

DISCLOSURE TO VEGETABLE PRODUCERS

Below is a description of when to use a disclosure statement and which disclosure statement to use. (A list of licensed vegetable contractors and the disclosure statement for each vegetable contractor is given on the previous page for Producer Security Section for Vegetable Contractors under license material, #7 Licensed Vegetable Contractors.)

ATCP 101.26, Wis. Adm. Code

(1) DISCLOSURE REQUIRED. A vegetable contractor shall make a disclosure under sub. (2) to every vegetable producer and producer agent with whom the vegetable contractor enters into a vegetable procurement contract. The vegetable contractor shall make the disclosure, in the form prescribed under sub. (2), as part of each proposed vegetable procurement contract offered to the vegetable producer or producer agent. The disclosure shall be clear and conspicuous, and shall be set apart from every other writing.

(2) FORM OF DISCLOSURE. A disclosure under sub. (1) shall consist of a verbatim copy of one of the following statements, as applicable:

(a) Except as provided in par. (b) or (c), the following statement if the vegetable contractor's estimated default exposure is equal to or less than the sum of the maximum fund reimbursement amount and any security amount the vegetable contractor has on file with the department: (see link A. below)

(b) The following statement if the vegetable contractor's estimated default exposure exceeds the sum of the maximum fund reimbursement amount and any security amount the vegetable contractor has on file with the department: (see link B. below)

(c) The following statement if the vegetable contractor is not required to contribute to the fund or file security with the department, and has not done so voluntarily: (see link C. below)

Nonparticipating Vegetable Contractors

s. 126.595(1)(e), Wis. Stats.

e) Certifying that it will disclose to all vegetable producers with whom the processing potato buyer contracts that the processing potato buyer does not participate in the fund by providing the following statement, in at least 10-point bold type, in each written contract for processed potatoes or, for unwritten contracts, in a written statement signed by the vegetable processor and the vegetable producer: "The undersigned processing potato buyer, as defined in s. 126.55 (10r), Wisconsin Statutes, does not participate in the Wisconsin agricultural producer security fund, established under s. 25.463, Wisconsin Statutes. 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." (see link E. below)

A. <https://datcp.wi.gov/Documents/ATCP-101-26-2aDisclosure.pdf>

B. <https://datcp.wi.gov/Documents/ATCP-101-26-2bDisclosure.pdf>

C. <https://datcp.wi.gov/Documents/ATCP-101-26-2cDisclosure.pdf>

E. <https://datcp.wi.gov/Documents/s126595-1eDisclosure.pdf>