



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

Personal information you provide may be used for purposes other than that for which it was originally collected: Wis. Stats. § 15.04(1)(m).

CERTIFICATION FOR POTATO PROCESSORS WHO ELECT NOT TO PARTICIPATE IN THE APS FUND

_____ hereby certifies that:

(Name of Applicant/Licensee)

1. Proper and timely notification of nonparticipation under Wis. Stats. § 126.595, in the Wisconsin Agricultural Producer Security Fund (APS Fund) under Wis. Stats. § 25.463, has been provided to the Wisconsin Department of Agriculture, Trade and Consumer Protection.
2. The above named is a processing potato buyer as defined in Wis. Stats. § 126.55(10r).
3. The above named will not, in the licensing year **February 1, 2024 to January 31, 2025**, enter into any of the following:
 - (a) An unwritten contract with a vegetable producer, as defined in Wis. Stats. §§ 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. Stats. §§ 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. The above named does not have, at the time this certification is signed, any unpaid obligation to vegetable producers, as defined in Wis. Stats. §§ 126.01(19) and 126.55(16), under any of the following:
 - (a) An unwritten contract with a vegetable producer, as defined in Wis. Stats. §§ 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. Stats. §§ 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 to all vegetable producers, as defined in Wis. Stats. §§ 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. Stats. § 25.463, by providing the following statement, in at least 10-point bold type, in each written contract for processing potatoes, as

defined in Wis. Stats. § 126.55(10t) or for unwritten contracts, 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. Stats. §§ 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. Stats. § 126.64, and subject to the provisions of Wis. Stats. Chapter 126, Subchapter VIII.

(Signature of Authorized Person)

(Title)

(Street Address)

(City/State)