

Milwaukee, WI 53293-3598

DATE ISSUED:

In compliance with Wis. Stat. § 15.04(1)(m), the following notice is provided: This form is authorized by Wis. Stat. § 126.11(3) and 93.07(2). A person desiring a grain dealer's license must apply for the license on this form. Some of the personally identifiable information provided on this form is subject to Wisconsin's Public Records Law, Wis. Stat. §§ 19.31 to 19.37, and therefore might be used for purposes other than for which it was originally collected. DATCP will keep personally identifiable information provided on this form confidential to the extent permitted by law. Wisconsin Stat. § 126.84(1) provides that the following information is not open to public inspection under Wis. Stat. § 19.35: contractor financial statements and a contractor's purchase, storage, and procurement records.

Wis. Stat. Ch. 126, Subchapter III

CHECK ONE: ☐ Original ☐ Renewal Application

State of Formation:

EMAIL:

Title

[illegible]

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GRAIN DEALER LOCATION INFORMATION

Primary Location					
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Street Address	City	State	Zip	County	Contact Person	Phone #	Email Address
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Additional Locations

[illegible]

Attach additional lists if necessary.

Section A – Answer all questions 1-7.

1. Fiscal Year End date: <i>(month and day)</i>	
2. Enter total amount you paid during your last completed fiscal year for producer grain procured in this state. Amount should include payments that qualify for exclusion under Section B regarding Default Claim Waiver. If zero, please estimate the amount of producer grain that will be procured during a full fiscal year.	\$
	\$
3. Deferred payment occurs when buyer takes title of producer grain and does not make full payment within 7 days.	
a) How much of line 2 above was paid for using deferred payment using the High Rate assessment (.0035)? <i>(Please enter zero if question does not apply or Original application.)</i>	\$
b) How much of line 2 above was paid for using deferred payment using the Low Rate assessment (.000875)? <i>(Please enter zero if question does not apply or Original application.)</i>	\$
c) How much of line 2 above was paid for using deferred payment at No assessment rate, from the producer or producer agent that has filed a Waiver? See Section B. The NO assessment rate only applies to deferred payments from the owner who has filed a Default Claim Waiver. <i>(Please enter zero if question does not apply or Original application.)</i>	\$
4. Enter total amount of bushels you paid for during your last completed fiscal year for producer grain procured in this state. Amount should include bushels that qualify for exclusion under Section B regarding Default Claim Waiver. If zero, please estimate the amount of bushels that will be procured from producers in this state during a full fiscal year.	Bu.
	Bu.
5. Did you have any obligations to producers under deferred payment for grain procured in this state, at any time since the beginning of your last completed fiscal year? <i>(Response should include current fiscal year.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Do you make payment for grain purchased from producers upon delivery, using solely cash? <i>(Company or personal checks are not considered cash.)</i> If YES, you are not required to be licensed. To voluntarily license, complete Section B, C and D. If NO, complete Section B, C and D.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Do you use all grain purchased from producers yourself, solely as feed for your livestock and/or seed for planting your crops? If NO, complete Section B, C and D. If YES, did you spend less than \$400,000 for that grain during the past license year? If YES, you are not required to be licensed. To voluntarily license, complete Section B, C and D. If NO, complete Section B, C and D.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

Section B

8. Has the applicant attached to the application or already filed with WDATCP, a Grain Dealer Default Claim Waiver (Waiver) filed by a producer or producer agent who has greater than 50% ownership in the producer or producer agent and a greater than 50% ownership in the applicant? If yes, please complete questions 9 through 11.	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. For renewals, has there been any change in ownership percentages from the Waiver filed with WDATCP? If yes, provide a listing of ownership percentages in producer or producer agent and the applicant.	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Enter the amount included in line 2 that was procured from the producer or producer agent that filed a Waiver.	\$
11. Enter the bushel amount included in line 4 that was procured from the producer or producer agent that filed a Waiver.	Bu.

