

CHAPTER 3321
DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT
STATE SERVICES FOR THE BLIND

VENDING FACILITIES-BUSINESS ENTERPRISES PROGRAM

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VENDING FACILITIES-BUSINESS ENTERPRISES PROGRAM

3321.0100 STATUTORY AUTHORITY AND SCOPE OF RULES.

Pursuant to Minnesota Statutes, section 248.07, subdivision 14a, this chapter is issued by the commissioner of employment and economic development to govern all vending facilities, hereinafter referred to as business enterprise or business enterprises, established by the State Services for the Blind, Department of Employment and Economic Development, for which the department is responsible. Licenses to blind persons must be issued according to this chapter and applicable statutes by the commissioner or a designee, hereinafter to be known as the state licensing agency. A licensed blind vendor is an independent contractor to the state licensing agency and is not an employee of the state licensing agency or the state of Minnesota.

Statutory Authority: *MS s 248.07*

History: *L 1984 c 654 art 5 s 58; L 1985 1Sp14 art 9 s 12; 15 SR 692; L 1994 c 483 s 1; L 2005 c 112 art 2 s 41; 37 SR 939*

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3321.0200 SELECTION OF LICENSED BLIND VENDORS.

The selection of licensed blind vendors must be made on an objective basis, including a thorough evaluation of the following: experience, training, former vocations, education, and other factors that relate to job requirements. Preference must be given to blind persons who are in need of employment. The following specific requirements must also be adhered to in selecting licensed blind vendors. Blind persons selected as licensed blind vendors must:

A. be determined, after examination by a physician skilled in diseases of the eye or by an optometrist, whomever blind persons select, to have:

- (1) not more than 20/200 central visual acuity in the better eye with correcting lenses; or
- (2) an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its evident diameter subtends an angle of no greater than 20 degrees;

B. be citizens of the United States; and

C. be certified as qualified for the operation of a business enterprise through objective evaluation and testing by the business enterprises program staff of the state licensing agency.

Statutory Authority: *MS s 248.07*

History: *L 1984 c 654 art 5 s 58; L 1985 1Sp14 art 9 s 12; L 1994 c 483 s 1; L 2005 c 112 art 2 s 41; 37 SR 939*

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3321.0300 PERIOD OF LICENSE.

Subpart 1. **Indefinite period; termination for good cause.** Each license will be issued upon execution of an individual's first agreement pursuant to part 3321.0500, subpart 1, for an indefinite period but subject to termination by written notice for good cause shown, including but not limited to:

- A. failure to operate according to:
 - (1) parts 3321.0100 to 3321.1300;
 - (2) the terms of the agreement with the licensed blind vendor; or
 - (3) the terms and conditions of the licensing agency's permit to operate in the building or property;
- B. improvement of vision so that the licensed blind vendor no longer meets the definition of blindness under part 3321.0200;
- C. extended illness with medically documented diagnosis of prolonged incapacity of the licensed blind vendor to operate the business enterprise in a manner consistent with the needs of the location or other available locations in the program;
- D. withdrawal of the licensed blind vendor from the program upon the licensed blind vendor's written notification to the state licensing agency; and
- E. failure to take additional approved training related to the operation of a business enterprise or work 80 hours annually as:
 - (1) a licensed blind vendor; or
 - (2) an employee of a licensed blind vendor.

Subp. 2. **Exception for medical leave.** A licensed blind vendor is not subject to termination under subpart 1, item E, if on an approved medical leave. For the purposes of this part, a year begins the day a licensed blind vendor no longer has an agreement under part 3321.0500, or in the case of a medical leave of absence, the day a licensed blind vendor no longer has an approved absence.

Subp. 3. **Referral to alternative vocations.** If a licensed blind vendor's license is terminated for failure to comply with this part, the licensed blind vendor must immediately be referred to the vocational rehabilitation unit of the state licensing agency to be evaluated for eligibility for services that could lead to alternative vocational opportunities.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 15 SR 692; 37 SR 939*

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3321.0350 DETERMINATION OF VISUAL STATUS.

Subpart 1. **Testing; evidence of visual acuity.** In order to equitably determine ongoing compliance with visual requirements for licensed blind vendors under parts 3321.0200 and 3321.0300, subpart 1, item B, in years ending in zero and five all licensed blind vendors must provide current ophthalmological or optometric evidence documenting their visual status. "Current" means evidence of an examination no more than six months old from the date of submission. Evidence is sufficient if it allows the state licensing agency to determine whether or not the licensed blind vendor meets the visual requirements contained in part 3321.0200, item A. If the state licensing agency determines the licensed blind vendor meets the visual requirements and the medical or optometric documentation specifically states that the blindness is permanent, the licensed blind vendor is not subject to future examinations under this part.

