

# FARM MARKET

## *Fresh*

### 2020



## Handbook for Farmers

Virginia Farmers' Market Nutrition Program (S/FMNP)  
for Seniors and WIC



## Table of Contents

S/FMNP Program Overview.....	5
Virginia Farm Market Fresh Program.....	5
Definitions and Examples .....	5
Farmer .....	5
Eligible Foods .....	6
Ineligible Foods.....	6
Self-Grown Requirement .....	6
Exception to the Self-Grown Requirement .....	6
Application Process .....	8
Selection Criteria.....	9
Authorization Agreement.....	10
Farm Market Fresh Sign.....	11
Checks .....	12
Identification Stamps .....	13
Transaction Policies and Procedures.....	13
Locations .....	14
Farmers' Markets .....	14
Roadside or Farm Stands .....	14
Monitoring.....	17
Violations and Sanctions.....	18
Notice of Violation and Sanction.....	19
Appeal and Fair Hearing .....	20
S/FMNP Questions, Concerns, and Complaints .....	21
Appendix	
Contact Information	
Farmers' Market Listing	
Complaint Form	

**Virginia Department for Aging and Rehabilitative Services  
Division for Community Living - Office of Aging Services**

**1610 Forest Avenue, Suite 100, Henrico, VA 23229  
Toll-Free Phone: (800) 552-3402, Fax: (804) 662-9354**

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, disability, age, 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, (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:

- (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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.



This handbook applies to all farmers authorized with the Virginia Department for Aging and Rehabilitative Services' Division for Community Living (DCL) to participate in the Farmers' Market Nutrition Program (S/FMNP) in Virginia, also called the Farm Market Fresh for Seniors and WIC Program. These procedures should be reviewed carefully before a farmer signs an agreement to participate in the Farm Market Fresh for Seniors and WIC Program. The authorized farmer must comply with principles and procedures outlined in this handbook to retain authorization.

# S/FMNP Program Overview

The Senior Farmers' Market Nutrition Program (SFMNP) Final Rule (71 FR 74618), published in the Federal Register on Dec. 12, 2006, established the SFMNP as a formula grant program and the Food, Conservation and Energy Act of 2008 (the 2008 Farm Bill) P.L. 110-246 provided for funding of the program. The purposes of the program include providing fresh fruit and vegetables and nutrition education to older adult participants; promotion and use of farmers' markets as a direct marketing outlet for Virginia farmers; and promotion of Virginia fresh fruit, vegetables and cut herbs.

The WIC Farmers' Market Nutrition Program (FMNP) was established by Congress in July 1992 to provide fresh, nutritious, unprepared, locally grown fruits and vegetables through farmers' markets and roadside stands to WIC participants, and to expand awareness and use of, and sales at, farmers' markets and roadside stands.

## Virginia Farm Market Fresh for Seniors and WIC Program

The Farm Market Fresh for Seniors and WIC Program is a federal nutrition program administered by DCL that authorizes Farmers to accept Senior and WIC Farmers Market Nutrition Program (S/FMNP) benefit checks.

The Virginia Department of Agriculture and Consumer Services (VDACS) is a state agency partner. Through a letter of agreement, VDACS regional marketing specialists assist with the farmer application/authorization process and with S/FMNP training and monitoring activities.

Participating in the program provides farmers with additional sales opportunities and promotes the production of locally grown fresh fruit and vegetables. Participants shopping with authorized farmers have an array of locally grown fresh fruit and vegetables to choose from, which may help reduce barriers to a healthy diet that many low income participants experience.

## Definitions and Examples

### Farmer



To participate, a farmer must meet the following four criteria:

- A person who is authorized under the rules of the S/FMNP in Virginia and has a signed Farmer Agreement.
- A resident of Virginia who grows and harvests on land within the Commonwealth of Virginia, fruit, vegetables, and/or cut herbs that are



“eligible” foods under the Farm Market Fresh program.

- Annually sells at least \$1,000 worth of self-grown fruit, vegetables and/or cut herbs that are “eligible” foods under the S/FMNP.
- A bona fide producer of the fresh fruit, vegetables and cut herbs offered for sale or exchange for S/FMNP checks.

### Eligible Foods



Eligible foods are defined as fresh fruit, vegetables and herbs grown in Virginia under normal growing conditions by an authorized farmer as defined above. Examples include the following:

- Vegetables such as beans, broccoli, cabbage, cucumbers, eggplant, greens, lettuce, peppers, potatoes (white and sweet), edible pumpkins, root vegetables, squash, sweet corn, tomatoes and mushrooms
- Fruit such as apples, berries, melons, nectarines, peaches and pears
- Cut herbs such as basil, dill, parsley, oregano, rosemary, sage and thyme

These examples are not exhaustive. Any fresh or unprocessed fruit, vegetable or cut herb grown in Virginia under normal growing conditions by an authorized S/FMNP farmer shall be considered eligible.

### Ineligible Foods



Ineligible foods are defined as foods that shall not be exchanged for S/FMNP checks under any circumstances. Ineligible foods are not counted towards the farmer’s \$1,000 production needed to be considered a farmer under the Virginia S/FMNP.

