 30th day of May, 2006. That I served the same on ANDERSON, KENT D/B/A ASPEN personally by delivering to and leaving a true copy thereof with Kent Anderson in Lawrence County, State of South Dakota, on the 01 day of June, 2006.



ANNEXED PAPERS	
AFFIDAVIT	\$0.00
AFFIDAVIT	
MOTION	
NOTICE	
ORDER	\$16.50
Mileage	\$12.92
TOTAL FEES	\$29.42

ENTRY

PUBLIC SERVICE COMMISSION  
 -vs-  
 ANDERSON, KENT D/B/A ASPEN LEAF Defendant

Attorney Rec'd From: PUBLIC SERVICE COMMISSION  
 Attorney's Address: 600 E BOULEVARD AVE DEPT 408  
 In What Court:

SHERIFF'S CERTIFICATE OF SUBSTITUTED SERVICE  
 I endeavored to serve the same on \_\_\_\_\_ but \_\_\_\_\_ could not conveniently be found, and I made substituted personal service by leaving a copy at \_\_\_\_\_ dwelling house or \_\_\_\_\_ in the presence of a member of \_\_\_\_\_ family over the age of fourteen years (or if the defendant resides in the family of another) with a member of the family with which he resides, over the age of 14 years. I further certify that I know the person so served to be the same person mentioned and described herein as \_\_\_\_\_.

580-6533

ATTEMPTS:	DATE:
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____

SERVED:  
 Date 6-01-06  
 Time 2:35pm  
 Address 2915 Bald Eagle Road  
 City Spearfish

Dated at Deadwood, South Dakota, this 01 day of June, A.D. 2006

Richard E. Mowell  
 Sheriff

By: Harry Balwit  
 Deputy Sheriff

Date Ret'd JUN 12 2006

DEFENDANT'S SERVED

Please Pay From This Invoice  
 Lawrence County  
 Sheriff's Office  
 P.O. Box 405  
 Deadwood, SD 57732



Public Service Commission  
State of North Dakota

---

COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

Executive Secretary  
Illona A. Jeffcoat-Sacco

May 25, 2006

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.psc.state.nd.us](http://www.psc.state.nd.us)  
e-mail: [ndpsc@state.nd.us](mailto:ndpsc@state.nd.us)  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

Lawrence County Sheriff's Office  
PO Box 405  
Deadwood, SD 57732

**RE: Public Service Commission  
Kent Anderson dba Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**ATTENTION: JERI**

Enclosed are two copies of the Commission's Ex Parte Motion for Cease and Desist Order, Affidavit in Support of Ex Parte Motion for Cease and Desist Order, Ex Parte Cease and Desist Order, Notice of Opportunity for Hearing, and Affidavit of Service in the referenced case.

Please serve the enclosed items on Kent Anderson, Aspen Leaf Organic Farms, 2915 Bald Eagle Road, Spearfish, South Dakota. After personal service, please complete a proof of service document and return it to my office in the enclosed self-addressed stamped envelope. I understand the Commission will be billed a \$16.50 service fee plus mileage at a rate of 34¢/mile.

If you have questions, please contact me at 701-328-4097. Thank you for your time and assistance with this matter.

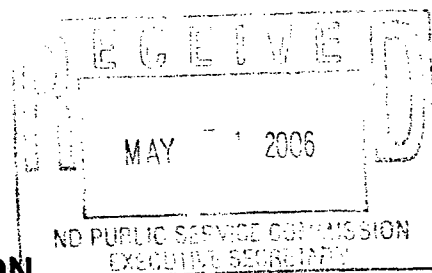
Sincerely,

Susan K. Richter, Director  
Licensing Division

Skr  
Enclosures



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**



**Public Service Commission**  
**Kent Anderson d/b/a Aspen Leaf Organic Farms**  
**Ex Parte Cease & Desist**

**Case No. GE-06-183**

**EX PARTE MOTION FOR CEASE AND DESIST ORDER**

Commission staff (staff) files this Ex parte Motion for Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms requesting that the Commission issue an order to require Kent Anderson d/b/a Aspen Leaf Organic Farms to immediately cease and desist the entity's grain buying activities within the State of North Dakota.

On April 5, 2006 staff received a telephone call from Pat Frank of Dickinson, North Dakota advising that he and his mother, Carol Frank, sold approximately 751 net bushels (after cleaning) of organic flax and approximately 720 net bushels (after cleaning) of organic spring wheat to Kent Anderson d/b/a Aspen Leaf Organic Farms. The purchase price for flax was \$17.00 per bushel and the purchase price for wheat was \$5.50 per bushel for the wheat purchased from Carol Frank and \$6.00 per bushel for the wheat purchased from Pat Frank.

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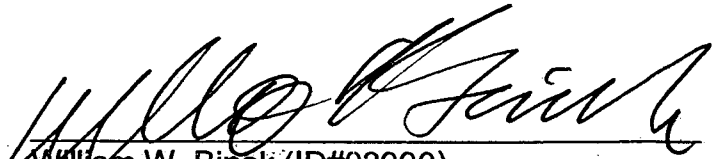
Kent Anderson d/b/a Aspen Leaf Organic Farms is not authorized and licensed under N.D.C.C. Chapter 60-02.1 to operate as a grain buyer in North Dakota. Under N.D.C.C. § 60-02.1-01(6) a grain buyer means any person, other than a public warehouseman, who purchases or otherwise merchandises grain for compensation.

N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

Unless this motion is granted, grain sellers may suffer immediate economic loss, damage or injury as a result of the actions of Kent Anderson d/b/a Aspen Leaf Organic Farms

Staff requests that the Commission issue an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms as authorized by N.D.C.C. § 60-02.1-39 to immediately cease and desist the entity's grain buying activities within the State of North Dakota. Staff further requests that the Commission issue to Kent Anderson d/b/a Aspen Leaf Organic Farms a notice of opportunity to be heard on the cease and desist order within fifteen days of the issuance of the order.

Dated this 1<sup>st</sup> day of May, 2006.



William W. Binek (ID#02990)

Chief Counsel

Public Service Commission

600 E. Boulevard Ave., Dept. 408

Bismarck, ND 58505-0480

Phone: 701-328-4088

Fax: 701-328-2410

Counsel for Public Service Commission Staff



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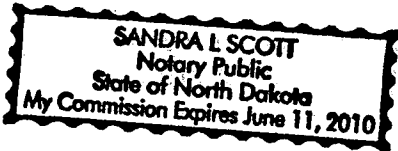
Affiant requests that the Commission issue an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms as authorized by N.D.C.C. § 60-02.1-39.

Susan K. Richter

Subscribed and sworn to before me this 1st day of May, 2006.

Sandra L. Scott

Notary Public



# STATE OF NORTH DAKOTA

## PUBLIC SERVICE COMMISSION

Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist

Case No. GE-06-183

### EX PARTE CEASE AND DESIST ORDER

May 4, 2006

On May 1, 2006, Commission staff (staff) filed an Ex parte Motion for Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms requesting that the Commission issue an order to require Kent Anderson d/b/a Aspen Leaf Organic Farms to immediately cease and desist the entity's grain buying activities within the State of North Dakota.

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N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

The Commission has considered staff's Ex parte Motion for Cease and Desist Order and finds that a cease and desist order is necessary because Kent Anderson d/b/a Aspen Leaf Organic Farms does not have a license to operate as a grain buyer. The Commission further finds that unless a cease and desist order is issued, grain sellers are at risk to suffer immediate damage or injury as a result of the actions of Kent Anderson d/b/a Aspen Leaf Organic Farms

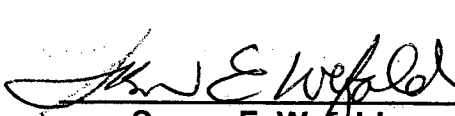
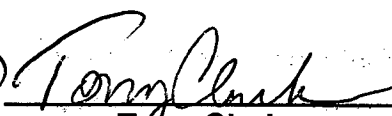
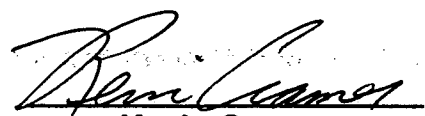
Therefore, the Commission issues the following:

### Order

The Commission orders:

1. That Kent Anderson d/b/a Aspen Leaf Organic Farms **Cease and Desist** all grain buying activities in North Dakota.
2. The Commission will issue to Kent Anderson d/b/a Aspen Leaf Organic Farms a notice of opportunity to be heard within fifteen days of the issuance of this order.

