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ND Ethics Commission
Office of Attorney General
State Capitol
Bismarck, ND 58502-2297

A Formal Complaint was filed with the Public Service Commission on 4 Aug 2022.

The PSC Commissioners, Julie Fedorchak, Randy Christmann, and Sheri Haugen Hoffart (Case No. RC-22-339) made decisions based on opinions, not facts.

In addition, the PSC Commissioners are not enforcing ND laws that protect people and their property.

NDCC (North Dakota Century Code) 38-14.1 Surface Mining and Reclamation Operations

- NDCC (North Dakota Century Code) 38-14.1-02 (35 b) "Surface coal mining operations means: ... The areas upon which such activities occur or **where such activities disturb the natural land surface**. Such areas shall also include any **adjacent land** the use of which is **incidental** to any such activities"

NDAC (North Dakota Administrative Code) 69-05.2 Surface Coal Mining and Reclamation Operations

- NDAC 69-05.2-01-02 (1) "**Adjacent area** means land located **outside the affected area or permit area**"

PSC Memorandum

- PSC Memorandum 6 to Mine Operators, March 8, 1995 "**activities and disturbances** must be conducted **within the boundaries of a surface coal mining permit**"

Photos of the farmland damage were taken by the PSC during multiple years. Per the PSC Commissioners, these photos are not adequate proof.

The contents of **Appendix B - North American Coal (NAC) Dishonest Response Letter** contains hearsay. The statement on the witness-stand by Sarah Flath (NAC) that this document is accurate, is perjury. Also, if Miss Flath comments, about obtaining this type of information from a person who has Alzheimer's, is accurate, that is a crime.

Evidence, about rainfall, was presented at the hearing. That evidence was not known by me prior to the hearing. Since then, I found new evidence that would counter that evidence.

In addition, intentionally digging ditches on someone else's land and blocking access to farmland is a crime. I mentioned this at the pre-trial hearing, but my statement was ignored.

This is a grave injustice. NAC dug the ditches on our farmland. We need to pay for repairing the NAC damage using our retirement savings. The PSC Commissioners should be replaced.

This case should be declared a mistrial. A new trial should occur with a different judge.

The **Formal Complaint** (with Appendices and Exhibits), **Case No. RC-22-339**, and an Office of Disciplinary Council (Supreme Court) letter are enclosed.

Best Regards,