

RULES AND PROCEDURES FOR PARTICIPATING FARMERS

These rules and procedures apply to all farmers participating in the Louisiana Farmers' Market Nutrition Program. They should be reviewed before signing a Farmer Participation Agreement.

PART I: BASIC POLICIES AND PROCEDURES

1. Coupons may be accepted only for "fresh, nutritious, unprepared foods for human consumption." In Louisiana, "authorized" or "coupon-eligible" foods are locally grown fresh fruits, vegetables, cut herbs and honey (seniors only). Coupons may NOT be accepted for other products such as meat, seafood, eggs, cheese, syrup, nuts and seeds, jam, cider, baked goods, plants, decorative pumpkins or gourds.
2. The term, "Locally Grown" means: Grown in the State of Louisiana; in addition, locally grown also means produce grown by farmers in contiguous states to Louisiana who are members in good standing of their respective farmers' markets and whose FMNP Participation Agreement must be approved by the LDAF Commissioner of Agriculture and Forestry or his designee. Prior to approval by LDAF of an out-of-state farmer applicant, justification must be presented by the respective farmers' market management that his/her approval will be beneficial to the success of the market and to the Louisiana FMNP and without detriment to their Louisiana farmer members.
3. The terms, "certified" or "participating," refer to farmers who have signed a Farmer Participation Agreement promising to abide by these "Rules and Procedures" and who have not been disqualified from the program.
4. Coupons may be accepted only by certified farmers who grow fresh fruits, vegetables, cut herbs and honey (seniors only) to sell at authorized farmers' markets and roadside stands.
5. Certified farmers may not redeem coupons accepted by or on behalf of unauthorized vendors.
6. Where permitted by the farmers' market rules, a certified farmer may accept coupons for the purchase of eligible, locally grown fresh produce that is produced by someone else but sold by the farmer in addition to his/her own fresh produce.

If the farmers' market rules state that their farmer members can only sell what they grown, then FMNP coupons may not be accepted for produce grown by someone else.

7. If a farmer sells both eligible and ineligible foods, signs or some other form of identification should be prominently displayed near the eligible foods so that customers can easily see which foods may or may not be purchased with the coupons. Where market rules permit a farmer to sell produce that is not locally grown, these foods must be physically separated from the coupon-eligible foods and must be displayed with a sign or some other form of identification stating that they may not be purchased with Farmers' Market Nutrition Program coupons.
8. Coupons may be accepted only at authorized farmers' markets and roadside stands during advertised or published market hours.
9. To be authorized to accept coupons, eligible produce farmers must receive training and sign a Farmers' Market Nutrition Program Farmer Participation Agreement promising to comply with FMNP Rules and Procedures.
10. Each completed Farmers' Market Nutrition Program Farmer Participation Agreement will show a unique "Vendor Number" assigned to that farmer for each authorized market in which the farmer participates. This number must be stamped on each coupon accepted by the farmer in order to redeem the coupon.

