



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

Re: Agricultural Producers Security Program
Article 20 - Farm Products Dealer License

Dear Prospective Dealer:

Thank you for your inquiry to obtain a Farm Products Dealer License to deal in farm products from New York producers required under Article 20 of the Agriculture and Markets Law. If you did not inquire, this letter is being sent because information has been received that you may be subject to the license.

If your annual purchases/dealings of farm products from New York producers do not exceed \$20,000 **OR** you will not be purchasing or dealing in New York farm products **OR** if you buy farm products only for sale, including sale in a processed form, at retail to the ultimate consumer (sale at retail to the ultimate consumer shall not include sales to industrial, institutional, commercial or agricultural users), you shall not be deemed a dealer for purposes of this article and licensing is not required. If any of these apply, please complete and return the enclosed Non-Dealer Declaration Form.

If subject, please complete and return the enclosed application, together with payment of the Producers Security Fund Fee to: NYS Dept. of Agriculture & Markets, Division of Agricultural Development, 10B Airline Drive, Albany, NY 12235.

Instructions are enclosed to assist you in completing the application. If you have any questions, please call (518) 485-7306.

Best regards,

William Shattuck
Manager, Agricultural Producers Security Program

Instructions for Completing the Application

1. Complete the application ONLY if your annual purchase volume exceeds \$20,000 from New York producers. If your annual purchases/dealing of farm products from New York producers do not exceed \$20,000, or you will not be purchasing or dealing in New York farm products, or if you buy farm products only for sale at retail to the ultimate consumer (does not include sales to industrial, institutional, commercial or agricultural users), complete and return the bottom portion on page 2 of these instructions.
2. Please complete all questions and return to the address on the bottom of the application. **Incomplete applications will be returned.**

Written Payment Agreements

The law authorizes the use of written payment agreements if the dealer wishes to make payment to a producer more than 30 days after the product is sold by the producer and delivered to the dealer, or other person as the purchaser may designate, provided that in no event shall such period exceed 120 days from said date of delivery.

Please note, the length of your written agreement will increase your security requirement obligation because extended payment agreements increase the Security Fund's exposure in the case of a default of payment. For example, if your calculated security requirement based on 30 days is \$50,000 and you have a written payment agreement extending payment terms from 30 days to 120 days, the amount would be four times the 30 days amount of \$50,000 or \$200,000. If payment terms are 60 days, the amount would be twice the 30 days amount of \$50,000 or \$100,000.

After your application is received and reviewed, you will be notified by the Department of the required security amount. You will have a choice of obtaining a bond through your local insurance carrier or an irrevocable letter of credit through your financial institution.

APPLICATION FOR FARM PRODUCTS DEALER LICENSE

New York State Department of Agriculture and Markets

For the license period: May 1, 2020 to April 30, 2021

INSTRUCTIONS

- Read instructions first to ensure you are subject to the license and the application is completed properly.
- Complete this application only if your annual purchase volume exceeds \$20,000 from New York producers.
- Complete all questions. Incomplete applications will be returned.
- Make check or money order payable to "Department of Agriculture and Markets" and mail to the address at the end of the form.

Office Use Only

Lic. No.: _____
 Renewal No.: _____
 Date Received: _____
 Fee Received: \$ _____ Receipt No: _____
 _____ Credit Card _____ Check _____ Money Order
 Reviewed: _____ Approved: _____

(1) Legal Business Name (Sole Proprietor, Partnership, Corporation, Cooperative, LLC, LLP)	(1a) Phone No. ()		
	(1b) Fax No. ()		
(1c) Doing Business As (d/b/a):	(1d) E-Mail:		
(1e) Principal Place of Business: Street:	City:	State:	Zip Code:
(2) Mailing Address if different from above: Street:	City:	State:	Zip Code:
(3) Federal ID Number:	(3a) Bank Name:		

(4) Business Type: Sole Proprietor Partnership Corporation Cooperative LLC LLP

(4a) Please list sole proprietors and all officers of a corporation or cooperative. If applicant is a partnership, LLC or LLP, list partners/members (attach list if necessary). If applicant is a non-public corporation, list shareholders (attach list if necessary).

Name (Please Print)	Title	Home Address (Street & No., City, State, Zip)

(5) State incorporated and date: _____

(5a) Is applicant a foreign or out-of-state individual, partnership or corporation? Yes No
 If yes, provide date of filing in New York State? _____

(5b) If out-of-state, the applicant agrees to accept service of process by first class mail to the designated individual at this address which shall constitute good and proper service of process. Designated: _____ Address: _____

(6) Has the business, applicant or any partner, officer, director or shareholder (if non-public corporation) been convicted of, or pleaded guilty to, a felony in any court in the United States? Yes No If yes, you are required to attach a Certificate of Conviction.

