



Agriculture and Markets

RICHARD A. BALL
Commissioner

March 14, 2024

**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.

Enclosed is the Farm Products Dealer License Program (FPDL) application and instructions for the license period of **May 1, 2024 - April 30, 2025**. If subject to the license, your completed application and payment of the Agricultural Producers Security Fund fee are required to be filed with the New York State Department of Agriculture and Markets (Department).

If subject, please complete and return the enclosed application, together with payment of the Producers Security Fund Fee to the following address:

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

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**.

Instructions are enclosed to assist you in completing the application. If you have any questions, please call (518) 457-7076 or email FPDL@agriculture.ny.gov.

Best Regards,

Jacqueline Boyer
Agricultural Producers Security Program

FARM PRODUCTS DEALER LICENSE PROGRAM NEW LICENSE APPLICATION FORM

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 enclosed **Non-Dealer Declaration Form**.
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.

FARM PRODUCTS DEALER LICENSE PROGRAM NEW LICENSE APPLICATION FORM

(11) What is the applicant's dollar volume of farm product purchases (or dealings as a broker) from New York producers?		
a. Last Calendar Year (2023) \$:	b. Largest Month (2023):	c. Largest Month (2023) Amount \$:
d. Expected This Year (2024) \$:	e. Largest Month (2024):	f. Largest Month (2024) Amount \$:
(12) If you are a broker, are you responsible for paying New York producers: <input type="checkbox"/> Yes <input type="checkbox"/> 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 the applicant sell farm products at retail directly to consumers? (See instructions on retail exclusion): <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, what percentage of the total annual dollar volume reported in question 11a is sold at retail? _____%		
Agricultural Producers Security Fund Fee: use the annual dollar volume reported in question 11d (Expected Calendar Year \$) together with the table to the right to determine the Producers Security Fund Fee due and enter that amount here: Agricultural Producers Security Fund Fee: \$ _____ MAKE CHECK PAYABLE TO: Department of Agriculture and Markets	AGRICULTURAL PRODUCERS SECURITY FUND FEE TABLE	
	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	
(14) Select payment terms or methods used for farm products producers: <input type="checkbox"/> COD <input type="checkbox"/> 15 Days <input type="checkbox"/> Payment within 30 Days <input type="checkbox"/> 45 Days <input type="checkbox"/> 60 Days <input type="checkbox"/> 90 Days <input type="checkbox"/> 120 Days Other: _____		
(15) Is the applicant in violation (i.e. past due) of the payment terms listed in question 14? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the producer's name, address, telephone number and the amount owed (attach list if necessary):		
(16) If the applicant deals in livestock, is applicant registered and bonded under USDA Grain Inspection, Packers and Stockyards Administration (GIPSA or P&S)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
(17) 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.		
a. Total Current Assets: \$	b. Total Current Liabilities: \$	
c. Total Assets: \$	d. Total Equity: \$	

Submit complete applications and payment together to:

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

If you have any questions about this application or payment, email FPDL@agriculture.ny.gov

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. **Your application for license is subject to denial and/or revocation if, after a hearing, it is determined that this applicant, licensee, officer, director, partner or share/stockholder, has been convicted of, or has pled guilty to, a felony in any court of the United States or any State or territory thereof, with respect to an offense involving, Article 20 of New York State Agriculture and Markets Law.**

"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 2120.45 of the Penal Law of the State of New York"

Print:	Signature:	Title:	Date:
OFFICE USE ONLY: License No.: _____ Date App Rec'd: _____ Reviewed: _____ Approved: _____			
Fee Rec'd: \$ _____ Receipt No: _____ Circle Payment Method: Credit Card Check Money Order			