



# Farmers' Market Vendor FVC/FMNP/SFMNP Program Sanctions and Violations

## Program Sanctions for Violations

A WIC-authorized Farmer Vendor 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.

### Class I Violation

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

#### **Sanction:**

**Class I violation results in a warning letter from the CDPH/WIC Division.**

### Class II Violation

- a. Accepting FMNP/SFMNP/FVC checks for non-eligible food or non-food items.
- b. Accepting FMNP/SFMNP/FVC 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. Accepting or depositing FVC checks without the actual dollar amount written on the appropriate box on the check.
- e. Accepting or depositing FVC checks without an authorized participant's signature.
- f. Promotion of an unauthorized farmer by a Market Manager.
- g. Discriminating actions demonstrated against a WIC or Senior participant.
- h. 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.**

### Class III Violation

- a. Charging FMNP/SFMNP/FVC 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:**

**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.**

**Class IV Violation**

- a. Committing fraud or abuse in connection with the FMNP/SFMNP/FVC checks.
- b. Providing drugs, alcohol or cash to a customer for FMNP/SFMNP/FVC checks.
- c. 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.**

**Appeal Process**

The Vendor has the right of appeal to the CDPH/WIC Division 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. To appeal, please contact CDPH/WIC at 916-928-8513 or email [WICFMNP@cdph.ca.gov](mailto:WICFMNP@cdph.ca.gov).

The Vendor has the right of appeal to the state regarding disqualification from FMNP/SFMNP/FVC. 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 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

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.

If you have any questions regarding the appeal process, please call (916) 928-8595.