

Crockford, Konrad S.

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**North Dakota
Court System**

Filing Accepted

Envelope Number: 3608004
Case Number: 35-2018-CV-00088
Case Style: Public Service Commission vs.
Hunter Hanson d/b/a NoDak Grain, et al.

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Filing Details	
Court	Pierce County - Northeast District
Case Number	35-2018-CV-00088
Case Style	Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.
Date/Time Submitted	11/1/2019 9:03 AM CST
Date/Time Accepted	11/1/2019 9:55 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	11 - Dale Ganskop
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Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
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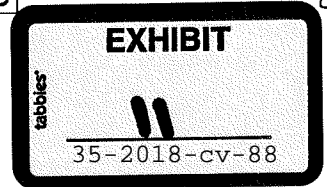
Claimant Name & Address	
Dale Ganskop	
10560 72nd Ave NW	
Flaxton, ND	
Cell: 701-339-0011	
Home: 701-377-2762	
dganskop@nccray.com	

Date Claim Filed	December 11, 2018
Date Payment Demand Made	None

PSC Calculated value total	\$	44,708.42
+ For Check #1561 from Midwest	\$	8,302.70

Total cash claim
\$ 53,011.12

	Settlement #	Date	date	Date	date
	NA				
ECGM Trade Confirmation #	21121	4/5/2018			
Seller Contract #	NA				
Midwest Contract #	NA				
Claim applied against		Cash			
Commodity		Yellow Peas			
Contracted Price Per Bushel	\$	6.90			
Contracted Bushels		15,000.00			
Delivered bushels*		6,544.93	-		-
Gross Amount Due*	\$	45,160.02	\$	-	\$
Less Total Fees & assessments*	\$	451.60	\$	-	\$
PSC calculated value*	\$	44,708.42	\$	-	\$
Estimated Value per Midwest					
Claimant calculated claim		45,159.12			



Comments:

1. For the Hard Red Spring Wheat Check that was miswritten and reissued:

ECGM Agreement			MGT/NoDak Estimate				Check						
agreement #	commodity	bushels contracted	Buyer	#	Midwest value	name on estimate	Written by	Payee	Check #	Amount	Date Written	Deposited successfully	deposited date
21611	Spring Wheat	10,000	Midwest	138	\$ 47,054.50	Midwest	Midwest	Dale Ganskop Elsie Ganskop Dale Tafelmeyer Ed Tafelmeyer	1517 1518 1519 1520	\$ 24,755.95 \$ 5,693.28 \$ 8,302.70 \$ 8,302.70	8/31/2018 8/31/2018 8/31/2018 8/31/2018	Yes Yes No record of attempting to deposit Yes	9/25/2018 9/18/2019 9/21/2018
All the checks were written from 1st International Bank & Trust, Rugby account.													
Midwest							Acct. was closed 11-13-2018						
Dale Ganskop									1561	\$ 8,302.70	9/12/2018	No	11/29/2018

- a. On August 31, 2019 Midwest issued checks 1517, 1518, 1519, 1520 for nine loads of Hard Red Spring Wheat that were delivered based on Midwest Estimate #138
- b. Based on the notes written on Midwest Estimate #138 the settlement was to be split up into four separate payments, broken out as the above table shows.
- c. The claimant states that Midwest Grain Trading Check #1519 for \$8,302.70 written to Dale Tafelmeyer was written in error.
 - i. The claimant states that in fact that portion of the settlement was supposed to be paid to him, in addition to check #1517 for \$24,755.95.
- d. The claimant states Midwest issued a corrected check on 9-12-2018, however the claimant did not attempt to deposit the check until 11-29-2018. The bank account the check was written from was closed on 11-13-2018 based on bank statement records the PSC has reviewed.
 - i. Check #1561 was written from the same Midwest bank account on 9-12-18.
 - 1. The amount matches the check that was issued in error. Both checks 1519 and 1561 were written for \$8,302.70.
 - 2. Check #1519 was never deposited based on bank account statements reviewed by PSC staff.
 - 3. The PSC did not receive a claim from Dale Tafelmeyer.
- e. Based on the claimant's statement and the currently available documents there is no reason to refute the claimed amount of \$8,302.70 that resulted from a check for grain delivered being written to the wrong person and then the bank account was closed before the claimant attempted to deposit check #1561 that was issued as a correction to check #1519.
- f. The amount of \$8,302.70 for check #1561 is included in the PSC's calculations of the claimant's total cash claim amount.

