

## **MSPA-5**

May 3, 1984

Your application for a farm labor contractor certificate of registration is hereby returned.

The Migrant and Seasonal Agricultural Worker Protection Act was enacted for the purpose of ensuring that all persons engaged in the activity of contracting for the services of workers for agricultural employment comply with the provisions of the Act and all regulations prescribed thereunder. Titles II through IV of the Act prescribe the obligations of the contractor in relationship to all persons with whom he or she deals. The agreement entered into between contractor and his workers at the time of recruitment or with a grower or other use of the contractor's services constitutes the type of contract which was intended to be governed by the Act and regulations. Failure to abide by the terms and conditions of that contract, without just cause, or with any applicable provision of the Act or the regulations, could result in the revocation of the contractor's certificate, the assessment of civil money penalties of up to \$1,000 for each violation, or other civil or criminal actions.

In item 5 of your application, you listed your date of birth as November 3, 1967, establishing that you are under 18 years of age. In many states, a person does not reach the age when such person can legally be required to carry out the terms and conditions of any contract which he or she enters into, until at least their 18th birthday. Therefore, any contracts entered into between yourself and anyone else before you are 18 years old may not be legally enforceable in every state. Since a farm labor contractor certificate of registration authorizes the contractor to engage in farm labor contractor activities nationwide, the issuance of a certificate to anyone under 18 could make compliance with vital provisions of the Act unenforceable. For these reasons your application is being returned at this time.

It is possible for a certificate of registration to be issued to a person under 18 years of age if that person is an emancipated minor. Such minors may have a residence separate from their parents, care for themselves, make their own living, receive their own wages, and spend their wages as they please. Indications that a person is an emancipated minor include such things as whether they have a marriage license, business license, lease, mortgage, or bank loans in their own name.

If you believe that you are an emancipated minor please submit the appropriate documentation, to this office. Upon receipt of such documentation your application will be considered.

If you are granted a certificate of registration as an emancipated minor, you are responsible for compliance with the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act and the appropriate regulations. You would be subject to the penalties provided by these laws for any violation.

Pending your possible submission of the above types of documentation you should be aware, however, that persons who engage in farm labor contracting activities without valid certificates

of registration are subject to all penalties prescribed by the Act. Copies of the Act and of the Regulations, Part 500, are enclosed for your convenience.

Sincerely,

William M. Otter  
Administrator

Enclosure