



FARMER APPLICATION AND AGREEMENT

WIC and Senior Farmers' Market Nutrition Program (S/FMNP)



Check One (Required)
<input type="checkbox"/> New S/FMNP Applicant <input type="checkbox"/> S/FMNP Re-authorization

Send completed, signed application to: wicfmnp@cdph.ca.gov or
 California WIC Farmers' Market
 3901 Lennane Drive
 Sacramento, CA 95834-2956

WIC ID #: _____

State Use Only	
<input type="checkbox"/> S/FMNP Approved <input type="checkbox"/> Incomplete <input type="checkbox"/> Denied	
Signature: _____	Date: _____

The California Women, Infants and Children Program (CDPH/WIC) uses the Farmer Application to authorize individual farmers to accept and redeem WIC and Senior Farmers' Market Nutrition Program (S/FMNP) checks. This agreement will be in effect for up to three years unless terminated by the CDPH/WIC or the Farmer.

Section 1: Certified Producer Information (Farmer)			Producer's Certificate Information		
Name of Farm			Issuing County (Required)		
Certified Producer's Name #1 (Last, First)			Certificate Number (Required)		
Certified Producer's Name #2 (Last, First)			Expiration Date (Required)		
Mailing Address		City	County	State	Zip
Phone (Business)	Phone (Cell)	Email		EBT Authorized Yes <input type="checkbox"/> No <input type="checkbox"/>	
EBT # _____					

Section 2: Market Manager Verification of Producer's Certificate Information ¹ <i>If Market Manager is unavailable to complete Section 2, please provide a copy of the first page of your Producer's</i>		
<input type="checkbox"/> I certify that the information in Section 1 provided by the farmer is correct.		
Signature of Market Manager (Required)	Print Name of Market Manager (Required)	Date (Required)
Market #	Market Name (Required)	Market Location (Required if no Market #)

Section 3: Training Requirement (Check either New or Reauthorizing applicant below)
<input type="checkbox"/> New S/FMNP Applicant. Farmers new to S/FMNP must submit a completed and signed application to receive interactive training from CDPH/WIC.
<input type="checkbox"/> Reauthorizing S/FMNP Farmers: <input type="checkbox"/> Check to certify that you have reviewed the <i>WIC Farmers' Market NewsBeet</i> newsletter or other materials provided by CDPH/WIC to meet your training requirement.

Complete, sign and return with page 2

¹ CDPH/WIC reserves the right to verify this information.



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Section 4: WIC Authorized Farmers' Market Locations Where You Sell Produce

1. List all WIC Authorized Farmers' Markets where you sell produce.
2. Find the Market # from the current list of WIC Authorized Markets located at www.wicfarmers.ca.gov
3. WIC and Senior benefits may be accepted at authorized producer-owned Farm Stands. If you own a Farm Stand, please list the information below and complete Farm Stand Agreement.

Farm Stand Name		County	Days of Operation (Check Below)
Farm Stand Location		City	Hours of Operation
Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation
Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation
Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation
Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation
Market#	Market Name	County	Days of Operation S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation

Application must list at least one WIC Authorized Farmers' Market or Farm Stand to be processed. Use additional sheets if necessary.

Section 5: Certified Producer (Farmer) Agreement and Signature (Required)

All the information in this application is true and correct. I understand that providing any false information may result in CDPH/WIC denying or terminating my authorization to participate. My signature signifies that I have read, understand, and agree with the agreement terms accompanying this application.

Certified Producer's Signature #1	Print Name	Date
Certified Producer's Signature #2	Print Name	Date

