



FARMERS' MARKET MANAGER APPLICATION AND AGREEMENT



WIC and Senior Farmers' Market Nutrition Program (FMNP/SFMNP) and/or
WIC Fruit and Vegetable Check (FVC) Program

Check One (Required)

- New **FMNP** Applicant
- New **FVC/FMNP** Applicant
- Re-authorization

Mail completed application to:

Farmers' Market Programs
California WIC Program
3901 Lennane Drive
Sacramento, CA 95834-2956

Market ID #: _ _ _ _

State Use Only

- FMNP Only Approved
- FVC and FMNP Approved
- Incomplete
- Denied

Signature: _____

Date: _____

The California Women, Infants and Children Program (CDPH/WIC) uses the Farmers' Market Manager Application to authorize a Farmers' Market Manager who oversees farmers who participate in the WIC and Senior Farmers' Market Nutrition Program (FMNP/SFMNP) and/or the WIC Fruit and Vegetable Check (FVC) program at the market.

Section 1: Farmers' Market Information				Market Certificate Information		
Name of Market				Issuing County (Required)		
On-site Market Manager Name				Certificate Number (Required)		
City of Market		County		Expiration Date (Required)		
Market Location (Physical Address)						
Day of Week/ Hours of Operation				Months of Operation		
Section 2: Market Management Information						
Name of Market Manager			Name of Market Association (If Applicable)			
Mailing Address				City	State	Zip
Business Phone #	Cell Phone #	Email		Website URL		
Section 3: Training Requirement (Check either <i>New</i> or <i>Reauthorizing Market Manager</i> below)						
<input type="checkbox"/> New FMNP Market Manager: Market Managers new to FMNP must be trained by a WIC Local Agency or CDPH/WIC staff.						
<input type="checkbox"/> New FVC/FMNP Market Manager: FVC authorization requires training by CDPH/WIC staff. Contact CDPH/WIC staff for training at (916) 928-8513.						
<input type="checkbox"/> Reauthorizing FMNP and FVC/FMNP Market Managers: check here <input type="checkbox"/> 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.						
I received (check one) <input type="checkbox"/> FMNP or <input type="checkbox"/> FVC/FMNP training						
from (check one) <input type="checkbox"/> CDPH/WIC Staff <input type="checkbox"/> WIC Local Agency Staff by <input type="checkbox"/> Webinar <input type="checkbox"/> Onsite <input type="checkbox"/> Phone						
Print Trainer Name and Title		Webinar ID#	Training Date		Trainer's Signature	

Complete, sign and return with page 2

WIC FARMERS' MARKET MANAGER APPLICATION AND AGREEMENT
WIC and Senior Farmers' Market Nutrition Program (FMNP/SFMNP) and/or
WIC Fruit and Vegetable Check (FVC)

Section 6: Term of Market Manager Agreement

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

Section 7: Responsibilities of Market Managers

1. **The Authorized Market Manager shall:**
 - a. Participate in training on the program requirements given by CDPH/WIC or a WIC Local Agency representative. FVC training is given only by a CDPH/WIC representative.
 - b. Ensure that each farmer at your market interested in becoming a WIC Authorized Farmer-Vendor knows how to obtain the WIC Farmer-Vendor Application and Agreement, which can be accessed online at www.wicfarmers.ca.gov.
 - c. Retain a copy of the valid Producer's Certificate issued by the County Agricultural Commissioner for each WIC Authorized Farmer-Vendor at your market. Provide certificates upon request to CDPH/WIC.
 - d. Sign farmer's WIC Farmer-Vendor's Application and Agreement, verifying a valid Producer's Certificate has been issued by the County Agricultural Commissioner.
2. Ensure that the FMNP "*WIC and Senior Farmers' Market Checks Welcome*" sign is prominently posted at the Market's Information booth and each WIC Authorized Farmer-Vendor farm stall. If authorized to accept FVC, ensure that the "*Your WIC Fruit and Vegetable Checks are welcome here!*" sign is also prominently posted in the same locations.
3. Ensure that all farmers at your market who accept program checks are WIC Authorized Farmer-Vendors and follow program requirements.
4. Provide training and assistance on FMNP program requirements to new and existing Farmer-Vendors at your market. Sign application verifying training.
5. Cooperate fully with CDPH/WIC, WIC Local Agency, and CDFA representatives during on-site visits, inspections or audits.
6. Allow market to be monitored, overtly or covertly, during market hours to ensure compliance with program requirements.
7. Report any alleged or suspected misuse, abuse, fraud or violation in connection with the program policies and procedures to the CDPH/WIC office.
8. 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, age, or disability.
9. Notify CDPH/WIC if any farmer at your market or your market ceases operation prior to the end of the authorization period.
10. Ensure that WIC Authorized Farmer-Vendors sell only allowed foods.
11. **The Authorized Market Manager shall not:**
 - a. Allow any farmer at your market to accept FMNP and/or FVC checks until they are authorized by CDPH/WIC.
 - b. Allow any Farmer-Vendors to accept FMNP and/or FVC checks when they have been disqualified or sanctioned by CDPH/WIC during the period of disqualification or sanction.

