

ADMINISTRATIVE CIVIL PENALTIES FOR DIRECT MARKETING

Authority Cited Food and Agricultural Code Section 47025 (a)

Rev. 5/23/02

CODE SECTION	VIOLATIONS/PENALTY	MINOR \$50-\$150	MODERATE \$151-\$400	SERIOUS \$401-\$1,000
Section I.	Certified Producer Violations			
1. CCR 1392.4(a) FAC 47002	Certified producer selling Product(s) not of their own production.			1 st Violation.
2. CCR 1392.5(c) 1392.7(a)2 FAC 47020	Refusing to submit to inspection.			1 st Violation.
3. CCR 1392.4(d)	Producer not having a certified producer's certificate.			1 st Violation
4. CCR 1392.4(d)	Certified producer selling with an expired certificate and not in the renewal process with CAC.		2 nd NC in 12 months	Repeat NC within 12 months of Moderate penalty.
5. CCR 1392.4(d)	Valid certified producer's certificate not in possession, and/or not posted. (not embossed)	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
6. CCR 1392.4(a) 1392.5(b),(c) 1392.7(a)1	Certified producer selling product(s) which they produced but do not have listed on their certified producer's certificate.	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
7. CCR 1392.4(f)2	Certified producer selling at a certified farmer's market for other certified producer(s). i.e. "Second Cert." • Authorized certified producer's certificate(s) not in possession and/or posted for other certified producer(s).	2 nd NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
8. CCR 1392.4(f)2	"Second Cert." • Product not separated and identified.	*2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
9. CCR 1392.4(f)4 CCR 1392.4(f)3	"Second Cert." → Name of certified producer(s) not listed on certificate of other certified producer who is authorized to sell the certificate holder's products. (Agreement was made but paperwork not done <u>not</u> a resell situation). And/or "Second Cert." → Name of certified producer not listed on other producer's certificate that the certificate holder may sell for (Agreement was made but paperwork not done <u>not</u> a resell situation).		1 st Violation	Repeat NC within 12 months of Moderate penalty.
10. CCR 1392.4(f)1	A certified producer representing more than 2 other certified producer(s) in a 12-month period and/or a certified producer being represented by more than 2 certified producer(s) in a 12-month period.		1 st Violation	2 nd or more violations.

NC = Documented notice of noncompliance, or notice of violation.

* = Penalties will be assessed after two documented notices of noncompliance/violation are issued.

Decisions to suspend or revoke a certified producer's certificate, or privileges to participate in certified farmers' markets will be made at the discretion of the agricultural commissioner on a case by case basis.