### PUBLIC SERVICE COMMISSION

		
Susan E. Wefald Commissioner	Tony Clark President	Kevin Cramer Commissioner

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**Case No. GE-06-183**

**NOTICE OF OPPORTUNITY FOR HEARING**

**May 4, 2006**

On May 4, 2006, the Commission issued an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms ordering the entity to Cease and Desist all grain buying activities in North Dakota.

The issues to be considered in a hearing, if requested, are:


1. Do the entity's operations require a grain buyer license?
2. Does the entity possess a valid grain buyer license?
3. Was the Ex parte Cease and Desist Order lawfully issued by the Commission?
4. Other issues that may appropriately come before the Commission relating to this matter.


You are hereby notified that you have the opportunity to request a hearing on this matter. A request for hearing must be made in writing within fifteen days of the issuance of the Ex parte Cease and Desist Order.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Ilona A. Jeffcoat-Sacco, Executive Secretary.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Susan E. Wefald  
Commissioner**

  
\_\_\_\_\_  
**Tony Clark  
President**

  
\_\_\_\_\_  
**Kevin Cramer  
Commissioner**



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

Executive Secretary  
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: www.psc.state.nd.us  
e-mail: ndpsc@state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

May 25, 2006

Lawrence County Sheriff's Office  
PO Box 405  
Deadwood, SD 57732

**RE: Public Service Commission  
Kent Anderson dba Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

### **ATTENTION: JERI**

Enclosed are two copies of the Commission's Ex Parte Motion for Cease and Desist Order, Affidavit in Support of Ex Parte Motion for Cease and Desist Order, Ex Parte Cease and Desist Order, Notice of Opportunity for Hearing, and Affidavit of Service in the referenced case.

Please serve the enclosed items on Kent Anderson, Aspen Leaf Organic Farms, 2915 Bald Eagle Road, Spearfish, South Dakota. After personal service, please complete a proof of service document and return it to my office in the enclosed self-addressed stamped envelope. I understand the Commission will be billed a \$16.50 service fee plus mileage at a rate of 34¢/mile.

If you have questions, please contact me at 701-328-4097. Thank you for your time and assistance with this matter.

Sincerely,

Susan K. Richter, Director  
Licensing Division

Skr  
Enclosures

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist

Case No. GE-06-183

STATE OF NORTH DAKOTA                    )  
  )ss  
COUNTY OF BURLEIGH                    )

Sue Richter deposes and says that:

she is over the age of 18 years and not a party to this action and on the 4<sup>th</sup> day of May, 2005, she deposited in the United States Mail, Bismarck, North Dakota, 1 envelope by certified mail and 6 envelopes by regular mail, return receipt requested, with postage fully prepaid, securely sealed and containing a photocopy of:

1. Ex Parte Motion for Cease and Desist Order
2. Affidavit in Support Ex Parte Motion for Cease and Desist Order
3. Ex Parte Cease and Desist Order
4. Notice of Opportunity for Hearing

The envelopes were addressed as follows.

Kent Anderson  
Aspen Leaf Organic Farms  
2915 Bald Eagle Road  
Spearfish, SD 57783  
Certified No. 7005 1820 0002 3243 2768

Pat Frank & Carol Frank  
3005 122<sup>nd</sup> Avenue SW  
Dickinson, ND 58601-9781

Kevin Kanski  
General Delivery  
Killdeer, ND 58640

Steve Iverson  
Specialty Export Productions, Inc.  
PO Box 387  
Hatton, ND 58240

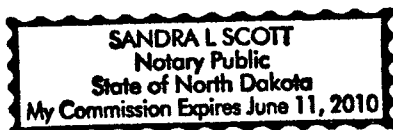
Stone Mill, Inc.  
Attention: Daneen  
PO Box 253  
Richardton, ND 58652

Myron Jepson  
Grain Millers, Inc.  
9531 West 78<sup>th</sup> Street Suite 400  
Eden Prairie, MN 55344

Steve Strege  
ND Grain Dealers Association  
118 Broadway Black Building Suite 606  
Fargo, ND 58102-4947

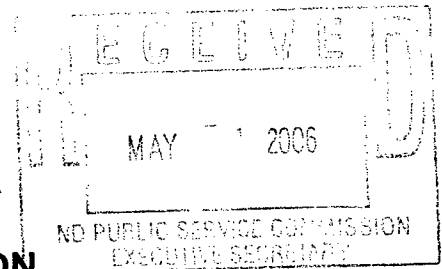
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable mailing address.

Subscribed and sworn to before me  
this 4<sup>th</sup> day of May, 2005.



*Susan A. Richter*  
\_\_\_\_\_  
*Sandra L. Scott*  
\_\_\_\_\_  
Notary Public

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**



**Public Service Commission**  
**Kent Anderson d/b/a Aspen Leaf Organic Farms**  
**Ex Parte Cease & Desist**

**Case No. GE-06-183**

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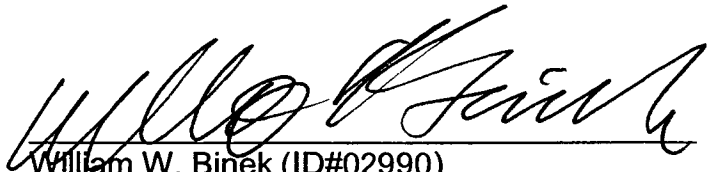
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Dated this 1<sup>st</sup> day of May, 2006.



William W. Binek (ID#02990)

Chief Counsel

Public Service Commission

600 E. Boulevard Ave., Dept. 408

Bismarck, ND 58505-0480

Phone: 701-328-4088

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Counsel for Public Service Commission Staff



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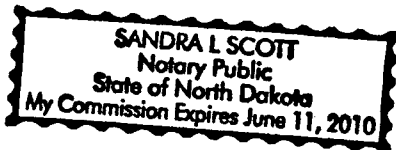
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*Susan K. Richter*

Subscribed and sworn to before me this 1st day of May, 2006.

*Sandra L. Scott*  
Notary Public



# STATE OF NORTH DAKOTA

## PUBLIC SERVICE COMMISSION

Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist

Case No. GE-06-183

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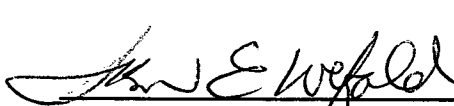
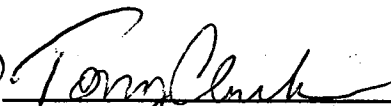
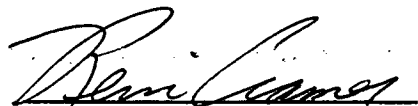
Therefore, the Commission issues the following:

### Order

The Commission orders:

1. That Kent Anderson d/b/a Aspen Leaf Organic Farms **Cease and Desist** all grain buying activities in North Dakota.
2. The Commission will issue to Kent Anderson d/b/a Aspen Leaf Organic Farms a notice of opportunity to be heard within fifteen days of the issuance of this order.

### PUBLIC SERVICE COMMISSION

		
Susan E. Wefald Commissioner	Tony Clark President	Kevin Cramer Commissioner

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**Case No. GE-06-183**

**NOTICE OF OPPORTUNITY FOR HEARING**

**May 4, 2006**

On May 4, 2006, the Commission issued an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms ordering the entity to Cease and Desist all grain buying activities in North Dakota.

The issues to be considered in a hearing, if requested, are:

1. Do the entity's operations require a grain buyer license?
2. Does the entity possess a valid grain buyer license?
3. Was the Ex parte Cease and Desist Order lawfully issued by the Commission?
4. Other issues that may appropriately come before the Commission relating to this matter.