Complete, sign and return with page 1

NOTE: PLEASE READ AND KEEP THE FOLLOWING SECTIONS FOR YOUR RECORDS

Section 6: Terms and Conditions of Farmer Agreement

1. This Farmer Agreement is in effect for up to three years.
 - a. Neither CDPH/WIC nor the Farmer has an obligation to renew this agreement at the end of the agreement term.
 - b. The Farmer may terminate the agreement for any reason after providing 10 days of advanced written notification.
 - c. The Farmer must notify CDPH/WIC if the farm ceases operation or ceases to sell at WIC authorized farmers' markets and/or WIC authorized farm stands prior to the end of the authorization period.
 - d. The CDPH/WIC may disqualify a Farmer for program abuse with a minimum of 10 days advanced written notification.
 - 1) A Farmer that commits fraud or engages in other illegal activity is liable to prosecution under applicable Federal, State, or local laws.
 - 2) If you suspect any type of abuse, do not accept the S/FMNP check and contact the Market Manager or CDPH/WIC staff immediately.
 - 3) The Farmer is responsible for any fees, fines, or penalties resulting from fraud, abuse, or mismanagement of the authorizations granted by this agreement.
2. CDPH/WIC and the Farmer must comply with all nondiscrimination provisions of USDA Regulations as provided in 7 CFR, Section 248.7 for FMNP or Section 249.7 for SFMNP. The requirements of this section are available via the Internet by accessing <http://www.ecfr.gov>
3. A WIC-authorized Farmer 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.
 - a. **Class I Violation**
 - 1) Accepting S/FMNP checks before you receive the Notice of Authorization (NOA) Packet from the CDPH/WIC.
 - 2) Accepting checks without a current FMNP farmer identification number.
 - 3) Failure to display current WIC authorization signs.
Sanction: Violation results in a Class I violation letter from the CDPH/WIC.
 - b. **Class II Violation**
 - 1) Accepting S/FMNP checks for non-eligible food or non-food items.
 - 2) Accepting S/FMNP checks at an unauthorized location.
 - 3) Depositing or cashing S/FMNP checks without a valid WIC Authorized Farmer identification number in the appropriate box on the check.
 - 4) Discriminating actions demonstrated against a WIC or Senior participant.
 - 5) Two or more Class I violations.
Sanction: Violation results in a Class II violation letter from the CDPH/WIC. In addition, the Farmer will be required to attend a special training to resolve the violation.
 - c. **Class III Violation**
 - 1) Charging S/FMNP customers more than the price charged to other customers.
 - 2) Providing money back to customers for S/FMNP purchases where the amount of the purchase is less than the value of the checks.

- 3) Redeeming S/FMNP checks when the value of the purchase is less than the check value.
- 4) Attempting to collect or collecting sales tax on produce sold to WIC and Senior participants.
- 5) Two or more Class II violations.

Sanction: Violation results in a Class III—one-year disqualification from the S/FMNP which may result in disqualification from the CalFresh Program also.

d. **Class IV Violation**

- 1) Committing fraud or engaging in other illegal activity in connection with S/FMNP checks.
- 2) Providing drugs, alcohol, and/or cash to a customer for S/FMNP checks.
- 3) Two or more Class III violations.

Sanction: Violation results in a Class IV—three-year disqualification from S/FMNP and/or requirement to repay CDPH/WIC for improperly redeemed FMNP checks and/or California Department of Agriculture (CDFA) for improperly redeemed SFMNP checks, whichever applies. Disqualification from S/FMNP may result in disqualification from the CalFresh Program also. Liable to prosecution under applicable Federal, state or local laws.

4. The Farmer has the right of appeal to the state within 30 days of the date of the written notice regarding denial of application to participate, imposing of a sanction, or denied payment from CDPH/WIC. To appeal, please contact CDPH/WIC at 916-928-8513 or email wicfmpn@cdph.ca.gov.
5. The Farmer has the right of appeal to the state regarding disqualification S/FMNP. Farmers that wish to file an appeal must submit a written notice stating the basis for the appeal within 30 days of date of the written notice from CDPH/WIC. The written notice of formal appeal should be directed to:

California Department of Public Health
Office of Legal Services
Administrative Litigation Unit
1415 L Street, Suite 500
Sacramento, CA 95814

A copy of your appeal letter should also be sent to:

Hearing and Appeals Unit (HAU)
California Department of Public Health
Women, Infants, and Children (WIC) Division
3901 Lennane Drive
Sacramento, CA 95834

6. If you appeal, an administrative hearing will be scheduled in Sacramento. If you are unable to attend in person, you may attend the hearing via teleconference. You will receive advance notice of the time and place of the hearing and you will be given the opportunity to present your case. Counsel may represent you if you so desire.
7. If you have any questions regarding the appeal process, please call (916) 928-8589.
8. Expiration of a contract or agreement and claims action under 7 Code of Federal Regulations (CFR), Section 248.20 of the FMNP Regulations or Section 249.20 of the SFMNP Regulations are not subject to appeal. The requirements of this section are available via the Internet by accessing <http://www.ecfr.gov>