11. A farmer who accepts coupons at more than one authorized market must use a separate Farmer Vendor Stamp for each market when depositing the coupons.
12. Coupons are fully negotiable instruments (checks) with a face value of \$4.00 each and should be treated like cash. Farmers are responsible for protecting the coupons from possible loss, theft or damage at all times until able to deposit them at a local financial institution.
13. No state or local sales taxes may be collected for coupon purchases.
14. Under no circumstance may coupons be exchanged for cash. (See Part III regarding disqualification from the program.)
15. No cash change may be returned to coupon shoppers. There are no exceptions, even for customers wanting only a small amount of food.
16. Farmers may accept cash along with coupons for sales to coupon shoppers. For examples, a \$5.00 purchase may be paid for with one coupon and \$1.00 cash.
17. Farmers must offer eligible produce to coupon shoppers at the same, or a lesser price charged to other customers. If the amount of a sale is less than the value of a coupon presented, the vendor should provide additional eligible produce to make up the difference.
18. Farmers must offer coupon shoppers the same courtesies offered to other customers. Any customer presenting coupons should be presumed to have obtained them legitimately. Keep in mind, family members or friends may be designated proxies and do the farmers' market shopping for coupon recipients.
19. By law, no person shall be denied participation in the Farmers' Market Nutrition Program, or otherwise be discriminated against, on the basis of race, color, national origin, sex, age, or disability. (See Part II.)
20. Certified farmers must display the Louisiana Farmers' Market Nutrition Program Vendor Sign at their market stands during market hours. The sign helps identify participating farmers and prevents shopper embarrassment at having to ask if the farmer accepts the coupons. If the sign is lost, damaged or destroyed, the farmer should contact the LDAF to obtain a replacement sign.
21. Coupons may not be accepted after their expiration date (including any approved expiration date extension). Expired coupons must be refused.
22. Every coupon must be stamped with the FMNP Vendor Number. The financial institution and the LDAF may reject a coupon not showing a valid FMNP Vendor Number.
23. At the end of the season, participating farmers may be asked to respond to a survey intended to collect: (a) comments and suggestions to help the LDAF understand and correct problems about the program; (b) information used to evaluate and promote Louisiana farmers' markets and the Louisiana Farmers' Market Nutrition Program; and (c) information needed to comply with federal requirements that measure the program's effect on farmers' markets.
24. Participating farmers will be monitored by the LDAF for program compliance. Monitoring may include both overt and covert monitoring. The LDAF may also inspect a farm site if a farmer is allegedly accepting coupons for foods that are not locally grown. The farm visit may be by appointment or unannounced.

25. A farmer who receives a Disqualification Letter from LDAF must immediately remove the Louisiana Farmers' Market Nutrition Program sign from his/her market stand(s) and stop accepting the coupons until further notice. (See Part III.)
26. The LDAF may establish a claim for payment made to a farmer for coupons redeemed in violation of program requirements.
27. Farmers' Markets are self-governing and may elect to expel a farmer from the market. Market managers are encouraged to help monitor Louisiana Farmers' Market Nutrition Program activities at the site to ensure that all participating farmers are operating in compliance with program requirements and to notify LDAF if they suspect a farmer is violating program rules. Only the LDAF may disqualify a certified farmer from participation in the program if the farmer is still an active member of the market and selling eligible foods.
28. If a farmer is expelled or disqualified from participating in a farmers' market by the local governing body, that farmer is automatically disqualified from participation in the Farmers' Market Nutrition Program for that market and must return the FMNP Vendor Stamp to LDAF until such time of reinstatement by the farmers' market governing body. Farmers' markets should report to LDAF promptly if a farmer is disqualified or expelled by the market.

PART II: COMPLAINT PROCESS

1. HOW TO FILE A COMPLAINT

Complaints about the program may be reported to the Louisiana Farmers' Market Nutrition Program Director at the Louisiana Department of Agriculture and Forestry.

To file a complaint, contact:

Michelle Estay
Farmers' Market Nutrition Program Director
Louisiana Department of Agriculture and Forestry
47076 N. Morrison Blvd.
Hammond, LA 70401-7308

Or Deliver to:
47076 N. Morrison Blvd.
Hammond, LA 70401-7308
Phone: (985) 345-9483
FAX: (225) 237-5630
Email: fmnp@ldaf.la.gov

2. CIVIL RIGHTS

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

For the following abuses, the Louisiana Farmers' Market Nutrition Program Director may impose a disqualification of certification for a period not to exceed three (3) months:

1. Failure to truthfully complete the FMNP Farmer Participation Agreement for certification.
2. Failure to obtain the signature of the coupon recipient or proxy on the coupon at the time of the transaction.
3. The issuance of any document, such as a rain check, giving a coupon recipient or proxy the right to return for an eligible food at another time after the recipient or proxy has used the coupon to pay for the food item.
4. Accepting a coupon after the expiration date printed on the coupon or the extended date, if applicable.
5. Accepting a coupon on which the coupon recipient's signature or expiration date has been changed.
6. Failure to offer coupon recipients and proxies the same courtesies extended to other customers.
7. Seeking restitution from a coupon recipient or proxy for a coupon not paid for by the LDAF.
8. Failure to clearly mark or post prices, including sales prices, either on the eligible foods or on a sign easily visible to customers.
9. Failure to provide only fresh, locally grown eligible produce to coupon recipients in exchange for the FMNP coupons.
10. At the option of the Farmers' Market Nutrition Program Director, written notices to the farmer may be issued for noncompliance of the program requirements prior to issuing a sanction of certification disqualification.