You are hereby notified that you have the opportunity to request a hearing on this matter. A request for hearing must be made in writing within fifteen days of the issuance of the Ex parte Cease and Desist Order.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Ilona A. Jeffcoat-Sacco, Executive Secretary.

**PUBLIC SERVICE COMMISSION**



**Susan E. Wefald  
Commissioner**



**Tony Clark  
President**



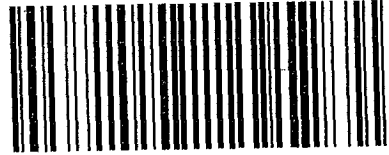
**Kevin Cramer  
Commissioner**



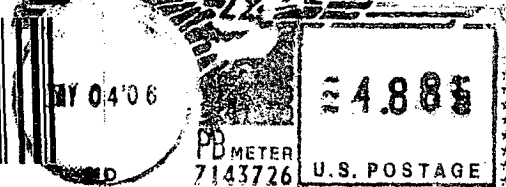
Public Service Commission  
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408  
BISMARCK ND 58505-0480

**CERTIFIED MAIL**



7005 1820 0002 3243 2768



19 GE-06-183

Pages: 1

Certified letter to Kent Anderson returned as  
unclaimed  
by Public Service Commission  
05/25/2006 CC: Comm Legal, Ilona Licensing

ALWAYS SERVICE REQUESTED  
**UNCLAIMED**

**RECEIVED**  
MAY 25 2006  
ND PUBLIC SERVICE COMMISSION  
EXECUTIVE SECRETARY

Kent Anderson  
Aspen Leaf Organic Farms  
2915 Bald Eagle Road  
Spearfish, SD 57783  
Certified No.

1st NOTICE S-k  
2nd NOTICE 5-11  
RETURNED 5-21

May 15, 2006

Dear Sue Richter,

I have delivered checks to Stone Mill in Richardton, ND for flax screenings from the following people:

Dan Schaal  
Don Dukart  
Stone Mill & Kevin Kansky  
Grain Millers

I have also delivered a check to Pat and Carol Frank for flax screenings, flax and wheat. We have an agreement that the remaining flax warehoused at Stone Mill would be returned to Carol Frank. I believe that you have received copies of the checks and agreement.

As for Steve Iverson, Hatton, ND, I have been in contact with Steve this morning and discussed my time frame for payment on the wheat. I told him that, at least, I would make a partial payment on the load this week. I have funds coming to me, but the exact timing I am trying to determine. I do know that some funds should arrive this week. Steve said that he was fine with the situation as long as I keep him informed on what was going on. You can verify my conversation with Steve.

I understand that I needed to have things finalized by the 12<sup>th</sup> of May. However, I was unable accomplish that. I have made progress in finalizing my situation and I am asking that I have an extension of time of 2 weeks to finalize things with Steve. Like I said, Steve is willing to work with me as long as I keep him informed and he sees progress is being made to pay for the wheat. In my conversation with you last week I felt like you would grant me some leniency in finalizing this matter.

I will keep you informed through the week as to my progress with Steve.

Regards,

Kent Anderson

## Fax Transmittal Form

To: ND PSC  
Attn: Sue Richter

Fax Number: (701) 328-2410

From: Kent Anderson  
Number of Pages: 2

In Regards To:

Kent Anderson  
Aspen Leaf Organic Farms  
Email: kent@aspenleaforganicfarms.com



**STONE MILL INC.**  
Richardton ND 58652

*The Fax Line*

Date: 5-12-06

**701-974-2106**  
**fax: 701-974-2302**

Response needed from you

phone response -  fax response -  mail response -  none

Attention: Sue Richter

From: Charlotte Hoff

Company/Department \_\_\_\_\_

Number of Pages (including this form): \_\_\_\_\_

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you did not receive all 3 pages, Please contact us IMMEDIATELY!!

**KENT D. ANDERSON  
AIMEE ANDERSON**  
RANCH ACCOUNT  
2915 BALD EAGLE RD. 605-642-4300  
SPEARFISH, SD 57783

78-873 17  
914  
1600021698

5012

5/11/06

Pay to the order of Grain Millers \$ \_\_\_\_\_

three thousand two hundred twenty at \_\_\_\_\_

**Great Western Bank**  
SPEARFISH, SD Member FDIC

Screenings - 30071#

⑆091408734⑆ 1600021598⑈ 5010

**KENT D. ANDERSON  
AIMEE ANDERSON**  
RANCH ACCOUNT  
2915 BALD EAGLE RD. 605-642-4300  
SPEARFISH, SD 57783

78-873 17  
914  
1600021698

5012

5/11/06

Pay to the order of Dan Schaal \$ 1980.59

One thousand nine hundred eighty and 59/100 — \_\_\_\_\_

**Great Western Bank**  
SPEARFISH, SD Member FDIC

Screenings 18493

⑆091408734⑆ 1600021598⑈ 5012

**KENT D. ANDERSON  
AIMEE ANDERSON**  
RANCH ACCOUNT  
2915 BALD EAGLE RD. 605-642-4300  
SPEARFISH, SD 57783

78-873 17  
914  
1600021698

5011

5/11/06

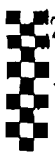
Pay to the order of Don Dukart \$ 1911.35

One thousand nine hundred eleven and 35/100 — \_\_\_\_\_

**Great Western Bank**  
SPEARFISH, SD Member FDIC

Screenings 17846#

⑆091408734⑆ 1600021598⑈ 5011



2006 May. 12. 2006 3:05PM

STONE MILL INC.

No. 3498 Pp. 3/001

**KENT D. ANDERSON**  
**AIMEE ANDERSON**  
 RANCH ACCOUNT  
 2015 BALD EAGLE RD. 605-842-4800  
 SPEARFISH, SD 57783

78-873 17  
 814  
 1800021588

5013

5/11/06

Pay to the order of: Stone Mill \$ 6667.20

Six thousand six hundred sixty seven and 20/100

**Great Western Bank**  
 SPEARFISH, SD Member FDIC


Freezing

*[Signature]*

⑆091408734⑆ 1800021588 5013

I Kent Anderson of Aspen Leaf Organic Farms, Spearfish, SD release any and all claims to 555 bushels of Omega yellow flax currently held at Stone Mill Inc. This flax is to be released back into the possession of Carol and Patrick Frank of Dickinson N.D. effective on the date posted below.


Date 5/12/06

Name   
Address 2915 Bald Eagle Rd  
Spearfish, SD 57703  
Company Name Aspen Leaf

**KENT D. ANDERSON**  
**AIMEE ANDERSON**  
 RANCH ACCOUNT  
 2915 BALD EAGLE RD. 605-642-4300  
 SPEARFISH, SD 57783

78-  
91  
 DATE 5/12/06

Pay to the order of Pat Frank \$ 25  
four thousand five hundred sixty one and 25/100

 **Great Western Bank**  
 SPEARFISH, SD Member FDIC

Pay to the order of Wheat, Flax, Sciro


*[Signature]*

⑆091408734⑆ 1600021598⑈ 5014

**KENT D. ANDERSON**  
**AIMEE ANDERSON**  
 RANCH ACCOUNT  
 2915 BALD EAGLE RD. 605-642-4300  
 SPEARFISH, SD 57783

78-023 17  
914  
1600021598  
 DATE 5/14/06

Pay to the order of Carol Frank \$ 1465.73  
One thousand four hundred sixty five and 73/100

 **Great Western Bank**  
 SPEARFISH, SD Member FDIC

Pay to the order of Wheat & Sciro

*[Signature]*

⑆091408734⑆ 1600021598⑈ 5015

Attention Sue.

3 Pages including cover

Thanks for all the help and I will  
Call next week on the status of the  
checks,

Pat Frank

**Scott, Sandi L.**

**From:** Richter, Susan K.  
**Sent:** Friday, May 05, 2006 5:49 PM  
**To:** -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Licensing  
**Subject:** Aspen Leaf Organic Farms

Kent Anderson called today regarding the cease and desist. He is not happy with the press coverage and asked how the issue can be resolved with the least amount of negative impact.