The following are examples of ineligible foods:

- Honey
- Preserved products such as jam, jelly, apple butter, apple cider, juice, pickles and relishes
- Nuts such as peanuts, walnuts, pecans and products made from nuts
- Citrus fruits such as oranges, lemons, limes, grapefruit or tangerines
- Tropical fruits such as bananas, pineapple and mangoes
- Animal products such as meats, poultry, eggs, cheeses, milk, ice cream and dairy products

- Baked goods such as bread, cakes, pies and cookies
- Plants such as flowers, bedding plants and potted herbs
- Produce grown in Virginia, but purchased from a wholesaler, farmers' market, produce auction or grocery store
- Dried herbs or teas
- Produce that might be grown in Virginia but was grown outside Virginia

These examples are not exhaustive.

Questions and disputes over foods deemed eligible or ineligible under S/FMNP shall be resolved by the S/FMNP Coordinator, whose decision is final.

### **Self-Grown Requirement**



Farmers shall accept S/FMNP checks only for the eligible foods that they grow.

A farmer shall be the bona fide producer of the fresh fruit, vegetables and cut herbs offered for sale or exchange for S/FMNP checks.

Farmers are not permitted under any circumstances to accept S/FMNP checks for any foods purchased from a wholesaler, farmers' market, produce auction or grocery store.

### **Exception to the Self-Grown Requirement**

It is expected that authorized farmers are exchanging only their self-grown, eligible produce for the S/FMNP checks and not accepting S/FMNP checks for produce that they have purchased from others. However, when events beyond human control, such as drought, frost, storms or flooding destroy crops and limit the availability of produce, DCL has the discretion to allow exceptions in order to ensure availability and variety of produce for S/FMNP participants.

An exception may be considered by VDACS and DCL if the farmer experiences a crop failure beyond his or her control. The farmer shall request an exception in writing and provide written documentation of the circumstances leading to the crop failure and the type and quantity of produce lost to the farmer.

If the request for an exception is approved in consultation with VDACS by DCL, a signed addendum to the Farmer Agreement will specify the produce for which the farmer may accept S/FMNP checks that is grown by another Virginia farmer in addition to his or her own produce. A farmer with a signed and approved exception may only purchase and accept

S/FMNP checks for produce equal to the type and quantity of the crops he/she lost.

When a farmer has been granted a signed and approved exception in the Farmer Agreement, the following shall apply:

- If growing circumstances had been normal, the farmer would have met the \$1,000 self-grow and sell requirement.
- The farmer shall provide the name, address and phone number of each Virginia farmer from whom he or she anticipates making produce purchases. Receipts signed by the Virginia farmer(s) from whom purchases are made may also be requested by either VDACS or DCL.
- If a farmer is a vendor at a “grower-only” market, where vendors are required to sell only self-grown products, the farmer must abide by that market’s rules.
- Eligible foods cannot be obtained from a non-farm source and then redeemed for S/FMNP checks. Non-farm source means any place other than the Virginia farm where the fruit and vegetables are grown. Under no circumstances may a farmer purchase products from a wholesaler, farmers’ market, produce auction or grocery store, and accept S/FMNP checks for them.

## Application Process

The application process takes place annually. A farmer desiring to participate in the S/FMNP in Virginia must complete and submit an application through his/her regional Virginia Department of Agriculture and Consumer Services marketing specialist. Contact information for the VDACS marketing specialists is found in the appendix of this handbook. The application will be reviewed by the VDACS marketing specialist and DCL’s S/FMNP coordinator.

To be an authorized farmer and participate in the Farm Market Fresh for Seniors and WIC Program, the applicant must meet the selection criteria, and have a fully executed farmer authorization agreement with DCL.

VDACS and DCL establish and periodically review criteria for the selection of farmers who will be authorized to transact and redeem S/FMNP checks. VDACS and DCL must ensure that an appropriate number of farmers will be authorized. The farmer must comply with the farmer selection criteria throughout the agreement period. VDACS and DCL may reassess the farmer at any time during the agreement period using the selection criteria in effect at the time of reassessment. In consultation with VDACS, DCL will terminate the agreement if the farmer fails to comply with the current farmer selection criteria.





## Please Note Application Deadlines

Each year, applications are requested by an April deadline so that Farmer Agreements may be processed by the June 1 annual start of the redemption period. Applications received by the April deadline also have a greater likelihood that the contact information of the authorized farmer will be included in handouts promoting the Farm Market Fresh Program among participants. Applications not received by the April deadline will be accumulated for review and processed at the beginning of the next calendar month. Farmer applications will not be accepted after July 15 of each year.

DCL may use its discretion to extend the application deadline if, due to weather or other special circumstances, additional farmer applications are needed mid-season.

The farmer must submit a completed application for authorization. However, submission of the application is not a guarantee that the farmer will be authorized.

