



FAUNA FOODS CORP.

50-10 Kneeland St., Elmhurst, NY 11373 Ph. 718-458-2900

CUSTOMER APPLICATION

Account Manager
(Fauna use only)

Customer #:
(Fauna use only)

TAX ID # or Owner's Social Security #

Please Print All Information

STORE INFORMATION

Business Name _____ Incorporated? _____
(Full name of legal entity through which business is conducted)

Doing Business as _____

Billing Address _____ City _____ State _____ Zip _____

Shipping Address _____ City _____ State _____ Zip _____

Billing County _____ Shipping County _____

Store Phone _____ Store Fax _____

Cell Phone _____ EMAIL _____

Existing customer/store with new ownership or new location

For Emergencies Only

Owner's Name _____ Phone _____

Manager's Name _____ Phone _____

- I. All first deliveries are Cash/Certified Check//Wire/Credit card/Debit card or approved Bill Pay method, upon delivery. Future deliveries may be paid with a business check provided Bank Credit Inquiry form is completed and approved. Otherwise, terms remain Cash/Certified//Wire/Credit or Debit card/Bill Pay upon delivery. See page 3 for more details.
- II. Sales Tax- Yes No If NO, the attached Resale Certificate must be completed
If YES, sales tax must be charged- NO REFUNDS FOR SALES TAX PAID
- III. Type of Business 30 Pet Food Store/Groomer 29 Feed/Farm/Garden
 26 Kennel/Breeder/Shelter Other _____

Original Application Must Be Signed by Owner and Returned to Fauna Foods before First Delivery

The undersigned has read and understands all the terms and conditions set forth on pages 1 and 2 of the application and attests that all information provided herein is correct.

Signature _____

Print Name _____

Print Title _____ Date _____

GUARANTEE (Must be signed by Owner before First Delivery)

In order to induce Fauna Foods Corporation to accept company checks of the above-named business entity in payment for shipments or to otherwise extend credit to such business, the undersigned hereby unconditionally and absolutely guarantees the payment of any such checks or extended credit, including all costs of collection of such amounts. This guarantee applies to checks of, or credit extended to, the above-named business entity or to any successor or affiliate thereof, including any unrelated entity controlled by the undersigned. This is a guarantee of payment rather than of collection. This guarantee shall be governed by and construed in accordance with the laws of the State of New York (without regard to conflict of laws rules). The undersigned irrevocably submits to the exclusive jurisdiction of any state or federal courts sitting in New York, New York. The undersigned also hereby irrevocably waives any objection that the undersigned may now or hereafter have to the laying of the venue of any such suit, action or proceeding in any such court and further waives any claim that any such suit, action or proceeding that has been brought in any such court has been brought in an inconvenient forum.

Signature _____

Print Name _____

Date _____

FAUNA FOODS CORP.

CUSTOMER APPLICATION (Continued)

Please Fax to: (718) 458-3164 or Email to j.yavlonski@faunafoods.com.

Business References			
Vendor Name/Contact _____	Phone _____		
Address _____	State _____	Zip _____	
Vendor Name/Contact _____	Phone _____		
Address _____	State _____	Zip _____	

Store Days and Hours:		
Sunday	A.M. ____	P.M. ____
Monday	A.M. ____	P.M. ____
Tuesday	A.M. ____	P.M. ____
Wednesday	A.M. ____	P.M. ____
Thursday	A.M. ____	P.M. ____
Friday	A.M. ____	P.M. ____
Saturday	A.M. ____	P.M. ____

Welcome to Fauna Foods!

Thank you for considering Fauna Foods as your pet supply distributor. We will do our best to offer you prompt and efficient service and look forward to a long and amicable relationship with you.

We would like to take this opportunity to mention a few things regarding our terms.

