

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
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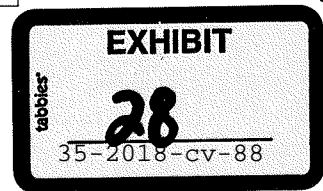
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Claimant Name & Address	
Skaare, Lynden	
7439 123rd Ave NW	
Alamo, ND 58830	
701-570-6063	
lskaare@nccray.com	

Date Claim Filed	November 27, 2018
Date Payment Demand Made	None

PSC Calculated value total	\$	255,220.85
Less other payments		
	\$	255,220.85
		Total cash claim

	Settlement #	Date	date	date	Date	date
ECGM Trade Confirmation #	218	10/3/2018	241	10/25/2018	na	na
Seller Contract #	21324	5/25/2018	21344	6/1/2018	21278	5/14/2018
Midwest Contract	na	na	na	na	na	na
	187278	na	187278	na	na	na
Claim applied against:		Cash			Cash	
Commodity		Durum			yellow peas	
Contracted Price Per Bushel	\$	6.70	\$	6.70	\$	6.90
Contracted Bushels		25,000.00		25,000.00		60,000.00
Delivered bushels*		25,000.00		4,834.74		8,165.07
Gross Amount Due*	\$	167,500.00	\$	32,392.76	\$	56,338.99
Less Total Fees & assessments*	\$	374.99	\$	72.52	\$	563.39
PSC calculated value*	\$	167,125.01	\$	32,320.24	\$	55,775.60
Estimated Value per Midwest	\$	176,159.70	\$	23,658.81		
Claimant calculated claim	\$199,818.51 + additional unfulfilled contract amount		\$		\$	335,000.00



Comments:

1. Summary:
 - a. In the first claim documents sent in by the claimant and received by the PSC on Nov. 27, 2018 the claim amounts were:
 - i. 60,000 bushels of yellow peas priced at \$6.90 per bushel, total value of \$414,000
 - ii. 50,000 bushels of durum priced at \$6.70 per bushel, total value of \$335,000.
 - iii. Claimants calculated total claim amount therefore is \$749,000.
 - b. Claimant included
 - i. East Central Grain Marketing (ECGM) Trade Confirmations (#21278, #21324, #21344)
 - ii. Midwest Grain Trading Estimates (#218, #241) for durum that was delivered
 1. Included copies of the scale tickets in claim
 - iii. NoDak check #1051 that was written on Nov. 2, 2018 for \$199,818.51 for payment on the durum listed in Midwest Estimates #218, #241.
 1. Check was returned for “STOP PAYMENT” and was never successfully deposited or reissued based on the documents available to the PSC.
 - c. In the second set of documents submitted by the claimant that was received by the PSC on Dec. 14, 2018:
 - i. BOL’s
 - ii. Scale tickets for grain delivered.
2. Differences in calculated claim values explained:
 - a. For all the agreements the claimant listed the full amount agreed upon in the ECGM agreements.
 - i. Only the value of grain delivered is included in the PSC’s calculations.
 - b. For NoDak Grain scale ticket #126
 - i. The weights and bushels were hand written on the scale ticket unlike the other submitted scale ticket (125) that was printed on by a machine printer
 - ii. The handwritten scale ticket did not take into account the dockage deduction for calculating the net bushels
 1. Only “bushle” was written. It was not designated as either the gross or the net bushel amount.
 - iii. The amount of bushels used in the PSC’s calculations are reflective of the net bushels based on the weights and grades listed on the scale ticket and calculated in the same manner as the other machine printed ticket that automatically deducted the dockage bushels in its printout.
 - c. For Durum listed on Midwest Estimates #218 and 241:
 - i. On both estimates there were discounts listed for several of the scale tickets with no reasonable explanation or pattern.