## Selection Criteria

Farmer selection will be based upon consideration of the following criteria:

- The farmer must participate in face-to-face training with the regional VDACS marketing specialist before the first year of participation. The farmer will receive written training materials for self-study in follow-up years.
- Farmers who grow and sell 100 percent of their own produce are given preference in the selection process.
- The farmer must him/herself grow and sell at least \$1,000 worth of Farm Market Fresh eligible fruit and vegetables.
- Farmers selling fruit, vegetables, and cut herbs that are 100% grown by others shall not be authorized to accept S/FMNP checks.
- Farmers are not allowed to accept and/or redeem checks for another farmer.
- The farmer will agree to sell only the eligible fruit and vegetables described in the Definitions section in exchange for S/FMNP checks.
- The farmer will assure that no conflict of interest exists between the farmer and DCL and the Department for Aging and Rehabilitative Services, VDACS, and the local agency that is distributing checks to senior or WIC participants.



- The farmer will agree to comply with civil rights assurance and non-discrimination requirements as stated in 7 CFR 249.7 (a): title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture regulation on nondiscrimination (7 CFR parts 15, 15a, and 15b), and applicable FNS Instructions to ensure that no person shall, on the grounds of race, color, national origin, age, sex or disability, be excluded from participating as a farmer or customer.
- DCL will not authorize any farmer applicant if during the last six years the farmer applicant has been convicted of, or had a civil judgment entered against her/him for, any activity indicating a lack of business integrity. DCL and VDACS's determination of lack of business integrity includes but is not limited to: fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims or obstruction of justice.
- Farmers shall have and maintain a positive compliance history with any and all USDA Food and Nutrition Services (FNS) programs in which they are participating or have participated.
- Within 30 days of receipt of the application, the farmer will receive an Authorization Agreement or a notice of denial of application from DCL. The notice of denial will state the reason for the denial, whether the applicant may make an appeal and outline the process for making an appeal.

## Authorization Agreement

DCL has a one year (season) agreement directly with farmers. This agreement may be terminated by either party with 15 calendar days advance written notice.

It is a requirement that the farmer must participate in face-to-face training the first year and be responsible for self-study materials provided in subsequent years. The farmer agrees to be accountable for actions of farmers or employees who are acting on behalf of the farmer and assure

that these persons are trained regarding S/FMNP rules and procedures.



***The farmer shall not accept S/FMNP checks until he/she receives the current season's Farmer Agreement signed by DCL.***

The authorized farmer will receive a Farmer ID stamp and sign from DCL. The sign must be displayed at all authorized points of sale, every time the farmer is selling eligible foods in exchange for S/FMNP checks. The ID stamp must be imprinted on all redeemed S/FMNP checks before they are submitted to the bank.

## Farm Market Fresh for Seniors and WIC Sign

An authorized farmer shall post the Farm Market Fresh for Seniors and WIC sign provided by DCL for the current year in a visible location at all times while participating in the S/FMNP. The signs are color-coded each year, so previous signs are not acceptable. To ensure good visibility, the sign shall be posted at a height of three to five feet from ground level, facing the customer traffic.

Farmers are required by federal regulation to display the sign which lets the participants know without having to ask that the farmer is authorized to accept their Farm Market Fresh checks.

If the sign is lost or severely damaged, the farmer is responsible for notifying DCL so that a replacement sign may be issued.

Sample:



Farmers are in violation and subject to suspension for the remainder of the season/year if they accept S/FMNP checks without the specific current year's Farm Market Fresh for Seniors and WIC Sign posted.

## Checks

The Farm Market Fresh for Seniors and WIC Program issues a legally negotiable check. Each check must be endorsed on the back with the farmer's signature or the farmer's endorsement stamp (not the ID stamp which is stamped on the front and described in section IX). The farmer then deposits the S/FMNP check into his/her local retail bank. S/FMNP checks are color-coded each year. Farm Market Fresh checks are negotiable instruments and shall be treated as cash and guarded from possible loss or theft prior to redemption.

Senior participants receive nine \$5.00 checks, totaling \$45.00; WIC participants receive six \$5.00 checks, totaling \$30.00. When a participant presents checks to an authorized farmer for the purchase of eligible foods, the farmer shall make sure that the check is signed on the front by the participant (customer).

Farmers are strongly urged to deposit checks weekly or at least monthly during the market season so that S/FMNP funding can be tracked and any banking problems can be managed as they occur.



### **Important Check Deposit Notice**

**Farmers must deposit all S/FMNP checks by Dec. 1.** Any checks deposited after Dec. 1. will be returned unpaid and bank charges will apply at the expense of the farmer.

### Sample

The image shows a sample Farm Market Fresh check on a yellow background. The check includes the following information:

- Header:** FARM MARKET FRESH, Virginia's Farmers' Market Nutrition Program (S/FMNP), Department for Aging & Rehabilitative Services, 1610 Forest Avenue, Suite 100, Henrico, VA 23229, 800 552 3402.
- Account Info:** GI 1968 611, Account # 2072127034.
- Check Number:** 608376.
- Spending Dates:** FIRST DATE TO SPEND: June 1, 2020; LAST DATE TO SPEND: November 21, 2020. A note states "SOME MARKETS MAY CLOSE EARLIER".
- Amount:** \$ 5.00. A note states "NOT TO EXCEED \$5.00" and "NO CHANGE ISSUED".
- Usage:** May be used for locally grown, unprocessed fresh fruits, vegetables and herbs only. USE ONLY AT AUTHORIZED VA FMNP FARMERS.
- Signature Area:** Labeled "Farmer Stamp Here" with an arrow pointing to a large, handwritten "SAMPLE" stamp.
- Bottom:** A "VOID" stamp and the text "PARTICIPANT'S SIGNATURE".
- Small Text:** "UNITED COMMUNITY BANK MARTHA, VA" is visible in the bottom left corner.