Kent said he visited with Pat Frank and Daneen at Stone Mill. Their intentions are to redeliver the flax and wheat to Pat Frank. Kent said him and Pat are going to enter into an agreement regarding Pat taking redelivery of the flax remaining at Stone Mill and sending a check to Pat for the flax that has been moved from Stone Mill. Kent said he intends to have the flax and wheat redelivered Monday. The remaining obligation to Pat will be paid via a check. Kent said he will pay Stone Mill the processing fee and the monies owed for Kevin Kanski's grain. Stone Mill will be paying Kevin Kanski for the flax he sold to Aspen Leaf Organic Farms.

Kent visited with Steve at Specialty Export Productions, Hatton, earlier and they are working on payment arrangements for the load of wheat he sold to Aspen Leaf Organic Farms. Kent will get back to us early next week regarding their agreement.

I told Kent we will work with him to bring closure to the case.

*Susan Richter*

*Director, Licensing Division*

*ND Public Service Commission*

*600 E Boulevard Avenue - Dept 408*

*Bismarck, ND 58505-0480*

*701-328-4097 (2410 - fax)*

*[srichter@state.nd.us](mailto:srichter@state.nd.us)*

**APPROVED**

DATE: 5-4-06  
AS

**MOTION**

**May 4, 2006**

**Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**Case No. GE-06-183**

I move the Commission appoint William Binek and Sue Richter as advocacy staff and Ilona A. Jeffcoat-Sacco and Rick Fillbrandt as advisory staff in the Ex parte Cease & Desist Case No. GE-06-183, Public Service Commission, Kent Anderson d/b/a Aspen Leaf Organic Farms, Ex parte Cease & Desist.

**MOTION**

**May 4, 2006**

**APPROVED**  
DATE: 5-4-06 

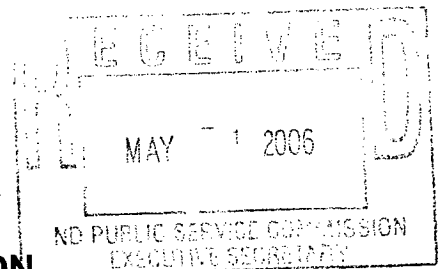
**Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**Case No. GE-06-183**

I move the Commission issue an Ex parte Cease and Desist Order and a corresponding Notice of Opportunity for Hearing In Case No. GE-06-183, Public Service Commission, Kent Anderson d/b/a Aspen Leaf Organic Farms, Ex Parte Cease & Desist.



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**



**Public Service Commission**  
**Kent Anderson d/b/a Aspen Leaf Organic Farms**  
**Ex Parte Cease & Desist**

**Case No. GE-06-183**

**EX PARTE MOTION FOR CEASE AND DESIST ORDER**

Commission staff (staff) files this Ex parte Motion for Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms requesting that the Commission issue an order to require Kent Anderson d/b/a Aspen Leaf Organic Farms to immediately cease and desist the entity's grain buying activities within the State of North Dakota.

On April 5, 2006 staff received a telephone call from Pat Frank of Dickinson, North Dakota advising that he and his mother, Carol Frank, sold approximately 751 net bushels (after cleaning) of organic flax and approximately 720 net bushels (after cleaning) of organic spring wheat to Kent Anderson d/b/a Aspen Leaf Organic Farms. The purchase price for flax was \$17.00 per bushel and the purchase price for wheat was \$5.50 per bushel for the wheat purchased from Carol Frank and \$6.00 per bushel for the wheat purchased from Pat Frank.

A purchase contract with Aspen Leaf Organic Farms dated January 20, 2006 signed by Pat Frank and Carol Frank provides for the sale of 1000+ bushels of clean certified organic golden flaxseed. The flax was picked up by Aspen Leaf Organic Farms on January 25, 2006 and the wheat was picked up by Aspen Leaf Organic Farms on March 13, 2006. Neither Pat Frank nor Carol Frank has been paid for the grain sold to Kent Anderson d/b/a Aspen Leaf Organic Farms.

Staff also spoke to Kevin and Brenda Kanski of Killdeer, North Dakota who advised that they sold approximately 71 bushels of organic flax to Kent Anderson d/b/a Aspen Leaf Organic Farms for \$17.00 per bushel, and that they have not been paid for the grain.

A letter dated April 10, 2006 was sent to Kent Anderson advising that roving grain buyers must be licensed in North Dakota and must be bonded. Kent Anderson was directed to stop any further grain buying activities. A roving grain buyer license application package and related laws and rules were enclosed with the letter. Staff also spoke by telephone with Kent Anderson on April 11, 2006 advising that the producers must be paid. Staff was given assurances by Kent Anderson that producers would be paid right away. Staff again spoke with Kent Anderson on April 25, 2006 regarding the status of payments to North Dakota producers.

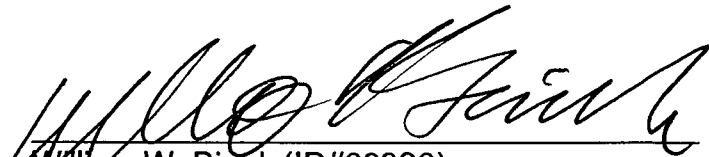
Kent Anderson d/b/a Aspen Leaf Organic Farms is not authorized and licensed under N.D.C.C. Chapter 60-02.1 to operate as a grain buyer in North Dakota. Under N.D.C.C. § 60-02.1-01(6) a grain buyer means any person, other than a public warehouseman, who purchases or otherwise merchandises grain for compensation.

N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

Unless this motion is granted, grain sellers may suffer immediate economic loss, damage or injury as a result of the actions of Kent Anderson d/b/a Aspen Leaf Organic Farms

Staff requests that the Commission issue an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms as authorized by N.D.C.C. § 60-02.1-39 to immediately cease and desist the entity's grain buying activities within the State of North Dakota. Staff further requests that the Commission issue to Kent Anderson d/b/a Aspen Leaf Organic Farms a notice of opportunity to be heard on the cease and desist order within fifteen days of the issuance of the order.

Dated this 1<sup>st</sup> day of May, 2006.



William W. Binek (ID#02990)

Chief Counsel

Public Service Commission

600 E. Boulevard Ave., Dept. 408

Bismarck, ND 58505-0480

Phone: 701-328-4088

Fax: 701-328-2410

Counsel for Public Service Commission Staff



producers would be paid right away. Affiant again spoke with Kent Anderson on April 25, 2006 regarding the status of payments to North Dakota producers.

Kent Anderson d/b/a Aspen Leaf Organic Farms is not authorized or licensed under N.D.C.C. Chapter 60-02.1 to operate as a grain buyer in North Dakota.

N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

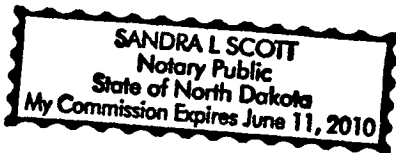
Affiant believes that an emergency exists which requires ex parte action by the Commission because sellers may suffer immediate economic loss, damage or injury.

Affiant requests that the Commission issue an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms as authorized by N.D.C.C. § 60-02.1-39.

Susan K. Rukter

Subscribed and sworn to before me this 1st day of May, 2006.

Sandra L. Scott  
Notary Public



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**Case No. GE-06-183**

**EX PARTE CEASE AND DESIST ORDER**

**May 4, 2006**

On May 1, 2006, Commission staff (staff) filed an Ex parte Motion for Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms requesting that the Commission issue an order to require Kent Anderson d/b/a Aspen Leaf Organic Farms to immediately cease and desist the entity's grain buying activities within the State of North Dakota.

On April 5, 2006 staff received a telephone call from Pat Frank of Dickinson, North Dakota advising that he and his mother, Carol Frank, sold approximately 751 net bushels (after cleaning) of organic flax and approximately 720 net bushels (after cleaning) of organic spring wheat to Kent Anderson d/b/a Aspen Leaf Organic Farms. The purchase price for flax was \$17.00 per bushel and the purchase price for wheat was \$5.50 per bushel for the wheat purchased from Carol Frank and \$6.00 per bushel for the wheat purchased from Pat Frank.

