

4617.0066 CHANGE OF VENDOR OWNERSHIP, NAME, OR BUSINESS SITE.

Subpart 1. **Notice of change of vendor ownership, name, or business site.** A vendor must submit to the commissioner a written notice of a change of vendor ownership, a change of vendor location, a change of name, or a cessation of operations. This notice must be received by the commissioner prior to the effective date of the change.

Subp. 2. **Effect of changes.** If there is a change of vendor ownership, a change of vendor location, or a cessation of operations:

A. the commissioner shall terminate the vendor agreement with respect to that vendor;

B. the termination of the vendor agreement is effective on the later of:

(1) 15 days after the commissioner mails written notice of termination; or

(2) the effective date of the change of vendor ownership, change of vendor location, or cessation of operations;

C. the vendor stamp for that vendor must be returned to the commissioner within five days after the effective date of the termination of the vendor agreement; and

D. if the vendor agreement in effect before the change includes one or more other vendors that have not changed ownership or location and have not ceased operations, a duly authorized agent of each of the other vendors shall execute, by the effective date of the change, an amended vendor agreement that does not include any vendor that changed ownership or location or ceased operations.

Subp. 3. **Immediate vendor agreement.** If there is a change of vendor ownership or location, the retail food store or pharmacy may apply for an immediate vendor agreement under this subpart.

A. The application for an immediate agreement must include, at a minimum, the materials specified in part 4617.0065, subpart 2.

B. A retail food store or pharmacy may not submit more than one application for an immediate vendor agreement each calendar year. The commissioner shall return any additional applications to the applicant without approval or disapproval.

C. The commissioner shall approve the application for an immediate vendor agreement if:

(1) the retail food store or pharmacy, during the two years immediately preceding the change of ownership or location, had no history of violations under part 4617.0084, subpart 5, 6, 7, 8, or 19, item A, B, or C;

(2) during the two years immediately preceding the change of ownership or location, no controlling person of the vendor applicant was a controlling person of another

retail food store or pharmacy that committed a violation under part 4617.0084, subpart 5, 6, 7, 8, or 19, item A, B, or C;

(3) the vendor applicant has not accepted and has not held itself out as able to accept a WIC voucher at any time when there was not a fully executed vendor agreement in effect between the vendor applicant and the commissioner;

(4) the vendor applicant meets all applicable eligibility requirements under part 4617.0067;

(5) within one year before the change of ownership or location, a representative of the vendor applicant completed WIC-approved training under part 4617.0065, subpart 7, or 4617.0068, subpart 7; and

(6) the WIC cashier trainer of the vendor applicant is the same as the WIC cashier trainer of the retail food store or pharmacy before the change of ownership or location.

D. If a retail food store or pharmacy that is applying for an immediate vendor agreement does not meet all the requirements in item C, the commissioner shall review the application according to part 4617.0065, subparts 5, 7, and 9. If the commissioner approves the application under part 4617.0065, then part 4617.0065, subpart 8, shall apply.

E. If the commissioner approves an application for an immediate vendor agreement, then with respect to the immediate vendor agreement, the applicant shall comply with part 4617.0065, subpart 7, and the commissioner and the applicant shall comply with part 4617.0065, subpart 8. The immediate vendor agreement shall expire on the same expiration date stated on the voided vendor agreement. The immediate vendor agreement shall be effective no sooner than the effective date of the change of ownership.

F. Notwithstanding item C, the commissioner shall disapprove an application for an immediate vendor agreement if:

(1) the applicant does not comply with all applicable requirements in part 4617.0067 before the commissioner executes the immediate vendor agreement;

(2) a retail food vendor applicant does not comply with the requirement in part 4617.0067, subpart 2, item B, by the date the applicant signs the immediate vendor agreement; or

(3) the applicant provides the commissioner with false or misleading material information.

Statutory Authority: *MS s 144.11; 145.894*

History: *22 SR 266; 25 SR 555; 29 SR 1202*

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