## Identification (ID) Stamps for Stamping Checks

Each farmer is assigned and issued a unique 3 digit identification (ID) number and self-inking ID stamp. This ID stamp number replaces the "pay to the order of" name. S/FMNP stamps will be provided by DCL at

no cost to farmers. No farmer should use a stamp not issued by the Farm Market Fresh for Seniors and WIC program.

Each S/FMNP check accepted shall have the farmer's ID number clearly stamped on the front in the indicated space before being deposited at the bank. Handwritten numbers shall not be accepted. Without a clear imprint stamped on the checks, they will be returned and bank charges may apply at the expense of the farmer.

Ink refills are available from DCL and should be requested by the farmer if needed to make a clear imprint. If the stamp is broken, it is the farmer's responsibility to contact DCL for a replacement ID stamp. Please note: a new ID number is assigned when a new stamp is issued and the old number is deactivated.

### **Did you know?**

As a result of the federal law "Check 21", all S/FMNP checks are processed using electronic images. This means when Farm Market Fresh checks are deposited, an electronic image of the check is sent to DCL's banking service for processing. Farmer stamps should make a solid impression of the ID number because the ID number links the farmer to the check. Sometimes checks are rejected due to a stamped number that is not readable, but the stamp imprint seemed clear on the original check. This may result when the image quality is poor. Farmers should work with their banks to ensure that the images created are as clear as possible.

## Transaction Policies and Procedures



Under no circumstances shall S/FMNP checks be exchanged for cash. No change shall be given and no credit shall be offered for future transactions.

If the "Amount of Sale" is less than the value of the check, farmers shall assist the participant to select more eligible items to fully use the value of the check.

If the "Amount of Sale" exceeds the maximum value of the check, farmers shall assist the customer in selecting items to remove from the transaction. If desired, the participant may use cash for the "Amount of Sale" that exceeds the value of the check.

During the transaction, when participants present their items for payment, the farmer or his/her employee shall clearly identify and group separately, eligible foods that will be purchased with S/FMNP checks from

ineligible foods that are not permitted to be paid for with S/FMNP checks. Signage distinguishing eligible from ineligible foods is recommended but not required if farmers clearly identify eligible items.

The farmer or his/her employee shall be physically present and operating their own booth/stall/stand. A farmer may NOT accept S/FMNP checks and/or operate a booth/stall/stand for a farmer not physically present. “Honor system” or “self-serve” operations where participants transact their own checks are not allowed and will result in a violation.

## Locations



DCL and VDACS are responsible for monitoring locations where Farm Market Fresh for Seniors and WIC checks are accepted. With limited resources, DCL and VDACS cannot oversee numerous individual locations. Therefore, the locations where farmers are, or are not, allowed to accept the checks will be limited as described below:

### **Farmers’ Markets**

Definition – for S/FMNP, “farmers’ market” means a group or association of local farmers who assemble at a defined location for the purpose of selling their produce directly to consumers.

It is preferred that farmers accept the checks at farmers’ markets as one of the goals of the program is to promote farmers’ markets.

Not all farmers’ markets participate in the S/FMNP. If a farmer is selling at a farmers’ market that is not in the program, he/she is not allowed to post his/her sign or accept S/FMNP checks at that farmers’ market.

A list of participating farmers’ markets, current at the time of publication, is located in the appendix.



### **Roadside Stands and Farm Stands**

The terms “roadside stand” and “farm stand” are used interchangeably and mean the same thing in S/FMNP.

Definition – for S/FMNP “roadside or farm stand” means a location at which an individual farmer sells his/her produce directly to consumers. This is in contrast to a group or association of farmers selling their produce at a farmers’ market.

The defining feature of a roadside or farm stand is that it is operated by



an individual farmer. The definition of a roadside or farm stand does not consider the form or function of the structure of the roadside or farm stand nor does it have to be located at roadside. Some roadside or farm stands are actual stores but may be as simple as a shed or table on the farm. Whatever the structure, the roadside or farm stand should be sturdy and safe for participants to patronize.

The roadside or farm stand must be separate from the farmer's residence. The farmer is not allowed to require the participant to come into his/her home to purchase produce and redeem the checks.

There must be someone who is trained to handle S/FMNP transactions available at all times during which the roadside or farm stand is open to accept the checks from participants. Farmers are not allowed to require participants to leave S/FMNP checks unattended. "Honor system" or "self-service" operations are not permitted.

During the application process, additional information on the roadside or farm stand location and physical facility is requested from farmers wishing to accept the checks at their roadside or farm stand locations.

Roadside and farm stand operations are considered priority locations for monitoring.

**No new Roadside or Farm Stands are being authorized.** Authorized farmers who accepted S/FMNP checks at a roadside or farm stand prior to 2013 are "grandfathered" and allowed to accept the checks at their roadside or farm stand as they did in prior years.