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Staff also spoke to Kevin and Brenda Kanski of Killdeer, North Dakota who advised that they sold approximately 71 bushels of organic flax to Kent Anderson d/b/a Aspen Leaf Organic Farms for \$17.00 per bushel, and that they have not been paid for the grain.

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Kent Anderson d/b/a Aspen Leaf Organic Farms is not authorized and licensed under N.D.C.C. Chapter 60-02.1 to operate as a grain buyer in North Dakota. Under N.D.C.C. § 60-02.1-01(6) a grain buyer means any person, other than a public warehouseman, who purchases or otherwise merchandises grain for compensation.

N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

The Commission has considered staff's Ex parte Motion for Cease and Desist Order and finds that a cease and desist order is necessary because Kent Anderson d/b/a Aspen Leaf Organic Farms does not have a license to operate as a grain buyer. The Commission further finds that unless a cease and desist order is issued, grain sellers are at risk to suffer immediate damage or injury as a result of the actions of Kent Anderson d/b/a Aspen Leaf Organic Farms

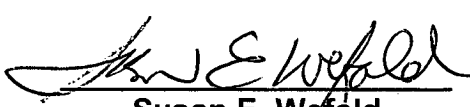

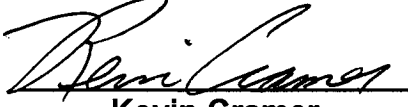
Therefore, the Commission issues the following:

### Order

The Commission orders:

1. That Kent Anderson d/b/a Aspen Leaf Organic Farms **Cease and Desist** all grain buying activities in North Dakota.
2. The Commission will issue to Kent Anderson d/b/a Aspen Leaf Organic Farms a notice of opportunity to be heard within fifteen days of the issuance of this order.

### PUBLIC SERVICE COMMISSION

 Susan E. Wefald Commissioner	 Tony Clark President	 Kevin Cramer Commissioner
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**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**Case No. GE-06-183**

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**May 4, 2006**

On May 4, 2006, the Commission issued an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms ordering the entity to Cease and Desist all grain buying activities in North Dakota.

The issues to be considered in a hearing, if requested, are:


1. Do the entity's operations require a grain buyer license?
2. Does the entity possess a valid grain buyer license?
3. Was the Ex parte Cease and Desist Order lawfully issued by the Commission?
4. Other issues that may appropriately come before the Commission relating to this matter.

You are hereby notified that you have the opportunity to request a hearing on this matter. A request for hearing must be made in writing within fifteen days of the issuance of the Ex parte Cease and Desist Order.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Illona A. Jeffcoat-Sacco, Executive Secretary.

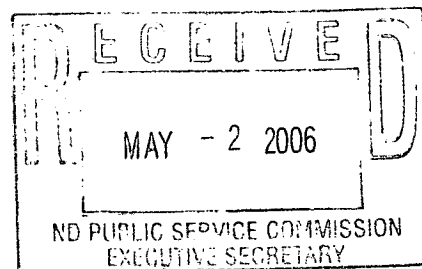
**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Susan E. Wefald  
Commissioner**

  
\_\_\_\_\_  
**Tony Clark  
President**

  
\_\_\_\_\_  
**Kevin Cramer  
Commissioner**

MEMORANDUM



TO: Commissioners Clark, Wefald, and Cramer  
Illona A. Jeffcoat-Sacco, Executive Secretary  
Bill Binek, Legal Division

FROM: Sue Richter, Licensing Division *Sue Richter*

DATE: May 2, 2006

RE: Kent Anderson, Aspen Leaf Organic Farms, Spearfish, SD  
Ex parte Cease and Desist Order

On April 5, 2006 Pat Frank of Dickinson, North Dakota called me to inquire if Kent Anderson dba Aspen Leaf Organic Farms (Aspen Leaf Organic Farms) from Spearfish, South Dakota, was licensed as a roving grain buyer in North Dakota. Pat said he and his mother sold approximately 950 bushels of organic flax for \$17.00/bushel and 1000 bushels of organic spring wheat for between \$5.50 and \$6.00/bushel to Aspen Leaf Organic Farms and have been unsuccessful in obtaining payment.

I asked Pat if he had a contract from Aspen Leaf Organic Farms that he could forward to me, which he did, and I offered to call Mr. Anderson. Pat said he would prefer to visit with Mr. Anderson first and asked that I not call immediately.

Later that day, I was contacted by Daneen from Stone Mill (a licensed grain warehouse), in Richardton, North Dakota. Daneen said Stone Mill processed grain for Aspen Leaf Organic Farms and has not been paid for the processing. She told me two local producers and a grain buyer licensed in ND sold screenings to Aspen Leaf Organic Farms and had not been paid either. I told Daneen screenings are not considered grain and the Commission does not have jurisdiction over screenings or the processing fees.

Daneen told me Kevin Kanski, a local producer, also sold flax to Aspen Leaf Organic Farms. I spoke to Kevin and Brenda Kanski of Killdeer, North Dakota and was told they sold approximately 70 bushels of organic flax to Aspen Leaf Organic Farms for \$17.00 per bushel, and have not been paid for the flax.

I called the Public Utilities Commission in South Dakota regarding the license status of Aspen Leaf Organic Farms in South Dakota. I was told that Aspen Leaf Organic Farms is not licensed as a grain buyer in SD.

I talked to Kent Anderson regarding roving grain buyer licensing requirements in North Dakota and directed him to stop any further grain buying activities in North Dakota. I sent a letter reiterating what I said and enclosed a roving grain buyer license application package along with related laws and rules. When I spoke to Mr. Anderson, I advised him that the producers must be paid and encouraged him to pay for the screenings and processing fees. Mr. Anderson assured me he would make payments immediately.

I was contacted by Pat Frank a number of times regarding the non payment. I left a message on Mr. Anderson's answering machine on April 18, 2006, regarding the non payments. Mr. Anderson did not return my phone call.

I spoke with Mr. Anderson on April 25, 2006, regarding the status of payments to North Dakota producers and he again assured me that he would make payment before the end of the week. Later in the day, Pat Frank called and told me he made arrangements with Mr. Anderson to have the money owed him, wire transferred directly to his bank the same or next day. I visited almost daily with Pat Frank and as of today, he has still not received payment.

On May 1, I talked to Steve Iverson, manager at Specialty Export Productions in Hatton, North Dakota. Steve said Kent Anderson dba Aspen Leaf Organic Farms contacted him and asked if Specialty Export Productions was interested in selling organic wheat to Aspen Leaf Organic Farms. Steve said he shipped 862 bushels of organic wheat on February 25 and has not been paid. Steve said when he calls Mr. Anderson, no one answers the phone and the phone messages he leaves are not returned.

Kent Anderson dba Aspen Leaf Organic Farms is not authorized or licensed under NDCC Chapter 60-02.1 to operate as a grain buyer in North Dakota. Mr. Anderson told me he will not purchase any additional grain in North Dakota without the required license and bond. However, Mr. Anderson also told me, more than once, that he will pay all the North Dakota producers for the grain he has purchased immediately.

NDCC § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules. Considering Aspen Leaf Organic Farms doesn't appear to be paying producers as they have promised, I am concerned that Aspen Leaf Organic Farms will refrain from purchasing additional grain in North Dakota, as they have promised.

In an effort to prevent further harm to anyone that may sell additional grain to Aspen Leaf Organic Farms in North Dakota, I believe it is in the best interest that the Commission issue an Ex parte Cease and Desist Order against Kent Anderson dba Aspen Leaf Organic Farms as authorized by NDCC § 60-02.1-39. I believe the publicity that may be generated from issuing a Cease and Desist could prevent additional sellers of grain in North Dakota from further harm.

If you have any questions, please contact me.