- c. Employ persons or WIC-authorized Farmer-Vendors with whom there is a potential conflict of interest with the FMNP/SFMNP/FVC.

Section 8: CDPH/ WIC Division Responsibilities

1. **The CDPH/WIC Division shall:**
 - a. Reimburse the Market Manager the face value of each WIC and Senior FMNP check presented for payment through normal banking procedures.
 - b. Provide the 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.
2. Disqualify a WIC-authorized 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 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 FMNP/SFMNP/FVC checks before you receive the Notice of Authorization (NOA) Packet from the CDPH/WIC Division.
 - 2) Transacting checks without a current FMNP/FVC farmer identification number.
 - 3) Failure to display current WIC authorization signs.

Sanction: Class I violation results in a warning letter from the CDPH/WIC

Division.

- b. **Class II Violation**
 - 1) Accepting FMNP/SFMNP/FVC checks for non-eligible food or non-food items.
 - 2) Accepting FMNP/SFMNP/FVC checks at an unauthorized farmers' market.
 - 3) Depositing or cashing FMNP checks without a valid FMNP farmer identification number in the appropriate box on the check.
 - 4) Accepting or depositing FVC checks without the actual dollar amount written on the appropriate box on the check.
 - 5) Accepting or depositing FVC checks without an authorized participant's signature.
 - 6) Promotion of an unauthorized farmer by a Market Manager.
 - 7) Discriminating actions demonstrated against a WIC or Senior participant.
 - 8) Two or more Class I violations.

Sanction: A Class II violation results in a non-compliance letter from the CDPH/WIC Division. In addition, the Farmer Vendor/Market Manager will be required to attend a special training to resolve the violation.
- c. **Class III Violation**
 - 1) Charging FMNP/SFMNP/FVC customers more than the price charged to other customers.
 - 2) Providing money back to customers for purchases where the amount of the purchase is less than the value of the checks.
 - 3) Attempting to collect or collecting sales tax on produce sold to WIC and Senior participants.
 - 4) Two or more Class II violations.

Sanction: A Class III violation results in disqualification from the FMNP/SFMNP/FVC, which also results in disqualification from the CalFresh Program. The length of disqualification is one year.

d. **Class IV Violation**

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

Sanction: A Class IV violation results in disqualification of the Farmer Vendor/Market Manager from the FMNP/SFMNP/FVC programs and/or required to repay CDPH/WIC Division for improperly redeemed checks, whichever applies. Disqualification from FMNP/SFMNP/FVC programs also results in disqualification from the CalFresh Program. The length of disqualification is three years.

3. Honor the Market Manager's right of appeal to the CDPH/WIC within 30 days of receiving written notice regarding denial of application to participate, imposing of a sanction, or denied payment from the CDPH/WIC Division. 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 246.23 of the WIC 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>.
4. Honor the Market Manager's right of appeal regarding disqualification from FMNP/SFMNP/FVC. Farmer-Vendors that wish to file an appeal must submit a written notice stating the basis for disagreement within 30 days of receiving 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 Market Manager appeals, an administrative hearing will be scheduled in Sacramento. If the Market Manager is unable to attend in person, he/she may attend the hearing via teleconference. The 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 Market Manager if desired. If the Market Manager has any questions regarding the appeal process, he/she can call (916) 928-8595.

5. Retain the right to authorize special exceptions to FMNP/SFMNP and FVC rules and procedures involving unique circumstances; however, such exceptions shall not be effective until CDPH/WIC provides written notification to the Market Manager.
6. 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.

7. 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 the WIC/FMNP/SFMNP Programs nor the 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, audiotope, 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](#), (AD-3027) found online at: 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:

- (1) **mail:** U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) **fax:** (202) 690-7442; or
- (3) **email:** program.intake@usda.gov