### **Fairs, Festivals and Flea Markets**

Farmers are not allowed to accept S/FMNP checks during fairs, festivals and flea markets.



### **Senior Centers, Congregate Meal Sites, WIC Clinics, Senior Residences and Housing Complexes**

Senior centers, congregate meal sites, WIC clinics, senior housing complexes and other organizations that serve seniors and WIC participants may schedule and coordinate a “mini” or “mobile” farmers’ market at their location and invite farmers to come. Farmers should not arrive uninvited nor should they exert pressure on organizations to hold these events.

It is strictly the decision of the management of that organization to extend invitations to authorized farmers. Efforts should be made to invite several authorized farmers. However, if only one farmer wishes to attend, it is acceptable to hold the event with only one farmer as long as others were given the opportunity to participate.

Farmers must list and describe on their application, all such senior centers, congregate meal sites, senior residences and housing complex locations where they will be accepting Farm Market Fresh senior checks. If a location is added during the marketing season, the farmer must notify the S/FMNP Coordinator. If the additional location is approved, an amended Farmer Agreement will be issued that includes the additional location.

Authorized farmers are not allowed to deliver produce door-to-door in exchange for Farm Market Fresh senior checks.



## Monitoring



Monitoring refers to the regular review of authorized farmers to determine adherence to Farm Market Fresh policies and procedures and to identify specific areas that are deficient during the review.

Farmers are prioritized for monitoring. Those farmers considered high priority are:

- Farmers accepting a high volume of checks.
- New farmers in their first or second year of the program.
- Individual farmer operations (regardless of form or function, these are also called roadside stands or farm stands or farm stores).
- Farmers about whom there have been complaints.

The monitor will make an onsite visit at the selling location to ensure as many as possible of the following:

- The Farm Market Fresh sign is prominently displayed.
- The farmer accepts S/FMNP checks only for self-grown, eligible fresh fruit and vegetables.
- Ineligible foods are separated and clearly indicated when items are purchased.
- Eligible foods are the same quality and cost as that sold to other customers.
- S/FMNP customers are treated with the same respect and courtesy as other customers.
- Proper redemption procedures are followed.
- Sales tax is not charged.
- The farmer encourages participants to purchase close to the maximum value of the check and does not give change or credit for future purchases.
- The farmer does not cash checks for participants nor does he/she accept them for or from other farmers.
- Non-discrimination guidelines are followed.

A monitor or “secret shopper” may perform a covert purchase with S/FMNP checks to determine where there are potential weaknesses. Covert means the monitor or “secret shopper” may shop at the farmer’s point of sale while pretending to be a participant and may attempt to purchase ineligible foods with S/FMNP checks.

Production monitoring by VDACS marketing specialists or other agency partners may also be conducted at the farm or point of production to verify that eligible foods listed on the farmer’s application are in fact planted and harvested on the farm and that the farmer is growing at least \$1,000 worth of foods eligible under S/FMNP.

Any non-compliance with S/FMNP regulations will be documented on the monitoring form. Non-compliance issues and violations of S/FMNP regulations and the terms and conditions of the Farmer Application and Agreement will result in sanctions.

## Violations and Sanctions



A farmer is in violation if he/she fails to comply with Farm Market Fresh program rules and the terms and conditions of the Farmer Application and Agreement or fails to respond to requests, implement corrective action, or comply with the terms of directives from DCL.

There will be three types of farmer sanctions:

- **Non-payment** – the farmer is not paid for improperly transacted S/FMNP checks.
- **Suspension** – the farmer is suspended from accepting S/FMNP checks for the remainder of the season/year.
- **Disqualification** – the farmer is suspended from the program for the remainder of the season/year and disqualified from applying for the program in the next season/year.

### **Violations leading to non-payment of improperly transacted S/FMNP checks:**

- Failure to stamp checks with valid and legible farmer identification number.
- Accepting and depositing checks before receiving the signed Farmer Agreement authorizing participation.
- Accepting and depositing checks prior to “first day to spend” or after “last day to spend” dates marked on checks.
- Depositing checks after “last day to deposit” dates marked on checks.
- Failure to get the signature of the senior participant on the check.

### **Violations leading to farmer suspension**

The farmer is suspended from program participation for the remainder of the season/year:

First incidence of:

- Acceptance of checks for anything other than self-grown, eligible foods.
- Failure to meet eligibility requirements including not growing at least \$1,000 worth of eligible fruit and vegetables.
- Charging tax.
- When purchases amount to less than the value of the check, giving change, cash, or credit for future purchases.

Second incidence of:

- Failure to post Farm Market Fresh for Seniors sign each market day.



- Acceptance of checks at unmanned roadside stands.

### **Violations leading to Farmer Disqualification**

The farmer is suspended from program participation for the remainder of the season/year and disqualified from applying for the program in the next season/year:

Second incidence of:

- Acceptance of checks for anything other than self-grown, eligible foods.
- Failure to meet eligibility requirements including not growing at least \$1,000 worth of eligible fruit and vegetables.
- Charging tax.
- When purchases amount to less than the value of the check, giving change, cash or credit for future purchases.

