



FAQ –LEGAL ENTITY



Why must OneCert verify the status of operations?

Verifying the legal entity status confirms the identity of applicants per 205.401(b) and [NOP 2603](#) instructions: “Certifying agents must identify only one “person” (typically a farm or business as defined in 7 CFR § 205.2) on the organic certificate; this “person” must be certified organic. Each certified organic operation must have its own organic certificate.”

What are the legal entity types?

Below is a listing of the legal entity types that an applicant may use.

| Explanation of Legal Entity Types | |
|-----------------------------------|--|
| Sole Proprietor | Single person or married couple |
| Partnership | Association of two or more persons to carry on as co-owners a business for profit |
| Corporation | A group of persons who are deemed in law to be a single legal entity. The corporate legal entity is distinct from its members and has legal personality. |
| Limited Liability Company | A non-corporate entity whose owners active participate in the operation’s management but are protected from personal liability from the operation’s obligations. |
| Cooperative | Association of individuals, generally under a single name, intending to cooperate in business practices and share profits. Usually incorporated. |

What documentation do I submit for legal entity verification?

Use the table below to find the correct documentation to submit to OneCert.

| Legal Entity Type | Name on Organic Certificate | Information needed to verify legal entity |
|---------------------------------|-----------------------------|---|
| Sole proprietorship | Name of sole proprietor | Legal name and address |
| Partnership | Names of partners | Any official document confirming the existence of the partnership |
| Limited Liability Company (LLC) | LLC Name | Business name registration |
| Corporation | Corporation Name | Business name registration |

Examples of documentation may include but are not limited to: Secretary of State filing, Proof from Tax Statements, Business Registrations, Articles of Organization/Incorporation, Trust Declarations, Partnership Agreements.

I have a fictitious name, what documentation do I submit?

A fictitious or assumed name is not a type of legal entity. It is a name that may be used by a legal entity instead of its actual name. If you use a fictitious name (DBA, trade name, etc.) a copy of your official registration of that name must be submitted to OneCert. In some states, registration of fictitious names is mandatory and may be done by the Secretary of State or a County official. Both the actual and fictitious name will be listed on the certificate.