Section C	
a) Non-refundable basic license fee:	\$25.00
b) Supplementary License Fee – Multiply the total bushels from Question 4 by \$0.001 and round down or up to the nearest \$100, (Fee may not be less than \$100 or more than \$10,000.) Examples: Total bushels 459,459.59 bu. X \$0.001 = \$459.56, license fee due \$500 \$ _____ Total bushels 220,140.00 bu. X \$0.001 = \$220.14, license fee due \$200 FOR RENEWALS ONLY License Fee Credit If renewal application will not be mailed prior to the license expiration date of August 31, the credit is zero. If renewal application will be mailed prior to the license expiration date of August 31 and the fund balance as of May 31 permits granting a license fee credit, the pro-rated credit determined by the department based on total fees paid by license holder under <i>Wis. Stat. § 126.11(4)(b)</i> for the 4 preceding license years: (\$ _____) If the calculated inspection fee is greater than the license fee credit, subtract the credit from the calculated supplementary license fee and enter the difference. If the credit is larger than the calculated fee, enter zero.	ENTER THE AMOUNT \$
c) Multiply the # of additional business locations excluding the primary location () x \$100.	ENTER THE AMOUNT \$
Section D	
d) License surcharge of \$500 for operating without a license. Other fees and surcharges may also be applied for activities during unlicensed periods [see <i>Wis. Stat. § 126.11(4)(e)</i>]	ENTER THE AMOUNT \$
e) License surcharge of \$100 for failure to renew license by license expiration date of August 31.	ENTER THE AMOUNT \$
f) For renewals, if you failed to file your annual financial statement by the specified deadline [<i>Wis. Stat. § 126.13(c)</i>], the department will enter the license surcharge of \$100.	ENTER THE AMOUNT \$
g) Total License Fees:(add lines a through f)	ENTER THE TOTAL \$

License holder agrees to indemnify the Wisconsin Agricultural Producer Security Fund (hereafter "Fund") for any and all money paid out of the Fund under *Wis. Stat. § 126.71*, as a result of a recovery proceeding under *Wis. Stat. Ch. 126, Subchapter VII*, conducted against license holder because of license holder's default. License holder also agrees to indemnify any surety for any and all money a surety pays into the Fund as a result of license holder's default and a recovery proceeding under *Wis. Stat. Ch. 126, Subchapter VII*.

***** If any lines in the following section are left blank, this application is invalid. *****

The applicant has authorized the undersigned person to execute this application. All statements contained in this application are true, complete and accurate. The undersigned authorized person fully understands that if any statement contained in this certification is not true, complete, or accurate or is false or misleading, the applicant and the authorized person signing this application may be in violation of *Wis. Stat. § 126.20(4)(c)* and subject to the provisions of *Wis. Stat. Ch. 126, Subchapter VIII*. The person signing the application must be listed on the front of this application.

SIGNATURE

TYPE OR PRINT – FIRST NAME AND LAST NAME

POSITION/TITLE

If you have any questions regarding this application, contact Robert Klein at (608) 224-4969.

Instructions for completing the Grain Dealer License Application

"Grain dealer" means a person who buys producer grain or who markets producer grain as a producer agent. "Grain dealer" does not include any of the following:

- a) **A person who merely brokers a contract between a grain producer and a grain dealer without becoming a party to the contract, taking control of grain, or accepting payment on behalf of the grain producer.**
- b) **A person who merely buys or sells grain on a board of trade or commodity exchange.**

"Procure producer grain in this state" means to buy producer grain for receipt in this state or to acquire the right to market producer grain grown in this state.