For the following abuses, the Farmers' Market Nutrition Program Director may impose a disqualification for a period of time not to exceed three (3) years:

1. Exchanging coupons for cash or anything of value other than FMNP eligible foods or providing change for a FMNP coupon transaction.
2. Failure to provide FMNP eligible foods to coupon recipients or proxies at the same or lesser price posted and/or charged to other customers.
3. Seeking reimbursement from the LDAF for a coupon accepted by another business or individual that is not a certified farmer.
4. Collecting sales tax for eligible foods purchased with FMNP coupons.
5. At the option of the Farmers' Market Nutrition Program Director, written notices to the farmer may be issued for noncompliance of program requirements prior to issuing a sanction of disqualification.

Before any sanction is taken, the farmer will be notified of the violation, proposed sanction and right to a fair hearing. Decisions regarding disqualification of a farmer from the Farmers' Market Nutrition Program will take into account any possible adverse effect on the services being provided to the local recipient population. Fraud or other abuses of federal regulations may be subject to prosecution.

PART IV: PROCEDURES FOR OFFERING, CONDUCTING AND RENDERING FINAL DECISIONS ON HEARINGS

The Louisiana Department of Agriculture and Forestry will provide farmers with a written notification of any adverse action due to failure of the farmer to comply with the FMNP Participation Agreement and Farmer Handbook. This

notification will include the causes for the action as well as the effective date of the action and will be provided to the farmer as quickly as possible. Delivery of the notice will be made by certified mail, return receipt requested, to the last address provided by the farmer during the most current certification or may be made in person by an authorized representative of LDAF. It is the responsibility of the farmer to notify LDAF of any address changes or corrections after the most current certification. The notification will outline the farmer's right to appeal the action within fifteen (15) days of the date of the notice and have a decision concerning the appeal issued within sixty (60) days; it will also list the address to which a hearing request must be sent or delivered.

Upon receipt of a request for a fair hearing, LDAF will schedule a hearing before an impartial decision maker selected by LDAF. This decision maker will in no manner have participated in the decision to take adverse action against the farmer. Notice of the hearing will be sent via certified mail, return receipt requested, to the farmer or his representative. This notice will include the date, time and location of the hearing and will be mailed no less than ten (10) days prior to the scheduled date.

The farmer and LDAF shall each have one opportunity to reschedule the hearing date upon specific request to the impartial decision maker. If the postponement will prevent the decision from being rendered within the sixty (6) day period, the impartial decision maker will deny the postponement unless the farmer waives the right to a decision within that period.

A disqualification from the FMNP shall take effect on the effective date specified by LDAF in the initial notification regardless of the scheduled date of the hearing.

Subpoenas may be issued by LDAF to compel the attendance of witnesses or the production of documents at the hearing. Any such subpoenas shall be served in the manner prescribed by Louisiana State law. Subpoenas will be issued upon request of the farmer or his representative if such request is received by LDAF no fewer than seven (7) days before the date set for the hearing.

At the hearing, the farmer shall have the opportunity to present his case orally or in writing and to confront and cross-examine adverse witnesses. The farmer shall have the opportunity to be represented by counsel if desired and will have the opportunity to review the case record before the hearing.

The impartial decision maker shall issue a written decision within sixty (60) days from the date LDAF received the request for the hearing. The decision will be made based solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the FMNP. The impartial decision maker shall describe the basis for his decision; however, he does not need to prepare a full opinion of formal findings of fact and conclusions of law. The decision shall be delivered to the farmer, by certified mail, return receipt requested. The decision of the impartial decision maker shall be final and not subject to further administrative proceedings.

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