



Wisconsin Department of Agriculture, Trade and Consumer Protection
 2811 Agriculture Drive, PO Box 8911
 Madison, WI 53708-8911
 (608) 224-4966

Wisconsin Stat. § 15.04(1)(m) notice: This form is authorized by Wis. Stat. §§ 93.07(2), 126.595, and 126.83. Under Wis. Stat. § 126.595, a processing potato buyer may elect not to participate in the agricultural producer security fund by completing and filling this certification form with DATCP. This form is subject to Wisconsin's public records law, Wis. Stat. §§ 19.31 to 19.39. Therefore, personally identifiable information provided in this form might be used for purposes other than for which it was originally collected.

CERTIFICATION UNDER WIS. STAT. § 126.595 FOR A PROCESSING POTATO BUYER WHO ELECTS NOT TO PARTICIPATE IN THE APS FUND

_____ hereby certifies that:

(Name of processing potato buyer)

1. Under Wis. Stat. § 126.595(1)(a), the above-named has provided the Wisconsin Department of Agriculture, Trade and Consumer Protection with proper and timely notification of nonparticipation in the Wisconsin Agricultural Producer Security Fund (APS Fund) under Wis. Stat. § 25.463.
2. The above-named is a processing potato buyer as defined in Wis. Stat. § 126.55(10r).
3. In the licensing year **February 1, 2025 to January 31, 2026**, the above-named will not enter into any of the following:
 - (a) An unwritten contract with a vegetable producer, as defined in Wis. Stat. §§ 126.01(19) and 126.55(16), in the State of Wisconsin under which the above named took custody or control of processing potatoes more than 10 days before paying for the processing potatoes in full.
 - (b) A written contract with a vegetable producer, as defined in Wis. Stat. §§ 126.01(19) and 126.55(16), in the State of Wisconsin under which the above named took custody or control of processing potatoes more than 30 days before paying for the processing potatoes in full.
4. At the time this certification is signed, the above-named does not have any unpaid obligation to vegetable producers, as defined in Wis. Stat. §§ 126.01(19) and 126.55(16), under any of the following:
 - (a) An unwritten contract with a vegetable producer, as defined in Wis. Stat. §§ 126.01(19) and 126.55(16), in the State of Wisconsin under which the above named took custody or control of processing potatoes more than 10 days before paying for the processing potatoes in full.
 - (b) A written contract with a vegetable producer, as defined in Wis. Stat. §§ 126.01(19) and 126.55(16), in the State of Wisconsin under which the above named took custody or control of processing potatoes more than 30 days before paying for the processing potatoes in full.
5. The above-named has a current and valid license under the federal Perishable Agricultural Commodities Act, 7 USC 499a to 499t, that is in good standing. **Attached to this certification is a copy of that license.**

6. The above-named will disclose in writing to all vegetable producers, as defined in Wis. Stat. §§ 126.01(19) and 126.55(16), with whom the above-named contracts that the above-named does not participate in the APS Fund under Wis. Stat. § 25.463. The above-named will do so by providing the following statement, in at least 10-point bold type, in each written contract for processing potatoes, as defined in Wis. Stat. § 126.55(10t). For unwritten contracts for processing potatoes, the above-named will provide the following statement, in at least 10-point bold type, in a written statement signed by the above-named and the vegetable producer:

“The undersigned processing potato buyer, as defined in Wisconsin Statutes § 126.55(10r), does not participate in the Wisconsin agricultural producer security fund, established under Wisconsin Statutes § 25.463. As a result, the producer does not have the security or other protections against nonpayment provided by that fund. The parties to this contract acknowledge that the Wisconsin Department of Agriculture, Trade and Consumer Protection and the State of Wisconsin cannot be held liable for any default under the contract between the parties.”

7. The above-named has and shall maintain documentation that every purchase of potatoes grown in Wisconsin for processing under contract with the above-named qualifies for trust protection under the federal Perishable Agricultural Commodities Act, 7 USC 499a to 499t, and that the vegetable producers’, as defined in Wis. Stat. §§ 126.01(19) and 126.55(16), trust rights have been validly preserved.
8. The above-named has authorized the person signing this certification to execute this certification. All statements contained in this certification are true, correct, and accurate. The above-named and the authorized person signing this certification fully understand that if any statement contained in this certification is not true, correct, or accurate, or is false or misleading, the above-named and the authorized person signing this certification may be in violation of Wis. Stat. § 126.64(3) and subject to the provisions of Wis. Stat. ch. 126, Subchapter VIII, including the penalties under Wis. Stat. § 126.87(2).

(Signature of Authorized Person)

(Print name of Authorized Person)

(Title)

(Street Address)

(City/State)