

REVIEW OF PRODUCER ELIGIBILITY FOR PAYMENT

Due to recent reviews of payments issued to producers by the USDA several common elements were found. In most cases the payments that were reported as unearned were actually correct in the amount paid, however many County FSA Offices did not have proper evidence on file to document that the producer claiming the payment was entitled to the payment. To correct this condition County FSA Offices are in the process of reviewing all of the payment eligibility files including farm operating plans, highly erodible land and wetland certifications, gross income certifications and signature authority.

As you enroll in programs with the County Office you should be prepared to provide information about your current farming operations. Additionally the office will be verifying that proper signature authority is on file for producers to act on behalf of someone else or an entity such as a corporation, estate, trust etc.

Under the current regulations husband and wife can sign on behalf of each other for FSA and CCC programs in which either has an interest, unless written notification denying a spouse this authority has been provided to the County Office. In cases where an individual wishes to act on behalf of another individual a properly filed FSA-211's (Power of Attorney) must be on file.

For all other types of entities the following evidence must be provided prior to contract approval and payment.

General Partnerships – Are required to provide the Articles of Partnership. Any member of a general partnership may sign for the general partnership and bind all members unless the Articles of Partnership are more restrictive

Joint Ventures – All members of a joint venture must sign for the joint venture unless an agreement signed by all members authorizes an individual to act on behalf of the joint venture and bind all members.

Revocable and Irrevocable Trusts – Are required to submit a copy of the trust agreement or last will and testament that established the trust.

Estates, Conservatorship or Guardianship – Are required to present one of the following executed according to State law to designate signature authority:

- Court orders of appointment
- Court-approved certificate or letter of administration
- Similar document approved by regional attorney

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Corporations, Limited Partnerships, Limited Liability Partnership, Limited Liability Companies – Are required to provide one of the following documents to show officers, managers or members who are authorized to act on behalf of the entity:

- Corporate charter, bylaws, articles of organization, operating agreement or partnership papers executed according to State Law that designates the officer, manager or member.
- Resolution by the corporation's board of directors, signed by the corporation's secretary or other officer other than the designated agent
- Signed corporate minutes designating the officer, manager or member.

Affidavits used as evidence of signature authority executed and received in the County Office before July 20, 2004 will continue to be honored as evidence of signature authority. Affidavits completed and submitted **after** July 20, 2004 will no longer be considered acceptable as evidence for signature authority. Producers will be required to submit one of the aforementioned documents as evidence of signature authority.

The requirement to submit the requested information is based upon national procedures. All documents submitted are considered confidential and only necessary information will be copied and retained in the County Office records.

Upcoming dates to remember: Enrollment in the Direct Counter-Cyclical Program June 1 –
Currently appointments are being scheduled.
Acreage Reporting July 15 – appointments will be scheduled.

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