(7) Please list the names, addresses and telephone numbers for any branch locations, separate processing plants or agents where farm products are received or purchased from New York State producers (attach list if necessary): _____

(8) Is the applicant a grape processor? Yes No

(9) Is the applicant a New York producer that grows farm products? Yes No

(10) List all specific farm products that you deal in from New York producers: _____

(11) What is the applicant's expected **dollar volume** of farm product purchases (or dealings as a broker) **from New York producers?**

a. Current Calendar Year - \$ _____ b. Largest Month _____ c. Largest Monthly Amt - \$ _____

(12) If you are a broker, are you responsible for paying New York State producers? Yes No
 If yes, what percentage of your annual dollar volume of dealings with NY producers reported in question 11a are you responsible for making payment on? _____% If no, attach a list of those who are responsible for payment including name, address and phone number.

(13) Does applicant sell farm products at **retail directly to consumers** (See instructions on retail exclusion)? Yes No
 If yes, what percentage of the total annual dollar volume reported in question 11 is sold at retail? _____%.

Agricultural Producers Security Fund Fee – Use the annual dollar volume reported in question 11a together with the table below to determine the Producers Security Fund Fee due and enter that amount on line 14.

AGRICULTURAL PRODUCERS SECURITY FUND FEE TABLE

(14) Producers Security Fund Fee \$ _____

Annual Volume	Fee
\$5,000,000 - and over	\$1,250
3,000,000 - 4,999,999	\$875
1,000,000 - 2,999,999	\$500
500,000 - 999,999	\$375
300,000 - 499,999	\$250
50,000 - 299,999	\$150
20,000 - 49,999	\$100
0 - 19,999	\$0

Make check payable to:

Department of Agriculture and Markets

(15) Select payment terms or methods that are used for farm product producers.

COD 15 Days Payment within 30 Days 45 Days 60 Days 90 Days 120 Days Other _____

(16) Is applicant in violation (i.e., past due) of the payment terms listed in question 15? Yes No
 If yes, please list the producer's name, address, telephone number, and the amount owed (attach list if necessary):

(17) If the applicant deals in livestock, is applicant registered and bonded under USDA Grain Inspection, Packers and Stockyards Administration (GIPSA or P&S)? Yes No N/A

(18) Financial information provided as of (date): _____ All applicants must complete this section. If any amounts are zero, enter zero on the line. Applicants who report more than \$1 million in annual purchases (questions 11a or 11d), must also submit their most recent audited Financial Statements, including the Balance Sheet, Income & Expense Statement and Statement of Cash Flows.

Total Current Assets: \$ _____

Total Current Liabilities \$ _____

Total Assets: \$ _____

Total Equity: \$ _____

The following must be submitted together and sent to:

**NYS Department of Agriculture and Markets
 Division of Agricultural Development
 10B Airline Drive
 Albany, NY 12235**

- Signed and dated application (please review to ensure all questions have been answered). **Incomplete applications will be returned.**
- Payment to cover the Agricultural Producers Security Fund Fees

If you have any questions about the information requested, call (518) 485-7306.

The authority to request the information contained in this document is found in Section 16 of the NYS Agriculture and Markets Law and the specific section or sections of that Law which relate to the license which you seek. "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."

Print:	Signature:	Title:	Date:
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Agriculture and Markets

ANDREW M. CUOMO
Governor

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One Time Credit Card Payment Authorization Form

Dealer's Business Name: _____

Sign and complete this form to authorize the NYS Department of Agriculture and Markets to make a one-time debit to your credit card listed below. Please mail to this form to: NYS Department of Agriculture & Markets, Division of Agricultural Development, 10B Airline, Albany, NY 12235.

By signing this form you give us permission to debit your account for the amount indicated on or after the indicated date. This is permission for a single transaction only, and does not provide authorization for any additional unrelated debits or credits to your account.

Please complete the information below:

I, _____, authorize the NYS Department of Agriculture and Markets to charge my credit card account indicated below for \$_____. This payment is for a:

FARM PRODUCTS DEALER LICENSE

Billing Address _____

Phone No.: _____

City _____

State _____ Zip _____

Email _____

Account Type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> AMEX <input type="checkbox"/> Discover	FOR OFFICE USE ONLY
Cardholder _____	Name _____
Account _____	Number _____
Expiration Date _____	Estab No.: _____
CVV2 (3 digit number on back of Visa/MC, 4 digits on front of AMEX)	License No.: _____
	Receipt No.: _____
	Validation No.: _____

SIGNATURE _____

DATE _____

I authorize the NYS Department of Agriculture and Markets to charge the credit card indicated in this authorization form according to the terms outlined above. This payment authorization is for a Farm Products Dealer license, for the amount indicated above only, and is valid for one time use only. I certify that I am an authorized user of this credit card.

Non-Dealer Declaration

___ My annual purchases or dealings of farm products grown by New York producers that are sold wholesale to agricultural, commercial, industrial and institutional users will not exceed \$20,000.

___ My purchases or dealings from New York producers are only for sale at retail to the ultimate consumer. Sale at retail to the ultimate consumer shall not include sales to industrial, institutional, commercial or agricultural users.

___ I will not be purchasing or dealing in New York farm products (includes Commission Merchant, Broker and Processor).

Name of Dealer (print)

Authorized Person and Title (print)

Date

Signature

Name and address of succeeding business (if applicable)

Return this form OR the completed application to following address:

NYS Department of Agriculture and Markets
Division of Agricultural Development
10B Airline Drive
Albany, NY 12235.