Any incidence of:

- Redeeming checks for unauthorized farmer or other person(s) not currently authorized as a farmer in the Farm Market Fresh for Seniors program.
- Not giving equitable treatment to program participants, such as charging higher prices, offering lesser quality produce, or not treating senior participants with the same courtesy as offered other customers.
- Seeking restitution from senior participants for checks not paid.
- Failing to respond to requests, implement corrective actions, or comply with directives from DCL or VDACS in relation to any S/FMNP rules.
- Failure to cooperate with DCL or VDACS in monitoring for compliance or farm inspections to verify production.
- Exchanging checks with another farmer for cash or produce.

## Notice of Violation and Sanction



Farmers will receive notifications of non-payment of S/FMNP checks through the banking system. If the farmer believes there has been an error in non-payment, he/she should contact the S/FMNP Coordinator for investigation and resolution.

DCL shall notify the farmer in writing of the violation requiring the suspension and the effective date after which checks will not be accepted. The suspension shall remain in effect for the remainder of the current market season/year.

DCL shall notify the farmer in writing of the violation requiring the disqualification and the effective date after which checks will not be accepted. The disqualification shall remain in effect for the remainder of the current market season and the farmer is disqualified from applying for the following season/year.

When the farmer receives a Notice of Suspension or Notice of Disqualification, he/she must immediately stop displaying the Farm Market Fresh for Seniors and WIC sign, return his/her ID stamp to DCL, and not accept S/FMNP checks at any location on and after the date listed in the letter. Any checks presented to the bank after the date of suspension or disqualification will not be paid.

The notice will:

- State the violation or cause for the sanction.
- State the effective date of the sanction.
- State the procedure for the farmer requesting an appeal.
- Be sent via U.S. mail, return receipt requested, to the farmer's mailing address of record.

The farmer who commits fraud or abuse may be prosecuted under applicable federal, state and local laws and may be subject to penalties or fines.

## Appeal and Fair Hearing



The farmer may appeal a Denial of Application, Notice of Suspension, or Notice of Disqualification. The farmer may not appeal a termination due to expiration of the agreement. A request for appeal and fair hearing must be in writing, signed by the farmer or authorized agent, and mailed to the S/FMNP Coordinator, 1610 Forest Avenue, Suite 100, Henrico, VA 23229.

The request for appeal shall:

- State the issue.
- Contain a summary of the farmer's position on the issue indicating why the sanction should be reversed.
- State the name and address of the Farmer requesting the appeal.
- State the name and address of the farmer's representative or attorney, if any.
- The decision will be made by the VDACS and DCL program directors on the basis of the written appeal letter unless the farmer desires a hearing (meeting). If a hearing is requested, the farmer shall state his/her need for an interpreter or other special accommodations, if necessary.

A request for an appeal must be received by DCL within 45 days of the date the farmer received the notice. The farmer must not accept S/FMNP checks while awaiting a decision on the appeal.

If a hearing (meeting) is requested, the S/FMNP Coordinator will give the farmer not less than 15 days' notice of the scheduled time and location for the hearing. The farmer will have the opportunity to reschedule the hearing one time upon request, confront and cross-examine adverse



witness(es), be represented by a person of the farmer's choosing and at the farmer's expense, and review information on the action prior to the hearing.

The farmer will receive a written decision on the written appeal letter or fair hearing within 60 days from the date DCL receives the appeal request. The decision will be final and may not be contested.

## S/FMNP Questions, Concerns and Complaints



DCL provides a statewide toll free number for senior participants, farmers, local agency staff and others to call if they have S/FMNP questions or concerns. In addition, the S/FMNP Coordinator's direct phone line and other contact information are provided in the appendix of this handbook.

Complaints regarding any aspects of the Farm Market Fresh for Seniors and WIC Program will be accepted in writing from participants, farmers, local agency staff and others on the Complaint Form found in the appendix of this handbook.

# APPENDIX

## Contact Information



Senior and WIC Farmers' Market Nutrition Program  
Department for Aging and Rehabilitative Services  
Virginia Office for Aging Services  
1610 Forest Ave., Suite 100  
Henrico, VA 23229


Kelly Wright, Program Coordinator  
Phone: (804) 662-9319  
Toll free: (800) 552-3402  
Fax: (804) 662-9354  
Email: [kelly.wright@dars.virginia.gov](mailto:kelly.wright@dars.virginia.gov)

Virginia Department of Agriculture and Consumer Services,  
Division of Marketing, Domestic Sales & Market Development  
102 Governor St.  
Richmond, VA 23219  
Phone: (804) 786-3951

## Virginia Department of Agricultural and Consumer Services State Offices

Director, Domestic Sales & Market Development  
Phone: (804) 371-6098  
Fax: (804) 371-7786

Eastern Region 1  
Butch Nottingham, Marketing Specialist  
P.O. Box 686  
Melfa, VA 23410  
Phone: (757) 787-5876  
Fax: (757) 787-0958  
Email: [butch.nottingham@vdacs.virginia.gov](mailto:butch.nottingham@vdacs.virginia.gov)

