

PART 25

**RECORDS AND REPORTS BY MILK DEALERS-OFFICIAL ORDER NO.
130-**

(Statutory authority: Agriculture and Markets Law, § 255)

- Sec.
- 25.1 Information required of milk dealers
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Historical Note

Part (§§ 25.1-25.12) repealed, new (§§ 25.1--25.9) filed June 27, 1961; repealed, new (§§ 25.1-25.10) filed Feb. 4, 1969; repealed. new (§§ 25.1-25.9) filed Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.1 Information required of milk dealers.

Each milk dealer, as defined in chapter 126 of the Laws of 1934 as amended, shall keep at his or its office, principal place of business, or other location deemed appropriate by the commissioner, the following records:

- (a) a record of the quantity of milk received from each producer each day, and the butterfat content of such milk based upon the official test for the accounting period;
- (b) a record of the quantity of milk, cream and skim milk received from other sources daily, and the butterfat content of such milk, cream and skim milk;
- (c) a record of the quantity of other milk products received daily, and the butterfat content of each such milk product;
- (d) a record of the number of units of each size of container of milk or milk products packaged daily;
- (e) a record of the quantity and the butterfat content of milk, cream, skim milk, or other ingredients used daily in the processing, packaging or manufacture of each kind of milk product made at each plant, and a record of the quantity and butterfat content of each product processed, packaged or manufactured;
- (f) a record of all milk, cream, skim milk and any other milk product sold or leaving each plant each day, showing butterfat content, size and style of container, use to be made of the product if sold or moved to another plant or dealer, name and address of the consignee, and the price and amount received or credit allowed therefor. A monthly summary of the quantity and butterfat content of each product thus disposed of shall also be kept;
- (g) a record of cream and other milk products sent to cold storage daily;
- (h) a record of all melloream received, purchased, processed, handled or sold each day;
- (i) a record of physical inventories at the beginning and end of each day;
- (j) a record of all payments for milk and milk products received from producers or other sources;
- (k) a complete record of the manner of computing the price paid to producers for milk. If based upon a classified price plan, such record must show the quantity of milk used in each class and the method of computation, including an outline of the product or use considered as making up each classification;

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- (l) a record showing all deductions from producers' checks, with complete explanations, including written authorizations, if the deduction is paid to a third party;
- (m) a record of the items constituting the difference between the price paid and the price received for all milk;
- (n) a record of all other transactions affecting the assets, liabilities or net worth of the licensee; and
- (o) such other records and information as the commissioner may deem necessary for the proper administration and enforcement of the Milk Control Law.

Historical Note

Sec. repealed, new filed: June 27, 1961; Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.2 **Accurate record of milk from producers.**

(a) When the quantity of milk delivered to a milk dealer by or for the account of a producer is determined by weighing or other measurement, or when the milk fat content of such milk is used as a basis for payment, an accurate record of each such weighing, measurement or milk fat determination shall be made at once. The record shall show the quantity of milk or the fat content of such milk received for the account of each producer.

(b) Each such original record containing information with respect to the amount of milk received for the account of one or more producers, or the fat content thereof, whether the record be for one day or for more than one day, shall be dated and signed by the person making the determination, and shall be preserved by the milk dealer purchasing or receiving such milk, regardless of the fact that such milk dealer may copy such records for the purpose of making a more permanent record for the milk dealer's own use.

Historical Note

Sec. repealed, new filed: June 27, 1961; Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.3 **Monthly reports to Division of Dairy Industry Services.**

(a) On or before the 15th day of each month, each milk dealer operating a milk plant or bulk tank unit shall file, for each such plant or bulk tank unit, an accurate report of the previous month's operation. The report shall be filed with the Division of Dairy Industry Services on forms provided by such division.

(b) In addition to the report required pursuant to subdivision (a) of this section, each milk dealer purchasing milk from producers shall, on or before the 28th day of each month, file a report of payments to producers relating to milk purchased during the preceding month. Each cooperative shall likewise file a report of payments to producers each month for each plant or bulk tank unit it operates and for its producer-members which the cooperative directs to the plant or bulk tank unit of another milk dealer. All such reports shall be filed with the Division of Dairy Industry Services on forms provided by such division.