All new accounts are sold to on a cash/certified check/bank check/money order/ACH/wire/credit card/debit card/approved online bill pay basis only. In order for payment to be made by regular company check, this application must be filled in with the accompanying bank credit inquiry (see page 3) returned to Fauna Foods directly by the bank, and subsequently the approval process will occur. This process takes approximately two (2) weeks. Clearing of your reference and bank information does **NOT** imply nor establish "credit" with Fauna Foods; it simply allows the use of your regular business check as your payment for your orders. Even if approved to pay by company check, **ALL ORDERS ARE NORMALLY C.O.D.** (check upon delivery). The entire form must be completed and signed; if not, processing will be delayed. If your check is returned to Fauna Foods due to insufficient or uncollected funds, your account will be charged a **\$45.00** fee (subject to change) and we will attempt to re-deposit it. If the check is returned unpaid after the second attempt, you will be charged an additional **\$45.00** fee (subject to change). If this occurs, your account will be **PLACED ON CASH OR CERTIFIED CHECK BASIS FOR AT LEAST THREE (3) MONTHS**. All costs associated with collection of payment are at the expense of the customer, including collection agency costs, court costs, legal costs and interest on the unpaid balance at the maximum legal rate.

There is a **\$50.00** re-delivery/re-stocking charge for returned orders (subject to change).

Route Codes (Fauna use only)



FAUNA FOODS CORP

50-10 Kneeland St., Elmhurst, NY 11373 Phone: (718) 458-2900

BANK CREDIT INQUIRY

Bank Information

Bank Name _____
Address _____ State _____ Zip _____
Phone _____ Fax _____
Contact Name (Please Print) _____
Bank Account # _____

Customer Information and Authorization

Business Name _____
Address _____ State _____ Zip _____
Phone _____
Principal's Name _____

I _____, an authorized signature on the above account request my bank to release information that they may have about my business and about their experience with my business to Fauna Foods Corp.

Signature Date

Bank - Please Provide the Following:

Length of time doing business with customer _____
Usual working balance _____ Line of credit _____
Have there been NSF checks within the last year and how many _____
If Yes, what was the resolution _____
Additional Comments: _____

Name: _____ Title: _____

Signature: _____

Bank Stamp



THIS PAGE MUST BE SUBMITTED DIRECTLY BY BANK TO FAUNA

When Completed Please Send This Bank Credit Inquiry to:

Fauna Foods Corp.

Attention: Sales Department

Fax (718) 458-3164 Or email to j.yavlonski@faunafoods.com

Thank you for your cooperation.



Department of Taxation and Finance
New York State and Local Sales and Use Tax
Resale Certificate

ST-120
(6/18)

Name of seller			Name of purchaser		
Street address			Street address		
City	State	ZIP code	City	State	ZIP code

Mark an **X** in the appropriate box: Single-use certificate Blanket certificate
 Temporary vendors must issue a single-use certificate.

To the purchaser:
 You may not use this certificate to purchase items or services that are not for resale. If you purchase tangible personal property or services for resale, but use or consume the tangible personal property or services yourself in New York State, you must report and pay the unpaid tax directly to New York State. Any misuse of this certificate will result in tax liabilities and substantial penalty and interest.

Purchaser information – please type or print

I am engaged in the business of _____ and principally sell _____
 (Contractors may not use this certificate to purchase materials and supplies.)

Part 1 – To be completed by registered New York State sales tax vendors

I certify that I am:

- a New York State vendor (including a hotel operator or a dues or admissions recipient), show vendor or entertainment vendor. My valid *Certificate of Authority* number is _____
- a New York State temporary vendor. My valid *Certificate of Authority* number is _____ and expires on _____

I am purchasing:

- A.** Tangible personal property (other than motor fuel or diesel motor fuel)
 - for resale in its present form or for resale as a physical component part of tangible personal property;
 - for use in performing taxable services where the property will become a physical component part of the property upon which the services will be performed, or the property will actually be transferred to the purchaser of the taxable service in conjunction with the performance of the service; or
- B.** A service for resale, including the servicing of tangible personal property held for sale.
- C.** Restaurant-type food, heated food, or heated drink for resale.