Public Service Commission  
State of North Dakota

COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

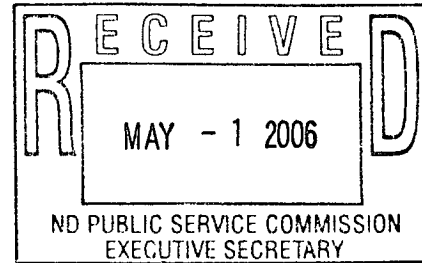
Executive Secretary  
Illona A. Jeffcoat-Sacco

May 1, 2006

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: www.psc.state.nd.us  
e-mail: ndpsc@psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

Ms. Illona A. Jeffcoat-Sacco  
Public Service Commission  
600 E Boulevard Ave. Dept. 408  
Bismarck, ND 58505-0480

**RE: Public Service Commission vs.  
Kent Anderson  
d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist  
Case No. GE-06-183**



Dear Ms. Jeffcoat-Sacco:

Enclosed for filing in the above referenced case are the original and seven copies of the following documents in this proceeding:

- 1) Ex Parte Motion for Cease and Desist Order;
- 2) Affidavit in Support of Ex Parte Motion for Cease and Desist Order;
- 3) Proposed Cease and Desist Order; and
- 4) Proposed Notice of Opportunity for Hearing

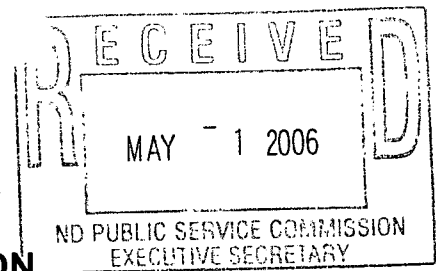
Thank you.

Sincerely,

Susan K. Richter, Director  
Licensing Division

Enclosures

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**



**Public Service Commission**  
**Kent Anderson d/b/a Aspen Leaf Organic Farms**  
**Ex Parte Cease & Desist**

**Case No. GE-06-183**

**EX PARTE MOTION FOR CEASE AND DESIST ORDER**

Commission staff (staff) files this Ex parte Motion for Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms requesting that the Commission issue an order to require Kent Anderson d/b/a Aspen Leaf Organic Farms to immediately cease and desist the entity's grain buying activities within the State of North Dakota.

On April 5, 2006 staff received a telephone call from Pat Frank of Dickinson, North Dakota advising that he and his mother, Carol Frank, sold approximately 751 net bushels (after cleaning) of organic flax and approximately 720 net bushels (after cleaning) of organic spring wheat to Kent Anderson d/b/a Aspen Leaf Organic Farms. The purchase price for flax was \$17.00 per bushel and the purchase price for wheat was \$5.50 per bushel for the wheat purchased from Carol Frank and \$6.00 per bushel for the wheat purchased from Pat Frank.

A purchase contract with Aspen Leaf Organic Farms dated January 20, 2006 signed by Pat Frank and Carol Frank provides for the sale of 1000+ bushels of clean certified organic golden flaxseed. The flax was picked up by Aspen Leaf Organic Farms on January 25, 2006 and the wheat was picked up by Aspen Leaf Organic Farms on March 13, 2006. Neither Pat Frank nor Carol Frank has been paid for the grain sold to Kent Anderson d/b/a Aspen Leaf Organic Farms.

Staff also spoke to Kevin and Brenda Kanski of Killdeer, North Dakota who advised that they sold approximately 71 bushels of organic flax to Kent Anderson d/b/a Aspen Leaf Organic Farms for \$17.00 per bushel, and that they have not been paid for the grain.

A letter dated April 10, 2006 was sent to Kent Anderson advising that roving grain buyers must be licensed in North Dakota and must be bonded. Kent Anderson was directed to stop any further grain buying activities. A roving grain buyer license application package and related laws and rules were enclosed with the letter. Staff also spoke by telephone with Kent Anderson on April 11, 2006 advising that the producers must be paid. Staff was given assurances by Kent Anderson that producers would be paid right away. Staff again spoke with Kent Anderson on April 25, 2006 regarding the status of payments to North Dakota producers.

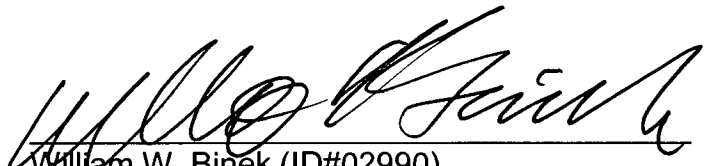
Kent Anderson d/b/a Aspen Leaf Organic Farms is not authorized and licensed under N.D.C.C. Chapter 60-02.1 to operate as a grain buyer in North Dakota. Under N.D.C.C. § 60-02.1-01(6) a grain buyer means any person, other than a public warehouseman, who purchases or otherwise merchandises grain for compensation.

N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

Unless this motion is granted, grain sellers may suffer immediate economic loss, damage or injury as a result of the actions of Kent Anderson d/b/a Aspen Leaf Organic Farms

Staff requests that the Commission issue an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms as authorized by N.D.C.C. § 60-02.1-39 to immediately cease and desist the entity's grain buying activities within the State of North Dakota. Staff further requests that the Commission issue to Kent Anderson d/b/a Aspen Leaf Organic Farms a notice of opportunity to be heard on the cease and desist order within fifteen days of the issuance of the order.

Dated this 1<sup>st</sup> day of May, 2006.



William W. Binek (ID#02990)

Chief Counsel

Public Service Commission

600 E. Boulevard Ave., Dept. 408

Bismarck, ND 58505-0480

Phone: 701-328-4088

Fax: 701-328-2410

Counsel for Public Service Commission Staff



producers would be paid right away. Affiant again spoke with Kent Anderson on April 25, 2006 regarding the status of payments to North Dakota producers.

Kent Anderson d/b/a Aspen Leaf Organic Farms is not authorized or licensed under N.D.C.C. Chapter 60-02.1 to operate as a grain buyer in North Dakota.

N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

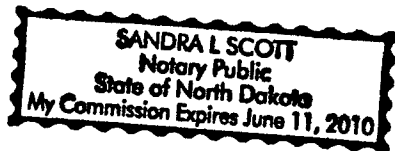
Affiant believes that an emergency exists which requires ex parte action by the Commission because sellers may suffer immediate economic loss, damage or injury.

Affiant requests that the Commission issue an Ex parte Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms as authorized by N.D.C.C. § 60-02.1-39.

*Susan K. Richter*  
\_\_\_\_\_

Subscribed and sworn to before me this 1st day of May, 2006.

*Sandra L. Scott*  
\_\_\_\_\_  
Notary Public



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**Kent Anderson d/b/a Aspen Leaf Organic Farms**  
**Ex Parte Cease & Desist**

**Case No. GE-06-183**

**CEASE AND DESIST ORDER**

**May ??, 2006**

On May 1, 2006, Commission staff (staff) filed an Ex parte Motion for Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms requesting that the Commission issue an order to require Kent Anderson d/b/a Aspen Leaf Organic Farms to immediately cease and desist the entity's grain buying activities within the State of North Dakota.

On April 5, 2006 staff received a telephone call from Pat Frank of Dickinson, North Dakota advising that he and his mother, Carol Frank, sold approximately 751 net bushels (after cleaning) of organic flax and approximately 720 net bushels (after cleaning) of organic spring wheat to Kent Anderson d/b/a Aspen Leaf Organic Farms. The purchase price for flax was \$17.00 per bushel and the purchase price for wheat was \$5.50 per bushel for the wheat purchased from Carol Frank and \$6.00 per bushel for the wheat purchased from Pat Frank.

A purchase contract with Aspen Leaf Organic Farms dated January 20, 2006 signed by Pat Frank and Carol Frank provides for the sale of 1000+ bushels of clean certified organic golden flaxseed. The flax was picked up by the buyer on January 25, 2006 and the wheat was picked up by the buyer on March 13, 2006. Neither Pat Frank nor Carol Frank has been paid for the grain sold to Kent Anderson d/b/a Aspen Leaf Organic Farms.

Staff also spoke to Kevin and Brenda Kanski of Killdeer, North Dakota who advised that they sold approximately 71 bushels of organic flax to Kent Anderson d/b/a Aspen Leaf Organic Farms for \$17.00 per bushel, and that they have not been paid for the grain.