Historical Note

Sec. repealed, new filed: June 27, 1961; Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.4 **Statement of receipt to producers.**

Each purchaser or receiver of milk from a producer by bulk tank pickup shall give the producer a written statement after each receipt of milk. The statement shall give the name of the producer, the date the milk was received, and the quantity of milk. The statement shall be signed by the purchaser or his authorized representative. A statement of each receipt of milk shall also be given by a purchaser or receiver of milk to a producer whose milk is received in cans, if the producer request such in writing.

Historical Note

Sec. repealed, new filed June 27, 1961; amd. filed June 9, 1964; repealed, new filed: Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.5 Immediate statement on tests to producers.

Each purchaser or receiver of milk from a producer shall, on written request, mail or deliver to the producer, immediately after the tests are made, a written statement of the percentage of butterfat found to have been contained in the sample or samples representing the milk delivered by such producer.

Historical Note

Sec. repealed, new filed: June 27, 1961; Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.6 Payment statement to producers.

(a) Each milk dealer or cooperative in making payment to producers shall give each producer a written statement showing the following information:

- (1) the name and address of the milk dealer or cooperative making the payment;
- (2) the period for which the statement is given;
- (3) the name and patron number, if any, of the producer;
- (4) the quantity of milk for which payment is made;
- (5) the butterfat content of the milk, if payment is made on the basis of butterfat content;
- (6) the base price per hundredweight or other unit of measurement;
- (7) the method of arriving at such base price, whether pursuant to Federal and/or State Marketing order, agreement with producers or other method;
- (8) the rate, or amount of all premiums, subsidies, differentials, deductions, service fees, hauling charges, supply expenses, costs or adjustments of any nature whatsoever, including advance payments, loans and other deductions or additions, in such a manner as to disclose fully the rate and basis for arriving at the amount payable to the producer; and
- (9) the amount payable to the producer.

(b) A representative copy of the statements given to producers pursuant to subdivision (a) of this section shall be filed each month with the Division of Dairy Industry Services with the report of payments to producers required pursuant to section 25.3 (b) of this Part.

Historical Note

Sec. repealed, new filed: June 27, 1961; Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.7 Annual Financial reports.

Each milk dealer, except as the commissioner may otherwise provide, shall file with the Division of Dairy Industry Services, not later than 120 days after the end of his fiscal year, a statement of his assets, liabilities and net worth at the close of the fiscal year, a statement of income, expenses, profit or loss for the fiscal year, and a statement showing the sources and application of funds for his business during the fiscal year. Such statements, unless prepared by a certified public accountant or a licensed public accountant, must be sworn to by the milk dealer or, if a corporation, by a responsible officer of the same.

Historical Note

Sec. repealed, new filed: June 27, 1961; June 9, 1964; amd. filed Nov. 16, 1964; repealed, new filed: Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.8 Availability and retention of records.

(a) Each milk dealer shall make available at all reasonable hours, to any person designated by the commissioner, all books, papers, records or financial documents relating to the purchase, receipt, sale or handling of milk and to the financial condition of the milk dealer.

(b) The records required pursuant to this Part shall be retained for a period of at least three years.

Historical Note

Sec. repealed, new filed: June 27, 1961; Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.9 Requirements in addition to those of other orders.

The requirements of this Part with regard to recordkeeping and reports are in addition to the requirements of other orders, rules or regulations issued by the commissioner.

Historical Note

Sec. repealed, new filed: June 27, 1961; Feb. 4, 1969; Oct. 21, 1980 eff. Oct. 21, 1980.

§ 25.10 Disclosure of milk dealer financial statements.

The commissioner may, in his sole discretion, make available to insurers financial statements, or portions thereof as are necessary, of milk dealers participating in the milk producers security fund in order to obtain insurance coverage for the milk producers security fund (*c.f.* Agriculture and Markets Law, section 258-b).

Historical Note

Sec. repealed, filed June 27, 1961; new filed: Feb. 4, 1969; repealed, filed Oct. 21, 1980; new filed May 9, 1986 eff. May 30, 1986.

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Historical Note

Sec. repealed, filed June 27, 1961 eff. immediately.