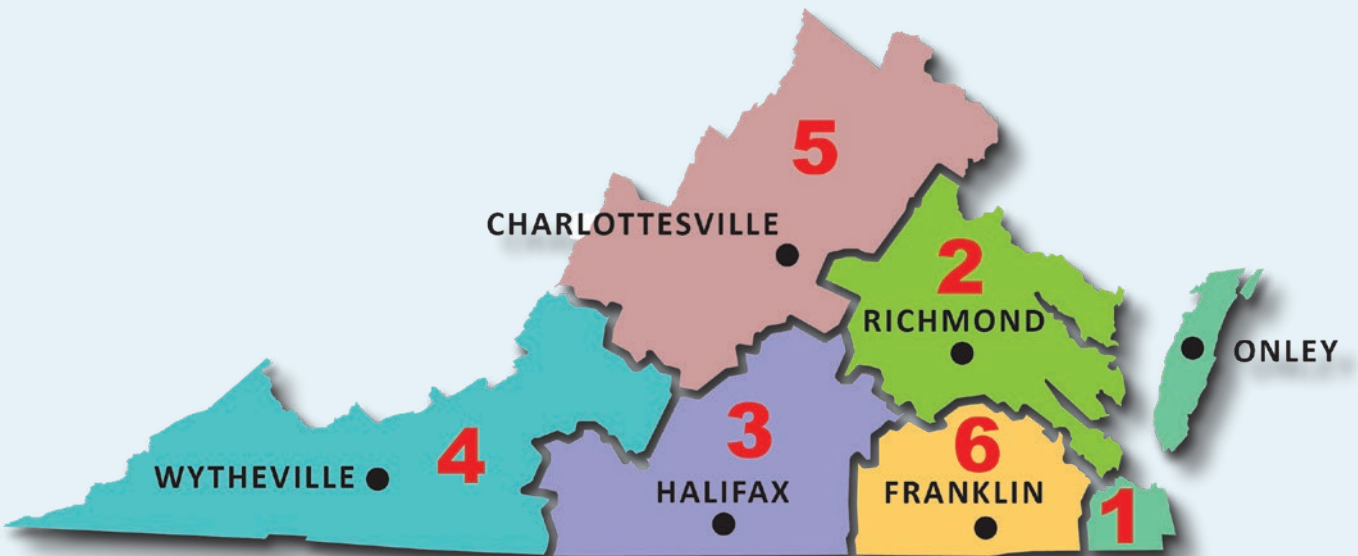


Southside Region 3  
Jennifer Atkins, Marketing Specialist  
Olde Dominion Agricultural Complex  
19783 US Hwy 29 South, Suite A  
Chatham, VA 24531  
Phone: (804) 839-9003  
Email: [jennifer.atkins@vdacs.virginia.gov](mailto:jennifer.atkins@vdacs.virginia.gov)

Southwest Region 4  
Danny Neel, Marketing Specialist  
250 Cassell Rd.  
Wytheville, VA 24382  
Phone: (276) 228-5501  
Fax: (276) 228-6579  
Email: [danny.neel@vdacs.virginia.gov](mailto:danny.neel@vdacs.virginia.gov)

Northwest Region 5  
Caitlin Miller, Marketing Specialist  
900 Natural Resources Dr., Suite 300  
Charlottesville, VA 22903  
Phone: (434) 984-0573  
Fax: (434) 220-9127  
Email: [caitlin.miller@vdacs.virginia.gov](mailto:caitlin.miller@vdacs.virginia.gov)

Southeast Region 6  
Gail Moody Milteer, Marketing Specialist  
24540 Agri Park Dr.  
Courtland, VA 23837  
Phone: (757) 653-2010  
Email: [gail.moodymilteer@vdacs.virginia.gov](mailto:gail.moodymilteer@vdacs.virginia.gov)



## Farmers' Markets - Associations or groups of farmers

Current at the time of publication and supplied for information purposes only. Not responsible for updating of market listing throughout the season.

<b>Southeast</b>	<b>Location</b>	<b>Hours</b>
Chesapeake	900 Greenbrier Parkway, Great Bridge	Wed., Sat 8-1pm
Emporia	107 S. Main St.	Mon.-Sat., 7-7pm
Franklin	210 Main St.	Wed. 4:30-7:30pm; Sat. 9-1 pm
Smithfield	115 Main St., Olde Town Curb	Sat. 9-noon
Suffolk	524 N Main St.	Sat. 9-1pm
Virginia Beach	3640 Dam Neck Rd.	Daily 10-5pm
<b>Eastern Shore</b>	<b>Location</b>	<b>Hours</b>
Cape Charles	Strawberry Plaza on Mason Ave.	Wed. 5-8pm
Chincoteague	6309 Church St.	Sat. 9-noon
Onancock	Market & Ames St., Onancock Market	Sat. 8-noon
Parksley	Parksley Town Pavilion	Sat. 8-1pm
Wallops Island	34001 Mill Dam Road	Thurs. 11-1pm
<b>Arlington</b>	<b>Location</b>	<b>Hours</b>
Ballston	1000 N. Glebe Rd.	Thurs. 3-7pm
Columbia Pike	2620 Columbia Pike	Sun. 9-1pm
Courthouse	14th St. & N. Courthouse Rd.	Sat. 8-noon
Crystal City	1850 Crystal Dr.	Tues. 3-7pm
Westover	1644 N. McKinley Rd.	Sun. 8-noon
<b>Southside</b>	<b>Location</b>	<b>Hours</b>
Amelia Barter Town	16501 Five Forks Rd.	Tues. 4-7pm
Bassett	3526 Fairystone Park Hwy	Tues. 4-7pm; Thurs. 10-2pm
Blackstone	603 Church St.	Wed. 8-noon; Sat. 8-noon
Chatham	Old Dominion Ag Center US 29S	Sat. 8-noon
Danville	629 Craghead St.	Wed. 1-6pm July/Aug; Sat. 7:30-noon
Drakes Branch	Highway 47 at Town Pavilion	Fri. 10-4 pm
Farmville	213 North St.	Sat. 9-1pm
Farmville	801 Buffalo Heights Rd.	Sat. 9-noon
Halifax	209 S Main St.	Sat. 9-1pm
Martinsville	65 W. Main St.	Wed., Sat. 8-noon
Rocky Mount	435 Franklin St.	Mon.-Sat. 7-5pm
South Boston	300 Broad St.	Mon.-Sat. 7:30-sold out



