



# FARMERS' MARKET MANAGER APPLICATION AND AGREEMENT

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



## Check One (Required)

- ☐ New **S/FMNP** Applicant  
☐ Re-authorization

## Return completed application to:

[wicfmnp@cdph.ca.gov](mailto:wicfmnp@cdph.ca.gov) or  
California WIC Farmers' Market  
3901 Lennane Drive  
Sacramento, CA 95834-2956

## State Use Only

- ☐ S/FMNP Only Approved  
☐ Incomplete  
☐ Denied

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Market ID #: \_\_\_\_\_

The California Department of Public Health/Women, Infants and Children Division (CDPH/WIC) uses the Farmers' Market Manager application to authorize Market Managers who oversees farmers participating in the WIC and Senior Farmers' Market Nutrition Program (S/FMNP).

Section 1: Farmers' Market Information			Market Certificate Information	
Name of Market			Issuing County	
On-site Market Manager Name			Certificate Number	
City of Market	County		Expiration Date	
Street Address of Market			Location Information	Zip Code
Day of Week/Hours of Operation			Months of Operation	
Section 2: Market Management Information				
Name of Farmers' Market Manager			Name of Market Association (If Applicable)	
Mailing Address			City	State CA
Business#	Cell#	Email	Website URL	
Section 3: Training Requirement (Check either <i>New</i> or <i>Reauthorizing Market Manager</i> below)				
<input type="checkbox"/> <b>New S/FMNP Applicant.</b> Farmers' Market Managers new to S/FMNP must submit a completed and signed application to receive interactive training from CDPH/WIC.				
<input type="checkbox"/> <b>Reauthorizing S/FMNP Farmers' Market Managers:</b> <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

## Section 4: Participating Farmers' Information

Please list all new and existing WIC Authorized Farmers who participate at this Farmers' Market. (Attach additional sheets if necessary.)

Name of Market:

Farm Name	Farmer Name	WIC Farmer ID Number (Optional)	Farmer's Producer's Certificate No. (Required)	Certificate Expiration Date (Required)
<i>Example:</i> Peter Rabbit Farm	<i>Example:</i> Peter Rabbit	<i>Example:</i> 123456	<i>Example:</i> CP09-12345	<i>Example:</i> 06/30/2020

- Application must list at least one WIC Authorized Farmer to be processed.
- Farmers' Market Managers: Please keep a current copy of each WIC Authorized Farmer's Certified Producer's Certificate on file for reference and available upon request from CDPH/WIC for verification.

## Section 5: Farmers' Market Manager Agreement and Signature

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.

Farmers' Market Manager Signature (Required)	Print Name	Date
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Complete, sign and return with page 1

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

## Section 6: Term of Farmers' Market Manager Agreement

This Farmers' Market Manager Agreement is in effect for up to three years unless it is terminated earlier by mutual agreement, by the Farmers' Market Manager, or due to disqualification of the market by CDPH/WIC.

## Section 7: Responsibilities of Farmers' Market Manager

### 1. The WIC Authorized Farmers' Market Manager shall:

- a. Participate in training on the program requirements given by CDPH/WIC representative.
- b. Ensure that each farmer interested in becoming a WIC Authorized Farmer knows how to obtain the WIC Farmer Application and Agreement, available online at [wicfarmers.ca.gov](http://wicfarmers.ca.gov).
- c. Retain a copy of the valid Certified Producer's Certificate (CPC) issued by the County Agricultural Commissioner for each WIC Authorized Farmer. Provide CPCs upon request to CDPH/WIC.
- d. Verify the valid CPC by completing Section 1 and signing Section 2 of the farmer's WIC Farmer Application and Agreement, if requested by the farmer.
- e. Ensure that the S/FMNP "WIC and Senior Farmers' Market Checks Welcome" sign is prominently posted at the Market's Information booth and each WIC Authorized Farmer's stall.
- f. Ensure that only WIC Authorized Farmers accept S/FMNP checks.
- g. Ensure that WIC Authorized Farmer follow program requirements.
- h. Provide technical assistance on S/FMNP program requirements to WIC Authorized Farmer at the market.
- i. Cooperate fully with CDPH/WIC, WIC Local Agency, CDFA and USDA representatives during on-site visits, inspections, or audits.
- j. Allow the market to be monitored, overtly or covertly, during operating hours to ensure compliance with program requirements.
- k. Report any alleged or suspected misuse, abuse, fraud, or violation in connection with the program policies and procedures to CDPH/WIC.
- l. Comply with all nondiscrimination provisions of USDA Regulations as provided in 7 CFR, Section 248.7 (for WIC) and Section 249.7 (for SFMNP). This information is available via the Internet by accessing <http://www.ecfr.gov>. Federal law prohibits discrimination against customers based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.
- m. Notify CDPH/WIC if a WIC Authorized Farmer or the market ceases operation prior to the end of the authorization period.
- n. Ensure that WIC Authorized Farmers sell only allowed foods.
- o. Ensure that there is no conflict of interest between the State or local agency and the farmer and/or farmers' market.

