**Section 281.20 Licensing: Application, Fees and Financial Ratios**

a) Form and Content of Application

All applications for a license shall be filed on forms provided by the Department. The application shall be signed by the applicant and shall include the following information, without limitation:

1) Whether the applicant is a corporation, cooperative, partnership, individual or other business entity;

2) The general manager's name and home address;

3) The name and home address of the persons responsible for grain operations at each location;

4) The names and home addresses of management, principal officers and members of the Board of Directors of the licensee;

5) The current business address of the licensee;

6) If the applicant has been engaged in the business as a grain dealer:

A) for one year or more, the aggregate dollar amount paid to producers for grain during the applicant's last completed fiscal year; or

B) for less than one year, or has not engaged in the business of buying grain from producers, the estimated aggregate dollar amount to be paid by the applicant to producers for grain purchased from producers during the applicant's first fiscal year;

7) A summary of company-owned grain inventory, grain assets and payables, related party receivables and payables, net position and grain profits; and

8) The criminal history of management and principal officers of the applicant or licensee.

b) Grain Dealer Certificate Fee

The fee for a certificate of a grain dealer's license shall be $25.

c) Criteria for Licenses and Certificates

1) A grain dealer's license or a location certificate for a grain dealer's license is required for each individual address at which any of the following applies:

A) Grain is received from producers and weighed across scales that are under the licensee's control.

B) Contracts are negotiated and executed for the purchase of grain.

C) Settlement or payment is made for grain purchased from Illinois producers.

D) Records relating to any of these transactions are maintained.

2) A grain warehouse license is required for each individual address at which either of the following applies:

A) Grain is received from depositors for storage and weighed across a scale.

B) Warehouse receipts are issued or grain storage records are maintained.

3) A truck owned or leased and used for the purpose of receiving or transporting grain by a grain dealer is required to carry a certificate showing that a grain dealer's license is held by the owner or lessee. The fee for a certificate carried in a truck or tractor trailer unit used in connection with the licensee's grain dealer business shall be $25. A truck hired by the grain dealer to haul grain is exempt from the certificate requirement.

4) Multiple Warehouse Locations

A common license may be issued for the operation of two or more warehouse facilities if the warehouseman operates each warehouse in conjunction with the other, all functioning under the same name, located in the same geographical area, operating out of a principal office, keeping the same set of records and having the same management.

d) Filing for Extensions

1) The application for extension and a preliminary financial statement must be received by the Department prior to the close of business on the date of expiration of the current license.

2) The preliminary financial statement must:

A) consist of a balance sheet and be compiled by an independent certified public accountant licensed under Illinois law or an entity permitted to engage in the practice of public accounting under Section 14(b)(3) of the Illinois Public Accounting Act [225 ILCS 450]; or

B) in the case of a Class II Warehouseman or incidental grain dealer, be reviewed by an independent accountant that meets the requirements of Section 5-25(b) of the Code.

3) If the licensee is also a warehouseman, the applicant must also submit a summary of the applicant's grain inventory and storage obligations.

4) The Department must be satisfied that the applicant meets all renewal requirements (see Section 5-25 of the Code) no later than the date the extension expires.

5) The applicant shall be required to provide an explanation as to why the extension is needed.

6) An extension will be granted by the Department for a period of time not to exceed 30 days if the Department determines that the applicant appears to have complied with the financial requirements of Section 5-25(b) of the Code.

e) Class II/Incidental Financial Statement Form

The Department shall request that an applicant for an incidental grain dealer or Class II warehouse license submit a financial statement on a form prescribed by the Department or a compiled financial statement consisting of an income statement and balance sheet completed by an independent accountant.

f) Reduction of Filing Period for License Renewal

When the Department determines that an applicant has failed to meet the financial requirements of Section 5-25(b) of the Code, the Department shall reduce the filing period for an application for renewal of a license to no less than 60 days after the licensee's fiscal year end. The Department must give written notice of the reduced filing period to the licensee at least 60 days before the earlier deadline imposed by the Department to file the application for renewal of a license.

g) Liquid assets shall include accrued storage, drying and price later service charges.

(Source: Amended at 33 Ill. Reg. 1647, effective January 16, 2009)