

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
vs. Commercial Lynks Inc.
Complaint**

Case No. GE-13-219

July 10, 2013

CONSENT ORDER

The North Dakota Public Service Commission (Commission) has determined as follows:

1. Commercial Lynks Inc. (CLI) is a corporation with principle offices at 4709 B Eisenhower Avenue, Alexandria, Virginia, 22304.
2. CLI is registered as a foreign business corporation with the North Dakota Secretary of State Office and is in good standing.
3. CLI operated as a roving grain buyer within the State of North Dakota without the required license, bond and corresponding filing requirements. Under North Dakota Century Code § 60-02.1-01(9) a roving grain buyer means a grain buyer (defined at § 60-02.1-01(6) as any person, other than a public warehouseman, who purchases or otherwise merchandises grain for compensation) who does not operate a facility where grain is received.
4. On May 10, 2013, the Licensing Division Director received a phone call from Ron and DiAnne Jacobson regarding the license status of CLI. The Jacobsons alleged that CLI had been soliciting to purchase yellow peas in North Dakota. Upon further investigation, Licensing Division Staff determined that CLI is not licensed as a roving

grain buyer, or otherwise, in North Dakota under North Dakota Century Code Chapter 60-02.1.

5. On May 10, 2013, the Licensing Division Director sent a letter via electronic mail to CLI informing the same that they must stop operating as a roving grain buyer in North Dakota immediately and 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 which is punishable by a fine of up to \$5,000. In an electronic mail dated May 21, 2013, CLI indicated it received 15,000 bushels of green peas from a farmer in North Dakota and in an electronic mail dated May 30, 2013, CLI said they paid all dues for the green peas and as of May 30, 2013, do not owe any payments to any farmers in North Dakota. North Dakota Century Code § 60-02.1-07.1 requires that roving grain buyers must be licensed by the Commission to operate in the State of North Dakota.

6. CLI violated North Dakota Century Code Chapter 60-02.1 by failing to apply for and receive the required roving grain buyer's license.

7. North Dakota Century Code § 49-07-01.1 grants the Commission authority to penalize violations of North Dakota Century Code Title 60 a civil penalty not to exceed \$5,000.

8. CLI acknowledges that at the time of signing the Consent to Entry of Order, it was aware of or had been advised of its rights to a hearing in this matter, to consult an attorney, to present evidence and argument to the Commission, to appeal from any adverse determination after a hearing, and CLI expressly waives these rights.

9. CLI has agreed to informal disposition of this matter, without a hearing, as provided under North Dakota Century Code § 28-32-22.

10. There are no covenants, promises, undertakings, or understanding other than as specifically set forth in this Order.

11. For purposes of resolving this matter, without further administrative proceedings, CLI and the Commission have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. CLI be assessed a fine of \$1,000, of which \$500 is suspended for a period of two years from the date of this Order, during the term of which, CLI shall not violate any further provisions of Title 60 of the North Dakota Century Code.

2. CLI agrees to pay a fine of \$500 which shall be made payable to the North Dakota Public Service Commission within ten business days of the effective date of this Order.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie L. Fedorchak
Commissioner

CONSENT TO ENTRY OF ORDER

The undersigned, on behalf of Commercial Lynks Inc., states that he has authority to bind Commercial Lynks Inc. and that he has read the foregoing Consent Order, that he knows and fully understands its content and effect, that he has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments to the Commission, and the right to appeal from an adverse determination after hearing; and that by signing this Consent to Entry of Order he waives those rights in their entirety on behalf of Commercial Lynks Inc. and consents to entry of this Order by the North Dakota Public Service Commission. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

DATED this 1 day of July, 2013.

Commercial Lynks Inc.



By JAMARIMM GRANBERG

Its PRESIDENT / CEO
{TITLE}