2. Differences for grain applied to ECGM Trade Confirmation #21121
 - a. Difference in claim calculations due to claimant not deducting the applicable checkoff fees that would be deducted prior to final settlement in a normal transaction. PSC calculations reflect deducting the checkoff fees prior to final cash claim calculation.
 - b. Additional differences due to rounding and how net bushels were calculated. PSC used the following:
 - i. Dakota Dry Bean Scale tickets uses hundred weight (CWT) as the unit of measure instead of bushels (bu).
 - a. For hundred weight (CWT) it is 100 pounds (lbs.) per one CWT.
 - b. For yellow peas it is a standard 60 pounds (lbs.) per bushel.
 - i. Yellow Pea standard test weight is 60 lbs.
 - c. Dakota Dry Bean scale tickets show the amount of splits in CWT deducted from the gross CWT.
 - i. Per ECGM 21121 splits were to be paid at full price.
 - d. PSC calculated net bushels from the destination scale ticket information in the follow manner:
 - i. Net bu. = $(100 * ((\text{net CWT}) + (\text{splits CWT}))) / 60$
 - i. Net bu. = $((\text{NET CWT}) + (\text{Splits CWT})) / 0.6$ is the shortened equation.
 - f. The NET bushel calculation was rounded to two decimal places.

Summary table of how value of each load calculated:

BOL Information		Destination Information - inbound			Pricing				Contracts				
BOL Date	BOL #	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
11/2/2018	1244	Dakota Dry Bean - Crary	CRA001001933	11/2/2018	1,083.17	\$ 6.90	\$ 7,473.87	\$ 74.74	\$ 7,399.13	NA	21121	NA	NA
11/9/2018	1376	Dakota Dry Bean - Crary	CRA001001983	11/9/2018	1,056.25	\$ 6.90	\$ 7,288.13	\$ 72.88	\$ 7,215.25	NA	21121	NA	NA
11/8/2018	1370	Dakota Dry Bean - Crary	CRA001001969	11/8/2018	1,051.55	\$ 6.90	\$ 7,255.70	\$ 72.56	\$ 7,183.14	NA	21121	NA	NA
11/1/2018	1284	Dakota Dry Bean - Crary	CRA001001922	11/1/2018	1,068.88	\$ 6.90	\$ 7,375.27	\$ 73.75	\$ 7,301.52	NA	21121	NA	NA
11/1/2018	1258	Dakota Dry Bean - Crary	CRA001001928	11/2/2018	1,156.40	\$ 6.90	\$ 7,979.16	\$ 79.79	\$ 7,899.37	NA	21121	NA	NA
11/2/2018	1259	Dakota Dry Bean - Lakeview	LAK001000966	11/3/2018	1,128.68	\$ 6.90	\$ 7,787.89	\$ 77.88	\$ 7,710.01	NA	21121	NA	NA

Summary table of how net bushels calculated:

Destination Information - inbound				Calculation of Net Bu. from CWT				Scale ticket Grade Factors				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Bu (net contract CWT/0.6)	Net CWT per contract	Splits CWT	DDB Net CWT	MST	Damage	Splits	FM	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakota Dry Bean - Crary	CRA001001933	11/2/2018	1,083.17	1,083.17	649.90	8.32	641.58	11.4	0.720	2.52	0.870	NA	21121	NA	NA
Dakota Dry Bean - Crary	CRA001001983	11/9/2018	1,056.25	1,056.25	633.75	8.02	625.73	11.5	1.340	2.47	1.010	NA	21121	NA	NA
Dakota Dry Bean - Crary	CRA001001969	11/8/2018	1,051.55	1,051.55	630.93	9.17	621.76	11.6	1.210	2.81	2.170	NA	21121	NA	NA
Dakota Dry Bean - Crary	CRA001001922	11/1/2018	1,068.88	1,068.88	641.33	7.49	633.84	11.9	1.310	2.27	1.460	NA	21121	NA	NA
Dakota Dry Bean - Crary	CRA001001928	11/2/2018	1,156.40	1,156.40	693.84	10.02	683.82	11.7	0.990	2.83	1.010	NA	21121	NA	NA
Dakota Dry Bean - Lakeview	LAK001000966	11/3/2018	1,128.68	1,128.68	677.21	7.51	669.70	10.7	0.534	2.20	0.267	NA	21121	NA	NA