



# Farmers' Market Nutrition Program Sanctions for Violations

State WIC, California Department of Food & Agriculture (CDFA), and WIC Local Agency staff will conduct on-site monitoring of farmers at Certified Farmers' Markets. Farmers' Market monitoring includes the WIC Farmers' Market Nutrition Program (FMNP) and the Senior Farmers' Market Nutrition Program (SFMNP). The goals are to:

- Provide technical assistance and support to Farmer Vendors and Market Managers.
- Ensure compliance with the WIC FMNP and Senior FMNP requirements.
- Monitor Farmer Vendors and market activities, including but not limited to, the proper WIC authorization, display of signage, checks handling and transaction and customer service.
- Conduct investigations of complaints, alleged violations, fraud or illegal activity.

**Farmers who fail to comply with FMNP/ SFMNP requirements are subject to warning, disqualification and/or sanctions depending on the extent of severity and frequency of the violation.**

## Program Sanctions for Violations

A WIC-authorized Farmer or Market Manager who commits fraud or abuse is subject to program sanctions and may result in disqualification from the program, including repayment, penalty, or both. Violations are classified into four levels of non-compliance: Class I, Class II, Class III and Class IV. If a violation is found to be valid, the sanctions below will be imposed. Note that violations are not limited to those listed below and sanctions listed may be subject to change. For the most update list of sanctions please visit our website at [www.wicworks.ca.gov](http://www.wicworks.ca.gov).

### Class I Violation

- a. Accepting FMNP/SFMNP checks before a Notice of Authorization (NOA) Packet is received from the State WIC Program.
- b. Accepting checks without a current FMNP farmer identification number.
- c. Failure to display current WIC Authorization sign.

**Sanction: Class I violation will result in a warning letter from the State WIC Program.**

### **Class II Violation**

- a. Accepting FMNP/SFMNP checks for non-eligible food or non-food items.
- b. Accepting FMNP/SFMNP checks at an unauthorized farmers' market.
- c. Depositing or cashing FMNP checks without a valid FMNP farmer identification number in the appropriate box on the check.
- d. Promoting an unauthorized farmer by a Market Manager.
- e. Discriminating actions demonstrated against a WIC or Senior participant.
- f. Two or more Class I violations.

**Sanction: Class II violation would result in a non-compliance letter from the State WIC Program. In addition, the Farmer or Market Manager will be required to attend a special training to resolve the violation.**

### **Class III Violation**

- a. Charging FMNP/SFMNP customers more than the price charged to other customers.
- b. Providing money back to customers for purchases where the amount of the purchase is less than the value of the checks.
- c. Attempting to collect or collecting sales tax on produce sold to WIC and Senior participants.
- d. Two or more Class II violations.

**Sanction: Class III violations result in disqualified from the FMNP/SFMNP. The length of disqualification is one year.**

### **Class IV Violation**

- a. Committing fraud or abuse in connection with the FMNP/SFMNP.
- b. Providing drugs, alcohol or cash to a customer for FMNP/SFMNP checks.
- c. Two or more Class III violations.

**Sanction: Class IV violations result in disqualification from the FMNP/SFMNP. Farmers may be disqualified from the programs and/or be required to repay WIC for improperly redeemed checks, whichever applies. The length of disqualification is three years.**

## **Appeal Process**

If you receive a disqualification or sanction letter from the state, you do have the right to an appeal. All appeals must be received within 30 days of the notice from the state. For more information on the appeals process please call **916-928-8513**.

