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Requirements for Grain Dealers

State of Delaware

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Requirements for Grain Dealers

STATE OF DELAWARE

Current through 79 Laws 2014, ch. 443.

3 Del.C. § 2508 **§ 2508. Dealer to keep records**

Every dealer who has received any agricultural product from a producer shall make and keep a correct record and retain the same for 2 years, showing in detail the following with reference to the handling or sale of such agricultural products, along with such other information as the Department by regulation may require:

- (1) The name and address of the producer;
- (2) The date received;
- (3) The condition, grade (if officially graded) and quantity on receipt;
- (4) The date of resale or transfer of the products to another;
- (5) The price at which purchased and sold.

3 Del.C. § 2509 **§ 2509. Secretary's authority to investigate; proceedings on complaints**

- (a) Upon the verified written complaint of any producer or interested person or upon his own motion, the Secretary or assistant whom he may designate may investigate the books and records of any dealer in agricultural products pertaining to such complaint at any time during business hours and shall have free access to the place at which the business is operated.
- (b) When a verified written complaint is filed with the Secretary, the Secretary or assistant whom he may designate may conduct a hearing thereon and shall furnish the holder of the license a copy of the complaint and a notice of the time and place of hearing, which notice shall be served personally or by registered mail directed to his place of business or last known address with postage fully paid at least 20 days prior to the time fixed for the hearing. In the hearing of any complaint, the Secretary or assistant whom the Secretary may designate may sign and issue subpoenas, administer oaths, examine witnesses, take depositions, receive evidence and require by subpoena the attendance and testimony of witnesses and the production of records, documents and memoranda as may be material for the determination of the matter alleged in the complaint.
- (c) The Secretary or assistant whom the Secretary may designate shall report his or her findings and make his or her order upon the matters complained of and furnish a copy of same to the complainant and respondent and/or surety within 10 days of the conclusion of the hearing.
- (d) The respondent and/or surety shall have 15 days in which to make effective and satisfy the Secretary's order. If the respondent and/or surety does not comply with the Secretary's order in 15 days, the Secretary shall bring an action at law to recover from the surety on said bond, or any other security provided by the dealer under § 2504 hereof, the amount necessary to satisfy such claims or

such part thereof as shall equal the amount of the bond or security, which action may be instituted by the Secretary in his or her official capacity as such on behalf of said claimants, but without naming them as parties. The moneys obtained by action against the surety on the bond, or from the sale of any other security, shall be used for the satisfaction of such claims, and the Secretary shall make distribution thereof to the claimants in accordance with the amounts determined to be due thereon, and if less than the total amount of said claims shall be so obtained, distribution shall be made ratably to the creditors according to said amounts.

(e) If a creditor has reduced his or her claim to judgment, the judgment shall be presumptive of the amount due him.

(f) Nothing in this chapter shall be construed to limit the remedies that are otherwise available to a person at law or equity.