- ii. The checkoff amount that would be deducted prior to final settlement was not calculated correctly. The PSC's calculations reflect the correct amount on a per scale ticket basis.
- iii. Estimate #218 was written against ECGM trade confirmation #21324.
 - 1. The trade confirmation stated the agreement was for 25,000 bushels of durum, however Midwest had applied more bushels than the agreed upon amount.
 - 2. The PSC's calculations reflect applying the earliest delivered grain against the trade confirmation and then applying the overage to the other unfilled trade confirmation. (#21344)
- d. For the yellow peas:
 - i. Claimant used the gross bushels listed on the freight invoices of D&D Dirt Works LLC, who picked up and hauled the grain to the destination elevator.
 - ii. PSC calculations reflect using the net bushels.
 - 1. The destination scale tickets used hundred weight (CWT) as the unit of measure instead of bushels (bu).
 - a. For CWT it is 100 pounds (lbs.) per one CWT.
 - b. For yellow peas it is a standard 60 lbs. per bushel.
 - i. Yellow Pea standard test weight is 60 lbs.
 - 2. Destination scale tickets show the amount of splits in CWT deducted from the gross CWT.
 - a. Per the trade confirmation (21278) all splits were to be paid at full price
 - 3. PSC calculated net bushels from the destination scale ticket information in the follow manner:
 - a. $\text{Net bu.} = (100 * ((\text{destination net CWT}) + (\text{destination splits CWT}))) / 60$
 - i. $\text{Net bu.} = ((\text{NET CWT}) + (\text{Splits CWT})) / 0.6$ is the shortened equation.
 - b. The NET bushel calculation was rounded to two decimal places.

Summary table of how value of each load of durum calculated:

Destination Information - inbound				Pricing				Grade Factors				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	TW	MST	Protein	FM/Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract
NoDak - Rohrville	126		1,336.73	\$ 6.70	\$ 8,956.09	\$ 20.05	\$ 8,936.04	61.9	10.9	13.0	1.3	218	21324	na	187278
NoDak - Rohrville	125	9/24/2018	1,218.62	\$ 6.70	\$ 8,164.75	\$ 18.28	\$ 8,146.47	61.0	9.8	12.8	1.3	218	21324	na	187278
Osnabrock FE - Osnabrock	64645	9/25/2018	1,300.46	\$ 6.70	\$ 8,713.08	\$ 19.51	\$ 8,693.57	61.3	11.0	12.6	2.0	218	21324	na	187278
Osnabrock FE - Osnabrock	64664	9/25/2018	1,145.99	\$ 6.70	\$ 7,678.13	\$ 17.19	\$ 7,660.94	61.6	11.0	12.6	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64668	9/25/2018	1,202.71	\$ 6.70	\$ 8,058.16	\$ 18.04	\$ 8,040.12	61.4	10.5	12.5	1.9	218	21324	na	187278
Osnabrock FE - Osnabrock	64669	9/25/2018	1,150.71	\$ 6.70	\$ 7,709.76	\$ 17.26	\$ 7,692.50	61.7	10.4	12.3	1.9	218	21324	na	187278
Osnabrock FE - Osnabrock	64670	9/25/2018	1,291.34	\$ 6.70	\$ 8,651.98	\$ 19.37	\$ 8,632.61	61.2	10.5	12.4	1.7	218	21324	na	187278
Osnabrock FE - Osnabrock	64671	9/26/2018	1,353.52	\$ 6.70	\$ 9,068.58	\$ 20.30	\$ 9,048.28	61.3	10.0	12.4	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64681	9/26/2018	1,131.92	\$ 6.70	\$ 7,583.86	\$ 16.98	\$ 7,566.88	61.4	10.3	12.3	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64688	9/27/2018	1,300.15	\$ 6.70	\$ 8,711.01	\$ 19.50	\$ 8,691.51	61.2	10.3	12.5	1.9	218	21324	na	187278
Osnabrock FE - Osnabrock	64701	9/27/2018	1,253.90	\$ 6.70	\$ 8,401.13	\$ 18.81	\$ 8,382.32	61.6	10.3	12.2	1.5	218	21324	na	187278
Osnabrock FE - Osnabrock	64702	9/28/2018	1,282.49	\$ 6.70	\$ 8,592.68	\$ 19.24	\$ 8,573.44	61.2	10.0	12.2	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64710	9/28/2018	1,230.12	\$ 6.70	\$ 8,241.80	\$ 18.45	\$ 8,223.35	61.3	10.1	12.2	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64721	10/1/2018	1,279.87	\$ 6.70	\$ 8,575.13	\$ 19.20	\$ 8,555.93	61.4	10.2	12.4	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64752	10/1/2018	1,233.34	\$ 6.70	\$ 8,263.38	\$ 18.50	\$ 8,244.88	61.2	10.1	12.2	1.7	218	21324	na	187278
Osnabrock FE - Osnabrock	64757	10/2/2018	1,280.20	\$ 6.70	\$ 8,577.34	\$ 19.20	\$ 8,558.14	61.1	10.2	12.5	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64774	10/2/2018	1,279.55	\$ 6.70	\$ 8,572.99	\$ 19.19	\$ 8,553.80	60.9	10.0	12.4	1.9	218	21324	na	187278
Osnabrock FE - Osnabrock	64782	10/3/2018	1,255.38	\$ 6.70	\$ 8,411.05	\$ 18.83	\$ 8,392.22	61.1	10.0	12.3	2.0	218	21324	na	187278
Osnabrock FE - Osnabrock	64785	10/4/2018	1,268.74	\$ 6.70	\$ 8,500.56	\$ 19.03	\$ 8,481.53	60.5	10.0	12.5	1.8	218	21324	na	187278
Osnabrock FE - Osnabrock	64793	10/4/2018	1,204.26	\$ 6.70	\$ 8,068.54	\$ 18.06	\$ 8,050.48	60.9	10.0	12.5	1.9	218	21324	na	187278
Osnabrock FE - Osnabrock	64793	10/4/2018	16.10	\$ 6.70	\$ 107.87	\$ 0.24	\$ 107.63	60.9	10.0	12.5	1.9	241	21344	na	187278
Osnabrock FE - Osnabrock	64794	10/5/2018	1,282.17	\$ 6.70	\$ 8,590.54	\$ 19.23	\$ 8,571.31	61.0	10.0	12.4	1.9	241	21344	na	187278
Osnabrock FE - Osnabrock	64796	10/8/2018	1,269.76	\$ 6.70	\$ 8,507.39	\$ 19.05	\$ 8,488.34	61.0	10.3	12.4	2.1	241	21344	na	187278
Osnabrock FE - Osnabrock	64797	10/8/2018	1,076.90	\$ 6.70	\$ 7,215.23	\$ 16.15	\$ 7,199.08	60.8	10.1	12.3	2.1	241	21344	na	187278
Osnabrock FE - Osnabrock	64801	10/8/2018	1,189.81	\$ 6.70	\$ 7,971.73	\$ 17.85	\$ 7,953.88	60.7	10.0	12.4	2.1	241	21344	na	187278