Subp. 2. **License termination; failure to prove visual acuity.** Licensed blind vendors not providing ophthalmological or optometric evidence are presumed to not meet the visual requirements of part 3321.0200, item A, and action must be taken under part 3321.0300 to terminate their license.

Licensed blind vendors found to not meet the visual requirements on the basis of the submitted evidence shall have their licenses terminated under part 3321.0300. Their termination date is one year from the date of their notice of license termination.

Subp. 3. **Cost of examination.** A licensed blind vendor may enter as an expense on their books submitted to the state licensing agency the cost of obtaining ophthalmological or optometric evidence required by this part.

Statutory Authority: *MS s 248.07*

History: *15 SR 692; L 2005 c 56 s 2; 37 SR 939*

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3321.0400 TERMINATION OF LICENSE.

The state licensing agency shall promptly notify by certified mail or personal service any licensed blind vendor whose license is proposed to be revoked. This notification shall state the grounds for such action and shall inform the licensed blind vendor of the right to appeal the action. The licensed blind vendor must be afforded an opportunity for a full evidentiary hearing before termination of the license as described in part 3321.1200.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 37 SR 939*

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3321.0500 LICENSED BLIND VENDOR AGREEMENTS.

Subpart 1. **Requirement.** Each licensed blind vendor must sign an agreement for the operation of an assigned business enterprise, and will sign a new agreement each time the licensed blind vendor moves or transfers to another business enterprise.

Subp. 2. **Revocation or suspension of agreement.** The licensed blind vendor's agreement to operate a business enterprise may be revoked or temporarily suspended in those instances where the operation, integrity, or reputation of the program may be damaged. The state licensing agency shall promptly notify by certified mail or personal service any licensed blind vendor whose agreement is revoked or suspended. The notification shall state the grounds for such action and shall inform the licensed blind vendor of the right to appeal the action, as described in part 3321.1200. The action to revoke or suspend an agreement does not automatically terminate the licensed blind vendor's license. Notice of intent to terminate the licensed blind vendor's license requires a separate notice, as described in part 3321.0400.

Subp. 3. **Licensed blind vendor expectation.**

A. The state licensing agency rules, the agreement with the licensed blind vendor, and any applicable government or private restrictions of the authority having charge of the property on which the business enterprise is located must be read and explained to each licensed blind vendor and a copy of each must be provided to each licensed blind vendor.

B. The agreement between the state licensing agency and the licensed blind vendor must be consistent with this part, and must contain a signed statement by the licensed blind vendor attesting that the documents provided in item A have been read to the licensed blind vendor and that the licensed blind vendor agrees to abide by them.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 37 SR 939*

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3321.0600 FURNISHING EQUIPMENT AND INITIAL STOCKS.

The state licensing agency is responsible for furnishing each business enterprise with:

A. adequate and suitable equipment, replacement of equipment, and assistance in maintenance and repair of equipment; and

B. adequate initial stocks of merchandise and supplies. Subsequent purchase of merchandise and supplies shall be made by the licensed blind vendor out of current receipts. If a business expands, the licensed blind vendor and the state licensing agency may mutually agree that any additional initial stocks related to this expansion be furnished by the state licensing agency. Merchandise shall be replaced as sold and supplies replaced as needed, maintaining the inventory at the minimum of the original inventory unless mutually agreed otherwise by the state licensing agency and the licensed blind vendor.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 15 SR 692; 37 SR 939*

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3321.0700 BUSINESS ENTERPRISE EQUIPMENT AND INITIAL STOCKS; OWNERSHIP.

Subpart 1. **Ownership of equipment.** The right to, title to, and interest in the business enterprise equipment used in the program is vested in the state of Minnesota. No fixtures or equipment may be added, altered, or removed from the business enterprise except at the direction of the state licensing agency. The licensed blind vendor must exercise all possible care in the use of fixtures and equipment, and must not make any alterations, changes, or additions.

Subp. 1a. Ownership of merchandise and supplies.