Part 2 – To be completed by non-New York State purchasers

I certify that I am not registered nor am I required to be registered as a New York State sales tax vendor. I am registered to collect sales tax or value added tax (VAT) in the following state/jurisdiction _____ and have been issued the following registration number _____ (If sales tax or VAT registration is not required and a registration number is not issued by your home jurisdiction, indicate the location of your business and write **not applicable** on the line requesting the registration number.)

I am purchasing:

- D.** Tangible personal property (other than motor fuel or diesel motor fuel) for resale, and it is being delivered directly by the seller to my customer or to an unaffiliated fulfillment services provider in New York State.
- E.** Tangible personal property for resale that will be resold from a business located outside New York State.

Certification: I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements and issue this exemption certificate with the knowledge that this document provides evidence that state and local sales or use taxes do not apply to a transaction or transactions for which I tendered this document and that willfully issuing this document with the intent to evade any such tax may constitute a felony or other crime under New York State Law, punishable by a substantial fine and a possible jail sentence. I understand that this document is required to be filed with, and delivered to, the vendor as agent for the Tax Department for the purposes of Tax Law section 1838 and is deemed a document required to be filed with the Tax Department for the purpose of prosecution of offenses. I also understand that the Tax Department is authorized to investigate the validity of tax exclusions or exemptions claimed and the accuracy of any information entered on this document.

Type or print name and title of owner, partner, or authorized person of purchaser	
Signature of owner, partner, or authorized person of purchaser	Date prepared

Substantial penalties will result from misuse of this certificate.

Instructions

New: Effective June 1, 2018, use box C in Part 1 to purchase restaurant-type food or drink for resale. For more information, see [TSB-M-18\(1\)S](#), *Summary of Sales and Use Tax Changes Enacted in the 2018-2019 Budget Bill*.

Form ST-120, *Resale Certificate*, is a sales tax exemption certificate.

This certificate is only for use by a purchaser who:

- A** – is registered as a New York State sales tax vendor and has a valid *Certificate of Authority* issued by the Tax Department and is making purchases of tangible personal property (other than motor fuel or diesel motor fuel) or services that will be resold or transferred to the purchaser's customers, **or**
- B** – is not required to be registered with the New York State Tax Department;
 - is registered with another state, the District of Columbia, a province of Canada, or other country, or is located in a state, province, or country which does not require sellers to register for sales tax or VAT purposes; and
 - is purchasing items for resale that will be either:
 - 1) delivered by the seller to the purchaser's customer or to an unaffiliated fulfillment service provider located in New York State, **or**
 - 2) delivered to the purchaser in New York State, but resold from a business located outside the state.

Note: For purposes of 1) above, delivery by the seller includes delivery in the seller's own vehicle or by common carrier, regardless of who arranges for the transportation.

Non-New York State purchasers: registration requirements

If, among other things, a purchaser has any place of business or salespeople in New York State, or owns or leases tangible personal property in the State, the purchaser is required to be registered for New York State sales tax.

A business must register (unless the business can rebut the statutory presumption as described in TSB-M-08(3.1)S, *Additional Information on How Sellers May Rebut the New Presumption Applicable to the Definition of Sales Tax Vendor as Described in TSB-M-08(3)S*) for New York State sales tax if the business enters into agreements with residents of New York State under which the residents receive consideration for referring potential customers to the business by links on a Web site or otherwise, and the value of the sales in New York State made by the business through those agreements totals more than \$10,000 in the preceding four sales tax quarters. See TSB-M-08(3)S, *New Presumption Applicable to Definition of Sales Tax Vendor*, and TSB-M-08(3.1)S.

Also see TSB-M-09(3)S, *Definition of a Sales Tax Vendor is Expanded to Include Out-of-State Sellers with Related Businesses in New York State*, for information on sales tax registration requirements for out-of-state businesses with New York affiliates.

