

NYS Dept. of Agriculture & Markets  
 MCDS Licensing Unit  
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[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

**APPLICATION FOR  
 MILK DEALER LICENSE  
 (New Applicants Only)**

**License Fee is \$100**

Date Received: \_\_\_\_\_

Fee Received \$ \_\_\_\_\_

Cash  Check  M.O.

Receipt No. \_\_\_\_\_

Reviewed: \_\_\_\_\_ Approved: \_\_\_\_\_

1a. Name (If business type is individual, must be person's name)	Phone No. ( ) Fax No. ( ) Email:		
1b. Trade Name (if different from above)	1c. Federal ID # or SS # (if individual)*		
1d. Are you affiliated with any other milk dealer? If so, state name and address of such dealer:			
2. Business Location Address	City	State	Zip Code
3. Business Mailing Address (if different from above)	City	State	Zip Code
4a. Check Business Type and Attach Appropriate Filing Certificate (except for individual) <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LIMITED PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> GENERAL PARTNERSHIP <input type="checkbox"/> COOPERATIVE <input type="checkbox"/> LIMITED LIABILITY COMPANY (LLC)	4b. State Incorporated and Date		

If you checked Individual in item 4a, go to item 6.

5a. Members of Partnership, Officers of Corporation, Cooperative or Members of LLC must answer the following:

Name	Title	Social Security No.*

5b. For all business types, except individual, list owners/stockholders who own 15 percent or greater share of the business:

Name	%	Name	%
_____	_____	_____	_____
_____	_____	_____	_____

6. Type of milk business you plan to operate? Check only one box. (See instructions for descriptions.)

- a. Producer-dealer. (Process and sell milk or manufacture milk using milk produced from own farm)
- b. Distributor. (purchase, sell, or distribute fluid milk products)
- c. Plant Operator- Processor only. (do not purchase or sell milk, process milk for a commission)
- d. Operating cooperative.(milk cooperative that operates bulk tank routes, operates a milk plant, or markets its members milk)
- e. Bargaining and collecting cooperative.(milk cooperative that operates for the sole purpose of negotiating for the sale of its members milk)
- f. Plant Operator (purchase milk to make a manufactured product (cheese, yogurt, ice cream, sour cream, etc) or to process and distribute for fluid use)
- g. Milk broker only. (arranges for the purchase and/or sale of milk for other licensed milk dealer. Not authorized to take title or sell milk for own account.
- h. Milk hauler only. (transports bulk milk from farms to plants or from plant to plant or transports packaged milk for the account of another licensed milk dealer. Not authorized to purchase or sell any milk)

7. Have you ever been licensed as a milk dealer in New York State?  Yes  No

If yes, what was the last year licensed? \_\_\_\_\_

8. Will you succeed a licensed milk dealer?  Yes  No

If yes, name and address of such dealer: \_\_\_\_\_

Date transfer will take place: \_\_\_\_\_

If yes, will you be taking over the operation of a plant or plants?  Yes  No

If yes, and you are succeeding a milk dealer who purchased milk from individual producers or cooperatives, will all such producers be paid in full before the transfer? \_\_\_\_\_

**QUESTIONS RELATED TO PRODUCER SECURITY**

9. Will you be purchasing milk or cream from NYS producers or Cooperatives that represent NYS producers?  Yes  No

10. List dealers, producer-dealers and/or cooperatives from whom you intend to purchase milk or cream (or attach list):

Name	Address	State**	Product	Estimated Monthly Volume (Lbs.)

\*\*If outside New York State, do you OR the source plant hold a current Import Permit issued by this Division?  
 Applicant?  Yes  No      Source plant?  Yes  No

11. List each plant you plan to operate in New York State:

**P = Processing; M = Manufacturing; T = Transfer or Receiving Station (Bulk Milk)**

Type P, M, T	Plant Location Address	Processing Plant Superintendent

12. List dealers you intend to sell or supply milk to (or attach list):

Name	Address	State	Product(s)	Estimated Monthly Volume (Lbs.)

