

WAC 246-780-060 How does an authorized farmers' market, authorized grower, an authorized farm store or an applicant appeal a department decision? (1) An authorized farmers' market, authorized grower, authorized farm store or an applicant has a right to appeal denial of payment, denial of an application, monetary penalty or disqualification from the FMNP. Expiration or nonrenewal of a contract is not subject to appeal.

(2) If the action being appealed is a disqualification of an authorized farmers' market, the authorized farmers' market must cease processing farmers' market checks for all authorized growers effective the date specified in the sanction notice.

(3) If the action being appealed is a disqualification of an authorized grower or authorized farm store, the authorized grower or authorized farm store must cease accepting FMNP checks effective the date specified in the sanction notice. In addition, the authorized farmers' market must cease processing checks for the affected authorized grower. Payments must not be made for any FMNP checks submitted for payment during a period of disqualification.

(4) The department may, at its discretion, permit the authorized farmers' market, authorized grower or authorized farm store to continue participating in the FMNP pending the appeal hearing outcome. The authorized farmers' market, authorized grower or authorized farm store may be required to repay funds for FMNP checks redeemed while waiting for the outcome of the hearing, depending on the hearing outcome.

(5) A request for an appeal hearing must be in writing and must:

(a) State the issue raised;

(b) Contain a summary of the authorized farmers' market's, authorized grower's, authorized farm store's or applicant's position on the issue, indicating whether each charge is admitted, denied, or not contested;

(c) State the name and address of the authorized farmers' market, authorized grower, authorized farm store or applicant requesting an appeal hearing;

(d) State the name and address of the attorney representing the authorized farmers' market, authorized grower, authorized farm store or applicant if any;

(e) State the need for an interpreter or other special accommodations, if necessary; and

(f) Have a copy of the notice from the department attached.

(6) A request for an appeal must be filed at the Department of Health, Adjudicative Clerk's Office, P.O. Box 47879, Olympia, WA 98504-7879. The request must be made within twenty-eight days of the date the authorized farmers' market, authorized grower, authorized farm store or applicant received the department's notice.

(7) The decision concerning the appeal must be made within sixty days from the date the request for an appeal hearing was received by the adjudicative clerk's office. The time may be extended if all parties agree.

[Statutory Authority: RCW 43.70.700. WSR 10-21-068, § 246-780-060, filed 10/15/10, effective 11/15/10. Statutory Authority: RCW 43.70.120 and 7 C.F.R. 248. WSR 00-07-129, § 246-780-060, filed 3/22/00, effective 4/22/00. Statutory Authority: RCW 43.70.120. WSR 96-01-085, § 246-780-060, filed 12/18/95, effective 1/18/96.]