A purchaser who is not otherwise required to be registered for New York State sales tax may purchase fulfillment services from an **unaffiliated** New York fulfillment service provider and have its tangible personal property located on the premises of the provider without being required to be registered for sales tax in New York State.

If you need help determining if you are required to register because you engage in activity in New York State, contact the department (see *Need help?*).

If you meet the registration requirements and engage in business activities in New York State without possessing a valid *Certificate of Authority*, you will be subject to penalty of up to \$500 for the first day on which you make a sale or purchase, and up to \$200 for each additional day, up to a maximum of \$10,000.

Limitations on use

Contractors **cannot** use this certificate. They must either:

- issue Form ST-120.1, *Contractor Exempt Purchase Certificate*, if the tangible personal property being purchased qualifies for exemption as specified by the certificate, **or**
- issue Form AU-297, *Direct Payment Permit*, **or**
- pay sales tax at the time of purchase.

Contractors are entitled to a refund or credit of sales tax paid on materials used in repairing, servicing or maintaining real property, if the materials are transferred to the purchaser of the taxable service in conjunction with the performance of the service. For additional information, see Publication 862,

Sales and Use Tax Classifications of Capital Improvements and Repairs to Real Property.

To the Purchaser

Enter all the information requested on the front of this form.

You may mark an **X** in the *Blanket certificate* box to cover all purchases of the same general type of property or service purchased for resale. If you do not mark an **X** in the *Blanket certificate* box, the certificate will be deemed a *Single-use certificate*. Temporary vendors may not issue a blanket certificate. A *temporary vendor* is a vendor (other than a show or entertainment vendor), who, in no more than two consecutive quarters in any 12-month period, makes sales of tangible personal property or services that are subject to tax.

This certificate does not exempt prepaid sales tax on cigarettes. This certificate may not be used to purchase motor fuel or diesel motor fuel.

Misuse of this certificate

Misuse of this exemption certificate may subject you to serious civil and criminal sanctions in addition to the payment of any tax and interest due. These include:

- A penalty equal to 100% of the tax due;
- A \$50 penalty for each fraudulent exemption certificate issued;
- Criminal felony prosecution, punishable by a substantial fine and a possible jail sentence; and
- Revocation of your *Certificate of Authority*, if you are required to be registered as a vendor. See TSB-M-09(17)S, *Amendments that Encourage Compliance with the Tax Law and Enhance the Tax Department's Enforcement Ability*, for more information.

To the Seller

If you are a New York State registered vendor and accept an exemption document, you will be protected from liability for the tax, if the certificate is valid.

The certificate will be considered valid if it was:

- accepted in good faith;
- in the vendor's possession within 90 days of the transaction; and
- properly completed (all required entries were made).

A certificate is accepted in good faith when a seller has no knowledge that the exemption certificate is false or is fraudulently given, and reasonable ordinary due care is exercised in the acceptance of the certificate.

You must get a properly completed exemption certificate from your customer no later than 90 days after the delivery of the property or the performance of the service. When you receive a certificate after the 90 days, both you and the purchaser are subject to the burden of proving that the sale was exempt, and additional documentation may be required. An exemption certificate received on time that is not properly completed will be considered satisfactory if the deficiency is corrected within a reasonable period. You must also maintain a method of associating an invoice (or other source document) for an exempt sale made to a customer with the exemption certificate you have on file from that customer.

Invalid exemption certificates – Sales transactions which are not supported by valid exemption certificates are deemed to be taxable retail sales. The burden of proof that the tax was not required to be collected is upon the seller.

Retention of exemption certificates - You must keep this certificate for at least three years after the due date of the return to which it relates, or the date the return was filed, if later.

Need help?



Visit our website at www.tax.ny.gov

- get information and manage your taxes online
- check for new online services and features

Telephone assistance

Sales Tax Information Center: 518-485-2889

To order forms and publications: 518-457-5431

Text Telephone (TTY) or TDD: Dial 7-1-1 for the New York Relay Service