A letter dated April 10, 2006 was sent to Kent Anderson advising that roving grain buyers must be licensed in North Dakota and must be bonded. Kent Anderson was directed to stop any further grain buying activities. A roving grain buyer license application package and related laws and rules were enclosed with the letter. Staff also spoke by telephone with Kent Anderson on April 11, 2006 advising that the producers must be paid. Staff was given assurances by Kent Anderson that producers would be paid right away. Staff again spoke with Kent Anderson on April 25, 2006 regarding the status of payments to North Dakota producers.

Kent Anderson d/b/a Aspen Leaf Organic Farms is not authorized and licensed under N.D.C.C. Chapter 60-02.1 to operate as a grain buyer in North Dakota. Under N.D.C.C. § 60-02.1-01(6) a grain buyer means any person, other than a public warehouseman, who purchases or otherwise merchandises grain for compensation.

N.D.C.C. § 60-02.1-39 provides the Commission with authority to issue a cease and desist order without prior notice against an entity that engages in an activity or practice that is contrary to the provisions of North Dakota law or rules.

The Commission has considered staff's Ex parte Motion for Cease and Desist Order and finds that a cease and desist order is necessary because Kent Anderson d/b/a Aspen Leaf Organic Farms does not have a license to operate as a grain buyer. The Commission further finds that unless a cease and desist order is issued, grain sellers are at risk to suffer immediate damage or injury as a result of the actions of Kent Anderson d/b/a Aspen Leaf Organic Farms

Therefore, the Commission issues the following:

### **Order**

The Commission orders:

1. That Kent Anderson d/b/a Aspen Leaf Organic Farms **Cease and Desist** all grain buying activities in North Dakota.
2. The Commission will issue to Kent Anderson d/b/a Aspen Leaf Organic Farms a notice of opportunity to be heard within fifteen days of the issuance of this order.

### **PUBLIC SERVICE COMMISSION**

---

**Susan E. Wefald**  
Commissioner

---

**Tony Clark**  
President

---

**Kevin Cramer**  
Commissioner

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Kent Anderson d/b/a Aspen Leaf Organic Farms  
Ex Parte Cease & Desist**

**Case No. GE-06-183**

**NOTICE OF OPPORTUNITY FOR HEARING**

**May ??, 2006**

On May ??, 2006, the Commission issued a Cease and Desist Order against Kent Anderson d/b/a Aspen Leaf Organic Farms ordering the entity to Cease and Desist all grain buying activities in North Dakota.

The issues to be considered in a hearing, if requested, are:

1. Do the entity's operations require a grain buyer license?
2. Does the entity possess a valid grain buyer license?
3. Was the Cease and Desist Order lawfully issued by the Commission?
4. Other issues that may appropriately come before the Commission relating to this matter.

You are hereby notified that you have the opportunity to request a hearing on this matter. A request for hearing must be made in writing within fifteen days of the issuance of the Cease and Desist Order.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Ilona A. Jeffcoat-Sacco, Executive Secretary.

**PUBLIC SERVICE COMMISSION**

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**Susan E. Wefald  
Commissioner**

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**Tony Clark  
President**

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**Kevin Cramer  
Commissioner**



# Public Service Commission State of North Dakota

## COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

Executive Secretary  
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.psc.state.nd.us](http://www.psc.state.nd.us)  
e-mail: [ndpsc@state.nd.us](mailto:ndpsc@state.nd.us)  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

April 10, 2006

Kent Anderson  
Aspen Leaf Organic Farms  
2915 Bald Eagle Road  
Spearfish, SD 57783

Dear Mr. Anderson:

North Dakota law defines a grain buyer as someone other than a licensed warehouseman who purchases or otherwise merchandises/brokers grain for compensation. Roving grain buyers must be licensed in North Dakota and must have a corresponding performance bond.

Our office has been contacted regarding your activities as an unlicensed roving grain buyer in North Dakota. **Please stop any further roving grain buyer activities in North Dakota immediately. Entities operating in the state without the required license and corresponding bond may be ordered to cease and desist from further license activities and are at risk of a complaint which is punishable by a fine of up to \$5,000.**

Enclosed is a roving grain buyer license application package including related laws and rules. Please use these items to make application for a license; they may also answer questions you may have concerning laws governing roving grain buyers. If you feel these laws do not apply to the way your firm transacts business in North Dakota, please send us a written response outlining your position at your earliest convenience.

Corporations, limited liability companies, partnerships and sole proprietors who use other than their legal name, must be registered and in good standing with the North Dakota Secretary of State before a license will be issued. If you need forms or have any questions on registering your entity, please call the Secretary of State's Office at 701-328-4284.

Please call me at 701-328-4097, if you have questions.

Sincerely,

Susan K. Richter  
Licensing Division

skr  
Enclosure

3 GE-06-183

Pages: 1

April 10th letter to Aspen Leaf Organic Farms

by Public Service Commission

04/10/2006

CC: Comm Legal, Illona Licensing





# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

Executive Secretary  
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.psc.state.nd.us](http://www.psc.state.nd.us)  
e-mail: [ndpsc@state.nd.us](mailto:ndpsc@state.nd.us)  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

April 28, 2006

Kent Anderson  
Aspen Leaf Organic Farms  
2915 Bald Eagle Road  
Spearfish, SD 57783

RE: Roving Grain Buyer Operations

Dear Mr. Anderson:

I have been advised that on April 10, 2006, you called Sue Richter in our Licensing Division regarding roving grain buyer licensing requirements in North Dakota. During the phone conversation, Sue told you that she had been contacted by producers regarding your non payment for grain and screenings which you purchased in North Dakota.

During the phone conversation, you were asked to stop soliciting and buying grain until you apply for and obtain a North Dakota roving grain buyer license. You were also informed that entities operating in the state without the required license and corresponding bond may be ordered to cease and desist from further license activities and are at risk of a complaint. In addition, you were asked to pay producers for the unpaid grain purchases.

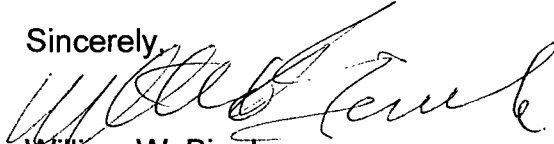
A letter was mailed to you dated April 10, 2006, reiterating what is stated above. A license application package including related laws and rules was attached to that letter.

Since that time, you and Sue visited regarding payment to the producers. We have been informed by the producers that, to date, no payment has been received.

Our office cannot allow this situation to continue. Please be advised that unless you pay the producers in full for all grain purchased by you or your organization by May 12, 2006, our office will have no recourse but to file a complaint against you for violating North Dakota law by purchasing grain in the state without a license. North Dakota law provides that the Commission may assess a penalty against you in an amount up to \$5,000 for violation of the law. You are further advised that the Commission has the authority under Section 60-02.1-39 of the North Dakota Century Code to order you to cease and desist all grain buying activities in North Dakota.

If you have any questions, please call Sue Richter at 701-328-4097. My phone number is 701-328-4088, but I will be out of the office from May 2 and until May 9, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Binek". The signature is written in a cursive style with a large, sweeping initial "W".

William W. Binek  
Chief Counsel

Licensing

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

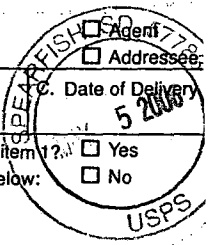
KENT ANDERSON  
 ASPEN LEAF ORGANIC FARMS  
 2915 BALD EAGLE ROAD  
 SPEARFISH SD 57783

A. Signature

X *[Signature]*

B. Received by (Printed Name)

KENT ANDERSON



C. Date of Delivery *5/20/01*  
 D. Is delivery address different from item 1?  Yes  No  
 if YES, enter delivery address below:

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7002 2410 0003 4912 1163

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-Z-0985

U.S. CE T	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
<i>sent 4/28/01</i>	
Sent To <i>Kent Anderson</i>	
Street, Apt. No.; or PO Box No. <i>2915 Bald Eagle Rd</i>	
City, State, ZIP+4 <i>Spearfish SD 57783</i>	

7002 2410 0003 4912 1163

# Public Input

**Richter, Susan K.**

**From:** Richter, Susan K.  
**Sent:** Tuesday, June 13, 2006 3:57 PM  
**To:** -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Licensing  
**Subject:** Update - Kent Anderson dba Aspen Leaf

On May 25, the envelope containing the Commission's cease and desist paperwork was returned to our office marked as unclaimed. On the same day, the cease and desist items were forwarded to the Lawrence County Sheriff's Office along with a request for service on Kent Anderson dba Aspen Leaf Organic Farms. I called the sheriff's today regarding the status of service.