<b>Northwest</b>	<b>Location</b>	<b>Hours</b>
Highland	61 Highland Center Dr.	Fri. 3:30-6pm
North Augusta /Verona	18 Government Center Lane	Wed. noon-5pm
Staunton	Wharf Parking Lot on Johnson St.	Wed. 7-noon; Sat. 7-noon
Staunton West End	2030 West Beverly Street	Thurs. 4-7 pm
Staunton/Augusta Health Dept.	1414 North Augusta St.	Fri 11am-2pm; July - Sept.
Waynesboro	215 W Main St., Pavilion Constitution Park	Sat. 9-1pm
<b>Southwest</b>	<b>Location</b>	<b>Hours</b>
Abingdon	Rensburg Dr. & Cummings St.	Jan.-March, 1st & 3 <sup>rd</sup> Sat., 10-noon; April-Nov., Sat., 8-1pm, Tues. 3-6pm; Nov. 28-Dec. 25, Sat. 10-noon
Big Stone Gap	410 Shawnee Ave.	Thurs. 4-7pm
Bland	591 Main St.	Sat. 9-noon
Bluefield	Walnut St.	Fri. 8-noon
Bristol	State St.	Wed. 8-noon; Sat. 2-6pm
Chilhowie	325 East Lee Hwy	Thurs. 4-7pm
Clinch River	16531 Russell St., Market Square	Sat. 8-1pm
Clintwood	200 Chase St.	Fri. 1- 6pm
Coeburn	Front St. & Grand Ave.	Fri. 3-6:30pm
Fairystone	967 Fairystone Lake Dr.	Mon 5-7pm
Fries	Fries Town Park	Sun. 1 - 4pm
Glade Spring	Town Square	Sat. 9-noon
Independence	Intersection of Hwys 58 & 21	Fri. 9-1pm
Lebanon	Russell Co. Gov.'t Center, 331 W. Main St.	Wed. 10-2pm Sat. 8-1pm
Marion	138 W. Main St., Business Office	Sat. 8-noon
Norton	815 Park Ave.	Tues. 4-6pm
Rural Retreat	Town Center	Wed. 2-6pm
Southwest VA	497 Farmers Market Dr., Hillsville	Daily 8-6pm
Stuart	320 Chestnut Ave.	June-Sept., Tues. 3-6pm; May-Nov., Fri. 8-noon; Dec., 1 <sup>st</sup> Sat., 10-1pm
Tazewell	Main St. & Marion Ave.	Fri. 3-6pm
Tazewell	584 Freedom Ave., Farm Bureau Supply	Tues. 1-6pm
Wise	309 East Main St.	Thurs. 4-6pm
Wytheville	210 W. Spring St.	Sat. 8-noon

# Virginia Senior and WIC Farmers' Market Nutrition Program Complaint Form

To: Program Coordinator, Division for Community Living  
Office for Aging Services, 1610 Forest Avenue, Suite 100, Henrico, VA 23229  
Fax: 804-662-9354, aging@dars.virginia.gov  
Only forms with complete information will be addressed.

## **PERSON FILING COMPLAINT:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**I am** (please check box and describe if indicated)

Farmer     Senior participant     WIC participant     AAA Staff at: \_\_\_\_\_

Market Manager at: \_\_\_\_\_     WIC staff at: \_\_\_\_\_

Other: \_\_\_\_\_

## **DESCRIPTION OF COMPLAINT:**

Date, time, and location of incident: \_\_\_\_\_

Name or description of person(s) involved: \_\_\_\_\_

Describe the incident in detail (use back and additional sheets if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **State Agency Use Only – Actions Taken:**






**VIRGINIA DEPARTMENT FOR AGING  
AND REHABILITATIVE SERVICES**

**Division for Community Living – Office for Aging Services**

1610 Forest Avenue, Suite 100, Henrico, VA 23229  
Toll-Free Phone: (800) 552-3402, Fax: (804) 662-9354  
[www.vadars.org](http://www.vadars.org)

