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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 6@ Preventive Medical Services

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Chapter 6@ California Special Supplemental Food Program for Women, Infants and Children

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Article 9@ ADMINISTRATIVE APPEAL OF DEPARTMENTAL DECISIONS AFFECTING LOCAL AGENCIES

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Section 40803@ Penalties

## 40803 Penalties

### (a)

Whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provided under Section 17 of the Child Nutrition Act of 1966, as amended, whether received directly or indirectly from USDA, or whoever receives, conceals or retains such funds, assets or property for his or her own interest, knowing such funds, assets or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall: (1) If the funds, assets, or property have a value of \$100 or more, be fined not more than \$10,000 or imprisoned not more than five years, or both. (2) If the funds, assets, or property have a value less than \$100, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (3) Be suspended from receiving supplemental foods for up to three months, or until the Department has received repayment for financial loss. (4) Return any funds or property so obtained.

#### (1)

If the funds, assets, or property have a value of \$100 or more, be fined not more than \$10,000 or imprisoned not more than five years, or both.

#### (2)

If the funds, assets, or property have a value less than \$100, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

#### (3)

Be suspended from receiving supplemental foods for up to three months, or until the Department has received repayment for financial loss.

**(4)**

Return any funds or property so obtained.

**(b)**

The local agency shall refer food vendors and participants who abuse the Program to state or local authorities.