Jeri, with the sheriff's office, told me the papers were served on June 1. I mentioned I'd been unable to contact Kent Anderson by phone and wondered if they were having difficulties reaching Anderson, in person, to obtain service. Jeri said they are very familiar with Kent Anderson as they serve him a lot and he eventually pays everything he owes – hopefully he continues to.

I was told that three checks issued by Kent Anderson were refused for lack of funds and had to be resubmitted to the bank. I don't know the status of two of the checks (issued for the purchase of screenings and the Commission doesn't have jurisdiction over screenings), but I was told that Pat Franks' check was returned a second time. Pat asked Kent Anderson for a cashier's check and as of today still has received nothing. Pat told me today, he made a small claims court filing last week against Kent Anderson.

I visited with the manager at Specialty Export Productions, Hatton regarding the app. \$7,000 owed by Kent Anderson. Payment has not received and they are working with an attorney to get a lien put on Anderson's grain that is stored near Plaza, ND.

I called Kent Anderson a number of times regarding the payment status, and he has not returned any of my calls.

*Susan Richter*

*Director, Licensing Division*

**Richter, Susan K.**

**From:** Richter, Susan K.

**Sent:** Tuesday, May 09, 2006 3:59 PM

**To:** -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Licensing

**Subject:** Press Contact & Update on Aspen Leaf Organic Farms

I visited with Steve Miller, reporter for the Rapid City Journal (605-394-8417) a few minutes ago. Mr. Miller was contacted by Kent Anderson regarding inaccuracies in the AP article that ran in the "Journal" and was contemplating an additional article at the request of Mr. Anderson.

Mr. Anderson told Mr. Miller the \$28,000 figure was correct, a little over \$6,000 is a more accurate figure. I explained how we arrived at \$28,000. Producer no. 1 is owed approximately \$20,000 for wheat and flax picked up at the producer's farm and delivered to a local elevator for processing. Although only approximately 1/4 of the flax was shipped from the elevator that processed the flax and 3/4 of the flax remains at the elevator, he was unable to obtain redelivery on the grain and still has an obligation to the producer for the entire amount of grain he took possession of.

Producer no. two is owed approximately \$1,200 for flax which had been cleaned and stored at the warehouse and eventually sold and shipped to Aspen Leaf Organic Farms. Since that grain was not paid for the obligation remains.

The third producer is actually a ND licensed elevator that is owed just under \$7,000.

I told Mr. Miller I visited with Mr. Anderson on Friday regarding his plans to provide for redelivery or payment for the grain he received and as of today we have not been notified that the grain has been returned to Mr. Frank or paid for.

I told Mr. Miller I was confident the statements in the AP article were accurate except for one sentence (as follows), "He did not immediately respond to telephone and e-mail messages seeking comment Thursday." I told Mr. Miller he'd have to call the AP regarding the accuracy of this sentence. He said at this point he doesn't believe he will do anything further. However, he may call later for an update.

Following the conversation with Mr. Miller I talked to Daneen at Stone Mill. Daneen said she talked to Mr. Anderson today and he told her he intends to drop off a check later this week. She said she knows Mr. Anderson and Mr. Frank have been visiting regarding the handling of the wheat as organic records no longer exist for the wheat. Rather than making redelivery of the wheat as intended, Mr. Anderson may have to find a buyer and pay Mr. Frank for the wheat. I am waiting for Mr. Frank to return a call to me regarding the status of payment and redelivery.

*Susan Richter*

*Director, Licensing Division*

*ND Public Service Commission*

*600 E Boulevard Avenue - Dept 408*

*Bismarck, ND 58505-0480*

*701-328-4097 (2410 - fax)*

*[srichter@state.nd.us](mailto:srichter@state.nd.us)*

ACTIVITY REPORT

TIME : 05/10/2006 16:59  
 NAME : NDPSC  
 FAX : 7013282410  
 TEL : 7013282400  
 SER.# : BROJ1J595612

NO.	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
	05/04	14:44		01:11	01	OK	RX ECM
	05/04	14:54	7013282133	24	01	OK	RX ECM
	05/04	16:40		07:27	03	OK	RX
	05/05	09:13		01:48	01	OK	RX ECM
	05/05	10:02	701 852 6049	39	01	OK	RX ECM
#483	05/05	10:38	89669	01:25	02	OK	TX ECM
	05/05	11:38		28	01	OK	RX ECM
#484	05/05	15:10	81506	02:58	09	OK	TX ECM
	05/05	15:17	701 328 4214	46	01	OK	RX ECM
	05/05	15:37	850 413 6395	20	02	OK	RX ECM
#485	05/05	16:20	917017462406	07:34	09	OK	TX ECM
	05/05	18:17	218 963 2413	31	01	OK	RX ECM
	05/08	08:45		31	01	OK	RX ECM
	05/08	08:49		40	01	OK	RX ECM
#487	05/08	11:31	82992	01:42	01	OK	TX ECM
#486	05/08	11:36	82992	01:41	01	OK	TX ECM
	05/08	15:34	7017460276	43	01	OK	RX
#488	05/08	15:42	917016825529	01:18	01	OK	TX ECM
	05/09	05:27		25	01	OK	RX ECM
	05/09	06:55	701 328 4214	41	01	OK	RX ECM
	05/09	06:56	+00	18	01	OK	RX ECM
	05/09	07:42	00 00	38	01	OK	RX ECM
	05/09	08:19	701 852 3145	21	03	OK	RX ECM
#489	05/09	09:17	89669	52	01	OK	TX ECM
#490	05/09	10:28	92227606	01:54	05	OK	TX ECM
	05/09	12:16	7016424989	31	01	OK	RX
	05/09	13:36		28	01	OK	RX ECM
#491	05/09	15:41	P AND S	40	01	OK	TX ECM
	05/10	03:09		02:18	01	OK	RX ECM
	05/10	06:43		19	01	OK	RX ECM
	05/10	08:13	7012932024	27	01	OK	RX ECM
	05/10	08:24	218 238 5427	33	01	OK	RX ECM
#492	05/10	09:14	85200	01:14	01	OK	TX ECM
#493	05/10	09:55	917012259157	04:17	07	OK	TX ECM
	05/10	11:02		32	01	OK	RX ECM
#494	05/10	14:15	917012932024	01:02	01	OK	TX ECM
#495	05/10	14:48	913172495357	47	01	OK	TX ECM
#496	05/10	16:48	916122416165	05:32	08	OK	TX ECM

BUSY: BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION / OUT OF MEMORY  
 CV : COVERPAGE  
 POL : POLLING  
 RET : RETRIEVAL  
 PC : PC-FAX

*Handwritten note:*  
 I need to part  
 leave & assist  
 paperwork.

**Scott, Sandi L.**

---

**From:** Richter, Susan K.  
**Sent:** Monday, May 08, 2006 4:06 PM  
**To:** -Grp-PSC Legal; -Grp-PSC Licensing  
**Subject:** Delinquent Payment Aspen Leaf Organic Farms Grain Buyer

The following contact was recorded into the Public Contact System:

Lori McKay  
Baker MT  
Phone: 406-778-2812 Cell Phone: 406-978-2333

The issue is as follows: She saw the article in the paper about Aspen Leaf Organic Farms and thought we should be aware that she sold two loads of organic wheat (app 1500 bu x \$5.50/bushel) to Aspen Leaf in February and has not been paid. It was picked up February 26 or 27 and was told to expect payment in 30 days. She has been working with the local county sheriff. She said the sheriff said he has served a number of papers on Kent Anderson previously. Kent promised to wire the money and never has. She feels the Commission is taking the correct action and wanted us to know.

The resolution so far is as follows: I thanked her for her information and wished her luck in obtaining payment.

Richter