Page 1	<p>Indicate whether application is an Original or a Renewal by checking the appropriate box.</p> <p>Legal Name: Please enter full name of applicant (Articles of Incorporation, Partnership Agreement, etc.) including punctuation. If a sole proprietorship, enter the individual's name and provide a social security number by contacting the department.</p> <p>"Trade Name" – Optional, please complete this only if you are using a d/b/a different from the legal name.</p> <p>Please check appropriate box indicating the type of business operation (Individual, Corporation, etc.). Enter State of Formation.</p> <p>Mailing Location: Please enter contact person and address where you want all correspondence to be sent. Please provide telephone number(s), fax and email of contact person.</p> <p>Enter corporation or cooperative officers, partners, trustees, managers or members of an LLC (include titles). Individuals applying as a sole proprietor should enter themselves and the title owner.</p>
Page 2	<p>Please complete a line for each location engaged in the business of buying or procuring grain from producers (as defined in Wis. Stat. ch. 126, Subchapter III). Please enter the "Primary Location" in the box provided.</p>
Page 3	<p>Question 1) Enter applicant's month and day for their fiscal year end.</p> <p>Question 2) Enter the total dollar amount paid (including purchases through barter transactions and/or credits against account receivables) for producer grain procured in this state in your most recently completed fiscal year. If you have no previous purchases or have not completed a fiscal year since you began procuring grain in Wisconsin, please estimate and enter the total amount expected to be paid to producers for grain procured in this state during a full fiscal year. This amount must be greater than zero.</p> <p>Question 3) Enter the dollar amounts included in Question 2 for grain procured from producers using deferred payment. Deferred payment occurs when procured grain is not paid in full within 7 days of taking custody and title. Please separate the deferred payments according to whether the "High" (.0035), "Low" (.000875) or no assessment rate was applied (see Wis. Admin. Code § ATP 99.126(3)). The no assessment rate only applies to the producer / owner who has filed a Default Claim Waiver with DATCP. Please enter a zero if this is an Original application or deferred payment was not used to procure producer grain in your most recently completed fiscal year.</p> <p>Question 4) Enter the bushel amount that corresponds with the dollar amount entered in Question 2. If you have no previous purchases from producers or have not completed a fiscal year since you began procuring grain in Wisconsin, please estimate and enter the total bushel amount expected to be purchased during a full fiscal year. This amount must be greater than zero.</p> <p>Question 5) Yes or No. Has the applicant used deferred payment to procure producer grain since the beginning of the applicant's last completed fiscal year? The response would also include the use of deferred payment contracts entered into after amounts in Question 3.</p> <p>Question 6) Yes or No. Is all grain procured from producers exclusively using cash payment? Cash payment includes currency, cashier check, wire transfer or simultaneous barter. Cash payment must occur prior to or on delivery of grain (Company or a personal check is not considered cash). A grain dealer license is not required if your answer to this question is yes.</p> <p>Question 7) Yes or No. Is all grain procured from producers used solely by applicant to feed their own livestock or as seed for planting? Is the cost of grain solely used by applicant for feed or seed less than \$400,000 a license year? A grain dealer license is not required if your answer to both questions is yes.</p> <p>Complete Section B if the applicant is a producer who owns greater than 50% of both the farm selling the grain and the dealer who is buying the grain and wishes to have these purchases exempt from fund assessments and financial statement requirements. A Grain Dealer Default Claim Waiver must be on file or filed with the application.</p>

Page 4 Complete Section C to calculate standard license fees. Fees include:

- a) There is a non-refundable basic license fee of \$25.00.
- b) There is a supplementary license fee obtained by multiplying the number of bushels reported in Section A - Question 4 by 0.1 cent per bushel, and then rounding (up or down) the product to the nearest \$100. The supplementary fee may not be less than \$100 or more than \$10,000.

Examples:

Total bushels 459,459.59 bu. x \$0.001 = \$459.46, license fee due is \$500.00

Total bushels 220,140.00 bu. x \$0.001 = \$220.14, license fee due is \$200.00.

FOR RENEWAL ONLY: A license fee credit is available when the combined balance of the Agricultural Producer Security Fund (see Wis. Stat. ch. 126, Subchapter III) contributed by grain dealers and grain warehouse keepers exceeds \$2,300,000 on May 31 of any license year. The department will insert the available fee credit amount. The license fee credit can only be used to offset the supplementary license fee.

- c) For each additional business location (in excess of the primary location), there is an additional fee of \$100.00.

Complete Section D to include license surcharges determined by WDATCP. Surcharges may include:

- d) A license surcharge of \$500.00 for operating without a license. Other fees and surcharges may also be applied for activities during unlicensed periods [see Wis. Stat. § 126.11(4)(e)], if applicable.
- e) FOR RENEWAL ONLY: A license surcharge of \$100 for failure to renew dealer license by the expiration date of August 31.
- f) FOR RENEWAL ONLY: A license surcharge of \$100 for failure to file a required annual financial statement by the applicable deadline date.
- g) Total the applicable fees (add lines a through f). Enter total amount due on this line.

The applicant has authorized the signing person to execute this application. All statements contained in this application are true, complete and accurate. The authorized person fully understands that if any statement contained in this certification is not true, complete, or accurate or is false or misleading, the applicant and the authorized person signing this application may be in violation of Wis. Stat. § 126.20(4), and subject to the provisions of Wis. Stat. ch. 126, Subchapter VIII. The authorized person signing this application must be included under the officers listed on the first page of this application. A sole proprietor would sign himself or herself. Please include title of authorized signer and the date signed.

ENCLOSE THE APPROPRIATE FEES / SURCHARGES (check or money order, payable to DATCP)

Send application and applicable fees to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Producer Security Section - Grain
PO Box 93598
Milwaukee, WI 53293-3598

Please send financial statements and additional correspondence to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Producer Security Section - Grain
PO Box 8911
Madison, WI 53708-8911

If you have any questions regarding this application, contact Robert Klein at (608) 224-4969.