Section 7: Responsibilities of Farmer

1. Farmer shall:

- a. Maintain a current Certified Producer's Certificate issued by the Agricultural Commissioner's office from the county in which the farm is located.
- b. Offer FMNP shoppers the same courtesies as other customers.
- c. Be accountable for actions of employees in check handling and processing.
- d. Notify CDPH/WIC if you are no longer selling at a WIC Authorized Market.
- e. Agree to be monitored, both overtly and covertly, for compliance with program requirements.
- f. Provide access and cooperate with the CDPH/WIC and CDFA program representatives when being monitored for compliance with program procedures and requirements.
- g. Provide information required by CDPH/WIC for periodic reporting to USDA.
- h. Handle S/FMNP checks as cash. S/FMNP checks should be stored in a secure, locked location. Lost or stolen S/FMNP checks will not be replaced.
- i. Write "VOID" in bold lettering on any checks found that the farmer did not redeem for produce. All voided checks should be reported to the CDPH/WIC within 3 days.
- j. Agree to reimburse CDPH/WIC and/or CDFA for any checks transacted in violation of program requirements.
- k. Understand that CDPH/WIC and/or CDFA may deny payment and demand reimbursement for any improperly redeemed checks, e.g., S/FMNP checks redeemed prior to authorization, S/FMNP checks accepted for non-eligible foods.
- l. Accept that the federal WIC logo and the WIC acronym are registered service marks of the United States Department of Agriculture (USDA); the federal WIC logo service mark, the WIC acronym service mark, and the CDPH/WIC logo are the property of the federal and state governments and their use is restricted as described below.
 - 1) Agree to use the CDPH/WIC logo only through use of materials produced by the CDPH/WIC such as banners, posters, decals, or stickers.
 - 2) Agree to not reproduce or use the CDPH/WIC logo without written permission from CDPH/WIC. Farmer shall request and receive written permission from CDPH/WIC before implementing a WIC Program outreach message.

2. The authorized Farmer shall not:

- a. Collect sales tax on purchases or levy a surcharge to WIC and Seniors using S/FMNP checks.
- b. Charge higher prices to WIC and Seniors compared to other customers.
- c. Seek restitution from WIC and Seniors for checks not paid by the CA State Treasurer's office.
- d. Issue cash change for purchases for an amount less than the value of the checks.
- e. Redeem checks where the purchase value is less than the check value.
- f. Accept and exchange checks for drugs, alcohol, and/or cash.
- g. Accept checks for non-eligible foods.
- h. Accept S/FMNP checks that are canceled, previously accepted, marked void, or appear to be reproduced or tampered with.
- i. Levy a surcharge for WIC and Seniors who use the S/FMNP checks.
- j. Accept out-of-state S/FMNP checks. These S/FMNP checks are not honored by California banks.
- k. Commit fraud or abuse of the S/FMNP programs.
- l. Participate in the S/FMNP programs if you are sanctioned or disqualified by CDPH/WIC.
- m. Accept S/FMNP checks that are canceled, marked VOID, or appear to be reproduced or tampered with, and inform the Market Manager or CDPH/WIC immediately.

3. If authorized to accept S/FMNP, Farmer shall:

- a. Accept and redeem S/FMNP checks only after becoming authorized for S/FMNP.
- b. Accept S/FMNP checks only at WIC- Authorized Farmers' Markets and Farm Stands.
- c. Accept S/FMNP checks within the dates of their validity and submit S/FMNP checks for payment within the allowable time period established by CDPH/WIC for FMNP checks and CDFA for SFMNP checks and as indicated on the checks.
- d. Mark each transacted S/FMNP check with a WIC Farmer identification number prior to cashing or depositing into banks.
- e. Assure that S/FMNP checks are redeemed only for eligible foods grown within California.
- f. Accept training on S/FMNP procedures and provide training on such procedures to farm employees with S/FMNP responsibilities.
- g. Review annual S/FMNP self-study materials upon receipt each year.
- h. Prominently display the "**WIC and Senior Farmers' Market Checks Welcome**" sign at the point of sale at the farm stalls so WIC and Senior shoppers can identify you as an WIC authorized Farmer. CDPH/WIC provides these signs.

Section 8: CDPH/WIC Responsibilities

1. CDPH WIC shall:

- a. Reimburse the Farmer for the face value of each checks properly presented for payment through normal banking procedures.
- b. Provide dates and times for S/FMNP training sessions.
- c. Provide training on all program requirements.
- d. Provide the Farmer clarification of applicable program requirements and technical assistance.
- e. Monitor operations and provide written notification of any noncompliance observations of the Farmer as outlined in this agreement.
- f. Provide the Farmer access to the S/FMNP Approved Produce List.
- g. Provide the Farmer with "WIC and Senior Farmers' Market Checks Welcome" signs.
- h. Have the right to terminate this agreement, and the termination shall become effective **10** days after receipt of written notification.
- i. Have the right to reimbursement from the Farmer of an amount equal in value to checks deposited and paid in violation of Federal or State laws and regulations or of the terms of this agreement, after the final notice of suspension or disqualification.

2. CDPH WIC may:

- a. Deny payment and seek repayment from the Farmer for improperly redeemed checks.
- b. Disqualify the Farmer for program abuse upon written notification for a period of up to 3 years based on the severity of the violation. Program abuse shall include any violations of the terms of this agreement.
- c. Retain the right to authorize special exceptions to rules and procedures involving unique circumstances; however, such exceptions shall not be effective until CDPH/WIC provides written notification to the Farmer.



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