### 2. The WIC Authorized Farmers' Market Manager shall not:

- a. Allow any farmer to accept S/FMNP checks until CDPH/WIC authorizes them.
- b. Allow any WIC Authorized Farmers to accept S/FMNP checks during the period of disqualification or sanction when they have been disqualified or sanctioned by CDPH/WIC.

## Section 8: CDPH/ WIC Division Responsibilities

### 1. The CDPH/WIC Division shall:

- a. Reimburse the Market Manager the face value of each S/FMNP presented for payment through normal banking procedures.
- b. Provide the Farmers' Market Manager clarification of applicable program requirements and provide training and technical assistance.
- c. Monitor operations and provide written notification of any noncompliance observations of the Market Manager.
- d. Have the right to terminate this agreement, and the termination shall become effective 10 days after receipt of written notification.
- e. Disqualify a WIC Authorized Farmers' Market Manager who commits fraud or 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. The sanctions 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 may be imposed. Note that violations are not limited to those listed below and sanctions listed may be subject to change.

#### 1) Class I Violation

- a) Accepting S/FMNP checks before you receive the Notice of Authorization (NOA) Packet from the CDPH/WIC.
- b) Transacting checks without a current FMNP/SFMNP farmer identification number.
- c) Failure to display current WIC authorization signs.

**Sanction: Violation results in a Class I violation letter from CDPH/WIC.**

#### 2) Class II Violation

- a) Allowing a farmer to accept S/FMNP checks for non-eligible foods or non-food items.
- b) Accepting S/FMNP checks at an unauthorized location.
- c) Depositing or cashing S/FMNP checks without a valid WIC Authorized Farmer identification number in the appropriate box on the check.
- d) Discriminating actions demonstrated against a WIC or Senior participant.
- e) Two or more Class I violations.

**Sanction: Violation results in a Class II violation letter from CDPH/WIC. In addition, the Farmers' Market Manager will be required to attend a special training to resolve the violation.**

#### 3) Class III Violation

- a) Charging S/FMNP customers more than the price charged to other customers.
- b) Providing money back to the WIC or Senior participant for S/FMNP purchases where the amount of the purchase is less than the value of the check(s).

- c) Attempting to collect or collecting sales tax on produce sold to WIC and Senior participants.
- d) 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.**

#### 4) **Class IV Violation**

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

**Sanction: Violation results in a Class IV—three-year disqualification of the Farmers' Market Manager from S/FMNP and/or required to repay CDPH/WIC for improperly redeemed FMNP checks and/or California Department of Food and Agriculture (CDFA) for improperly redeemed SFMNP checks, whichever applies. Disqualification from S/FMNP may result in disqualification from the CalFresh Program also.**

- b. Acknowledge the Farmers' Market Manager's right of appeal to CDPH/WIC within 30 days of the date of the written notice denial of application to participate, imposing of a sanction, or denied payment from CDPH/WIC and/or denied payment from CDFA. 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 the section are available via the internet by accessing <http://www.ecfr.gov>.
- c. Acknowledge the Farmers' Market Manager's right of appeal regarding disqualification from S/FMNP. Farmers' Market Managers that wish to file an appeal must submit a written notice stating the basis for disagreement 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 the 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

If a Farmers' Market Manager appeals, an administrative hearing will be scheduled in Sacramento. If the Farmers' Market Manager is unable to attend in person, he/she may attend the hearing via teleconference. The Farmers' Market Manager receives advance notice of the time and place of the hearing and will be given the opportunity to present his case. Counsel may represent the Farmers' Market Manager if desired. If the Farmers' Market Manager has any questions regarding the appeal process, call (916) 928-8589.

- d. Retain the right to authorize special exceptions to FMNP/SFMNP rules and procedures involving unique circumstances; however, such exceptions shall not be effective until CDPH/WIC provides written notification to the Market Manager.
- e. Retain the right to reimbursement from the Market Manager 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.
- f. Comply with all nondiscrimination provisions of USDA Regulations as provided in 7 CFR, Section 248.7 for FMNP; or Section 246.8 for WIC Regulations; or Section 249.7 for SFMNP. The requirements of this section are available via the Internet by accessing <http://www.ecfr.gov>

### Section 9: Additional Conditions

#### **General conditions governing this agreement include:**

1. Neither CDPH/WIC nor the Farmers' Market Manager has an obligation to renew this agreement at the end of the agreement term.
2. A Market Manager who commits fraud or abuse of the WIC/FMNP/SFMNP Program is subject to prosecution under applicable federal, state, or local laws.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: mail - U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; fax - (202) 690-7442; or email - [program.intake@usda.gov](mailto:program.intake@usda.gov)