13. If a **cooperative**, complete the following:

- a. Attach a list of the names and addresses of the Board of Directors.
- b. Are you a member of a federation of cooperatives?  Yes  No If yes, give name \_\_\_\_\_
- c. Does your cooperative have an affiliation agreement with another cooperative?  Yes  No  
If yes, with whom? \_\_\_\_\_
- d. Does your cooperative have a marketing agreement with another cooperative?  Yes  No  
If yes, with whom? \_\_\_\_\_ **Attach a copy of your current marketing agreement.**
- e. Do you plan to operate bulk tank routes by owning or leasing trucks to pick up milk at farms or by arranging to have someone else operate the bulk tank routes on your behalf?  Yes  No
- f. Will your cooperative determine on a day-to-day basis where your members' milk will be shipped?  Yes  No
- g. Will your cooperative directly bill accounts and receive payment directly from accounts?  Yes  No  
Number of NY members: \_\_\_\_\_ Estimated number of pounds to be marketed for a month: \_\_\_\_\_ pounds
- h. Will the dealers purchasing your milk pay your members directly?  Yes  No
- i. If you distribute payment to your members, on what dates will they receive payment each month? \_\_\_\_\_
- j. What period will each payment cover? \_\_\_\_\_
- k. Will you be purchasing any milk from non-members located in New York?  Yes  No  
If yes, number of NY producers \_\_\_\_\_ Estimated number of pounds to be marketed for a month: \_\_\_\_\_ pounds  
When is the cooperative's fiscal year-end? \_\_\_\_\_ When do you expect to hold your annual meeting? \_\_\_\_\_

14. If you will sell milk or cream, at retail, direct to consumers, do you **also** plan to:

- a. Transport more than 3,000 pounds of milk or cream per month?  Yes  No
- b. Sell more than 3,000 pounds of milk or cream for resale (wholesale)?  Yes  No

15. To be completed by applicants applying as **broker** only:

- a. Will you be purchasing or selling milk for licensees on a fee or commission basis?  Yes  No
- b. Will you be responsible for making payments for any milk?  Yes  No
- c. Will you physically handle any milk?  Yes  No

16. To be completed by **milk hauler** only:

- a. Where will detailed records of your operation be kept? \_\_\_\_\_
- b. List milk dealers you plan to transport milk for? \_\_\_\_\_
- c. Check type(s) of hauling performed:  Bulk Milk  Packaged Milk  Both
- d. For farm bulk tank routes:
  - (1) How many drivers do you have? \_\_\_\_\_
  - (2) Does each driver that operates a farm bulk tank route hold a Milk Receiver's License?  Yes  No

17. Financial condition: *(Not required if you checked NO on Question #9)*

Complete this balance sheet or attach a copy of latest prepared financial statement or tax return.

**BALANCE SHEET** as of \_\_\_\_\_, 20 \_\_\_\_\_

<b>CURRENT ASSETS:</b>		<b>CURRENT LIABILITIES:</b>	
Cash and Cash Equivalents	\$ _____	Accounts Payable	\$ _____
Receivables (Net)	_____	Short-Term Loans/Notes	_____
Other Current Assets	_____	Current Portion of Long-Term Debt	_____
<b>TOTAL CURRENT ASSETS</b>	<b>\$ _____</b>	<b>TOTAL CURRENT LIABILITIES</b>	<b>\$ _____</b>
<b>LONG-TERM ASSETS:</b>		<b>LONG-TERM LIABILITIES:</b>	
Land	\$ _____	Long-Term Portion Loans/Notes	\$ _____
Buildings, Machinery, Equipment, (Net of Depreciation)	_____	Long-Term Debt	_____
Intangibles	_____	Other	_____
Other Long-Term Assets	_____		
<b>TOTAL LONG-TERM ASSETS</b>	<b>\$ _____</b>	<b>TOTAL LONG-TERM LIABILITIES</b>	<b>\$ _____</b>
<b>TOTAL ASSETS</b>	<b>\$ _____</b>	<b>TOTAL EQUITY</b>	<b>\$ _____</b>
		<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>\$ _____</b>

Is the applicant responsible for debt or any other obligation not included in the liabilities stated in the above balance sheet?

- Yes  No If so, give names and amounts: \_\_\_\_\_

18. Other than persons listed in items 5a. and 5b. above, please list individuals holding an interest or power of control:

\_\_\_\_\_

19. Is any bankruptcy proceeding now pending against the applicant or any individual holding any position or interest or power of control?  Yes  No If yes, the location of court? \_\_\_\_\_

20. Has a money judgment been instituted or secured against the applicant or any individual holding any position or interest or power of control that remains unsatisfied?  Yes  No If yes, what court? \_\_\_\_\_

21. Has the applicant, or any individual holding any position or interest or power of control, been convicted of a crime within the past five years?  Yes  No If yes, give name, title or position and details: \_\_\_\_\_

“I understand that the statements made in this application will be accepted for all purposes as the equivalent of an affidavit and that any false statements made herein, in addition to being the possible basis for a revocation of any license issued as a result of this application, may be punishable as a misdemeanor under the provisions of Section 210.45 of the Penal Law of the State of New York.”