A. Licensed blind vendors must acquire ownership of merchandise and supplies through reimbursing the state licensing agency for such expenditures by monthly payments extended over a three-year period. Upon approval of the state licensing agency, additional time may be granted in hardship cases, the purpose of which is to ensure that no individual be denied the opportunity to become a licensed blind vendor because of the licensed blind vendor's inability to purchase the initial merchandise and supplies.

B. Upon termination of a licensed blind vendor's license or when a licensed blind vendor withdraws from a specific business enterprise location, the state licensing agency must purchase for the new licensed blind vendor, at cost, salable merchandise and, at an amortized price, supplies remaining in the business enterprise, assuming there is no amount owing in the departing licensed blind vendor's accounts with the state licensing agency or other outstanding financial obligations that result from a signed agreement between the state licensing agency and a location on the licensed blind vendor's behalf authorizing the placement of the vending facility or vending machines.

C. If a licensed blind vendor under contract dies, the state licensing agency must immediately take an inventory at the business enterprise. If possible, the state licensing agency must conduct this inventory with a member of the licensed blind vendor's family or a representative of the licensed blind vendor's estate. The state licensing agency must then prepare a summary accounting of the deceased licensed blind vendor's accounts with the state licensing agency. If the balance is in favor of the state licensing agency, the estate must pay that balance. If the balance is in favor of the deceased licensed blind vendor, the state licensing agency must pay the balance to the estate. The warrant must be made payable to the "Estate of [licensed blind vendor's name]."

D. A licensed blind vendor who begins to operate a business enterprise location shall determine what merchandise or supplies the licensed blind vendor will purchase from the departing licensed blind vendor. In the case of a licensed blind vendor disagreement over the purchase of supplies or merchandise, the departing licensed blind vendor may request that the state licensing agency intervene and make a final decision. The departing licensed blind vendor is responsible for disposing of all the merchandise or supply inventory not purchased by the new licensed blind vendor.

Subp. 2. [Repealed, 37 SR 939]

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 15 SR 692; 37 SR 939*

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3321.0800 BUSINESS ENTERPRISE PROCEEDS; FUNDS SET ASIDE.

Subpart 1. **Amounts.** The state licensing agency must set aside or cause to be set aside from the monthly net proceeds of the operation of business enterprises the following amounts:

- A. on the first \$100 or portion thereof, 2 percent;
- B. on the second \$100 or portion thereof, 4 percent;
- C. on the third \$100 or portion thereof, 6 percent;
- D. on the fourth \$100 or portion thereof, 8 percent;
- E. on the fifth \$100 or portion thereof, 10 percent;
- F. on the sixth \$100 or portion thereof, 12 percent;
- G. on the seventh \$100 or portion thereof, 14 percent; and
- H. any amounts over \$700, 16 percent.

"Net proceeds," as used herein, means the monthly cash receipts including any vending machine or other income, less merchandise purchases, general expenses, and payroll, (excluding set-aside charges).

Subp. 2. **Other conditions of funds.** The licensed blind vendor shall pay these set-aside funds monthly to the state licensing agency. These set-aside funds shall be used only to the extent necessary and may be used for the purposes set forth in Minnesota Statutes, section 248.07, subdivision 8, paragraph (b).

Subp. 3. **Set-aside schedule.** The licensed blind vendor management committee, as defined in part 3321.1100, subpart 3, must participate with the state licensing agency in the establishment of a set-aside schedule covering the purposes for which the set-aside funds are intended to be used, and must be reviewed annually to determine the need for change based upon the previous year's expenditures. The schedule shall be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required, with the allowances for the retention of reasonable reserves necessary to ensure that such purposes can be provided on a continuing basis. Changes, when necessary, shall be by amendment to parts 3321.0100 to 3321.1300.

Subp. 4. **Due date.** Funds set aside from business enterprise proceeds are due at the offices of the state licensing agency by or on the 25th day of the following month.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 15 SR 692; 37 SR 939*

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3321.0900 VENDING MACHINES ON FEDERAL PROPERTY; INCOME.

Subpart 1. **Income accrual to licensed blind vendor.** Vending machine income from vending machines on federal property which has been disbursed to the state licensing agency by a property managing department, agency, or instrumentality of the United States shall accrue to each licensed blind vendor operating a business enterprise on such federal property in an amount not to exceed the average net income of the total number of licensed blind vendors within the state program, as determined each fiscal year on the basis of each prior year's operation, except that vending machine income shall not accrue to any licensed blind vendor in any amount exceeding the average net income of the total number of licensed blind vendors in the United States.