Summary table of how value of each load of yellow peas calculated:

Lynden Skaare Claim Summary

Destination Information - inbound				Pricing				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakota Dry Bean - Crary	CRA1001908	10/31/2018	1,161.88	\$ 6.90	\$ 8,016.97	\$ 80.17	\$ 7,936.80	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001918	11/1/2018	1,170.33	\$ 6.90	\$ 8,075.28	\$ 80.75	\$ 7,994.53	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001931	11/2/2018	1,169.77	\$ 6.90	\$ 8,071.41	\$ 80.71	\$ 7,990.70	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001946	11/6/2018	1,157.22	\$ 6.90	\$ 7,984.82	\$ 79.85	\$ 7,904.97	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001954	11/7/2018	1,143.25	\$ 6.90	\$ 7,888.43	\$ 78.88	\$ 7,809.55	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001961	11/8/2018	1,160.80	\$ 6.90	\$ 8,009.52	\$ 80.10	\$ 7,929.42	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001975	11/9/2018	1,201.82	\$ 6.90	\$ 8,292.56	\$ 82.93	\$ 8,209.63	na	21278	na	na

Summary table of how net bushels for the yellow peas delivered to Dakota Dry Bean calculated:

Destination Information - inbound				Calculation of Net Bu. from CWT				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	Drng	Splits	FM/Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakota Dry Bean - Crary	CRA1001908	10/31/2018	1,161.88	1,161.88	697.13	2.70	694.43	12.8	1.57	0.75	1.66	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001918	11/1/2018	1,170.33	1,170.33	702.20	1.55	700.65	12.6	1.29	0.43	1.02	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001931	11/2/2018	1,169.77	1,169.77	701.86	3.00	698.86	12.4	1.26	0.84	0.55	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001946	11/6/2018	1,157.22	1,157.22	694.33	1.21	693.12	12.5	1.68	0.34	0.91	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001954	11/7/2018	1,143.25	1,143.25	685.95	0.74	685.21	12.2	1.70	0.74	0.71	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001961	11/8/2018	1,160.80	1,160.80	696.48	1.82	694.66	12.9	2.50	0.49	3.76	na	21278	na	na
Dakota Dry Bean - Crary	CRA1001975	11/9/2018	1,201.82	1,201.82	721.09	1.69	719.40	12.3	1.26	0.46	0.74	na	21278	na	na