Authorized Signature	Print Name	
Title	Date	
Contact Person	Title	Phone No. Email:

The authority to request the information contained in this document is found in Section 16 of the Agriculture and Markets Law and the specific section or sections of that Law which relate to the license, permit, certificate, approval, registration or permission which you seek. The principal purpose for which this information is collected is to enable the Department of Agriculture and Markets to determine whether or not to issue the requested license, permit, certificate, approval, registration or permission. This information will be used by the Department of Agriculture and Markets to evaluate your application and to enforce and administer the Agriculture and Markets Law.

\*Disclosure of your Federal ID number and social security number is mandatory and is authorized by Section 5 of the Tax Law. The principal purpose for which this information is collected is to enable the Department of Taxation and Finance to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the Tax Law administered by the Commissioner of Taxation and Finance and for any other purpose authorized by the Tax Law.

**If you fail to provide all of the requested information; include the \$100 minimum license fee; or sign this form; your application cannot be processed.**

### Specific Instructions for Completing the "New" Milk Dealer License Application

Question	Description
1 a-d, 2, 3, and 4	Enter the official name of the individual, partnership or corporation applying for the license. Only one Milk Dealer license is required for each entity, regardless of the number of locations or facilities operating as a Milk Dealer in NYS.
5 a-b	If a partnership or corporation, enter the names of the partners or corporate officers. Also list the names of major shareholders.
6	Select only one type of Milk Dealer license you are applying for. A description of each type is at the end of these instructions.
7	If you have ever held a Milk Dealer license, of any type, please mark this as 'Yes.'
8	If you are taking over the business of a current Milk Dealer, please indicate here.
9	If you will be purchasing milk or cream directly from a NYS producer, or a cooperative that represents NYS producers, please mark this here. For these purchases, the Law requires that security be provided in the form of a bond, letter of credit, or participation in the NYS Milk Producer Security Fund. Please call to discuss how this requirement can be met, and the amount of security that may be required.
10	Please list your expected sources of milk or cream. Even if your source will not be within NYS. If your source of milk or cream is outside of NYS, then an Import Permit may be required if one has not already issued.
11	If you selected Producer – Dealer, Plant Operator – Processor Only, Plant Operator, or Operating Cooperative in question # 6, then please list each plant location within NYS that you will be operating.
12	Please list the names of the companies to which intend to sell fluid milk or cream. Please be advised that any company that you sell more than 3,000 pounds per month of fluid milk or cream, which will be distributed in NYS, must also be a licensed Milk Dealer.
13	If you marked d or e in question 6, please answer these questions.
14	If your company operates a retail store, please answer these questions.
15	If you marked g in question 6, please answer these questions.
16	If you marked h in question 6, please answer these questions.
17	Please complete this section only if you marked "Yes" on question 9. Otherwise, skip to question # 18.
18	Please list any other individual or corporation that can exercise management authority other than those listed in question 5a or 5b, such as consultants or creditors.
19	If there are any pending bankruptcy proceedings, please list them here.
20	If there have been any money judgements, please list them here.
21	If anyone listed has been convicted of a crime within the last five years, please list them here. A conviction is not necessarily a bar to obtaining a Milk Dealer License.

What type of license should you have?

- a. **Producer – Dealer:** A milk producer that primarily processes or manufactures milk produced from their own farm.
- b. **Distributor:** A company that purchases fluid milk or cream that is sourced from NYS or sells fluid milk or cream into locations within NYS.
- c. **Plant Operator – Processor Only:** Any company that operates a facility(s) within NYS or mobile unit which pasteurizes fluid milk or manufactures milk into other dairy products, but only on a commission basis. The company does not purchase the milk being processed.
- d. **Operating Cooperative:** An incorporated group of producers that negotiate for the sale of its members' milk, and is also responsible for the operation of farm bulk tank routes to bring its member's milk from farm to plant, or plant to plant. It may also process or manufacture its members' milk by operating a processing or manufacturing facility or transfer station.
- e. **Bargaining and Collecting Cooperative:** An incorporated group of producers who negotiate for the sale of its members' milk and the receipt of sale proceeds. They do not operate bulk tank routes; determine the day-to-day shipment of their milk; nor directly bill specific accounts.
- f. **Plant Operator:** Any company that operates a facility(s) within NYS or mobile unit which pasteurizes fluid milk or manufactures milk into other dairy products. They purchase the milk that will be processed.
- g. **Milk Broker:** A company that does not purchase or sell any milk but negotiates for the purchase or sale of milk on behalf of another licensed milk dealer.
- h. **Milk Hauler:** A company that transports fluid milk or cream (bulk or packaged) but does not OWN the milk that they are transporting.