Subp. 2. [Repealed, 37 SR 939]

Subp. 3. **Combination of machines to make a facility.** No limitation shall be imposed on income from vending machines combined to create a business enterprise when such business enterprise is maintained, serviced, or operated by a licensed blind vendor. The state licensing agency must retain vending machine income disbursed by a property managing department, agency, or instrumentality of the United States in excess of the amounts eligible to accrue to licensed blind vendors.

Subp. 4. **Quarterly disbursement.** The state licensing agency must disburse vending machine income to licensed blind vendors on at least a quarterly basis.

Subp. 5. **Use of income retained by agency.** Vending machine income retained by the state licensing agency must be used for the establishment and maintenance of retirement or pension plans, for health and dental insurance contributions, and for the provision of paid sick leave and vacation time for licensed blind vendors, if it is so determined by a majority vote of the licensed blind vendors, after each licensed blind vendor has been furnished information on all matters relevant to these purposes. Any vending machine income not necessary for these purposes shall be used for one or more of the following: maintenance and replacement of equipment; purchase of new equipment; or management services. Any set-aside charged to licensed blind vendors shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 37 SR 939*

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3321.1000 POLICIES AND DUTIES.

Subpart 1. **Net proceeds.** Each licensed blind vendor shall be entitled to the net proceeds of the operation of the business enterprise the individual operates, less the amount set aside by the state licensing agency.

Subp. 2. **Licensed blind vendor duties.** Each licensed blind vendor shall agree to:

A. perform faithfully and to the best of the licensed blind vendor's ability the necessary duties in connection with the operation of a business enterprise according to the state licensing agency's rules, the terms of the state licensing agency's permit to operate in the building or property, and the agreement with the licensed blind vendor;

B. cooperate with official and duly authorized representatives of the state licensing agency in connection with their official program responsibilities;

C. operate the business enterprise according to all applicable health laws and regulations and any other applicable federal, state, or local law or regulation;

D. furnish monthly reports at the offices of the state licensing agency by or on the tenth day of the following month, listing sales by type, other income, purchases, other expenditures, and personal withdrawals, and attaching all statements and invoices or copies thereof, properly receipted. Inventory of merchandise must be included when requested;

E. indemnify and hold harmless the state of Minnesota, its officers, or agents, for any acts or omissions of said licensed blind vendor that may result in the licensed blind vendor's liability to third parties, and the state shall not be liable for negligence based on any theory of liability;

- F. provide the licensing agency at least 60 days' notice of intent to take a leave of absence;
- G. first make attempts to locate an individual with a disability before approving the employment of a nondisabled person when it has been determined that a relief operator or an assistant or assistants must be employed. The wages paid for any assistance employed, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the state licensing agency;
- H. acquire liability insurance and, if necessary, workers' compensation insurance for the business enterprise;
- I. provide the state licensing agency at least a six-month notice of intent to retire from the program; and
- J. complete a product inventory no less than once annually.

Subp. 3. Agency duties.

A. The state licensing agency assumes responsibility for providing licensed blind vendors the supervision, assistance, and training necessary to ensure the operation of each business enterprise in the most productive and efficient manner possible. This supervision, assistance, and training must be performed according to the following policies in addition to other provisions of parts 3321.0100 to 3321.1300.

B. In entering agreements for new or vacated business enterprises, preference on the basis of seniority of experience of operating business enterprises under the control of the state licensing agency shall be given to capable licensed blind vendors who are deemed competent to handle the business enterprise under consideration. The application of this preference must not prohibit the state licensing agency from selecting a licensed blind vendor from the community in which the business enterprise is located. No licensed blind vendor may transfer to another business enterprise and bid back into the business enterprise the licensed blind vendor just left in the same bidding sequence. Seniority must be determined on the basis of continuous service as a licensed blind vendor in the business enterprises program with the state licensing agency.

C. The state licensing agency shall determine a licensed blind vendor is in default if either of the following is more than 30 days late arriving at the offices of the state licensing agency:

- (1) reports under subpart 2, item D; or
- (2) payment in full under part 3321.0800.

In case of any default, the licensed blind vendor must be assessed a late fee of \$25. The state licensing agency shall notify the licensed blind vendor of the default and penalty. A licensed blind vendor who is in default for the same infraction the succeeding month must be assessed a \$50 late fee. This late fee charge continues to be \$50 per default until the licensed blind vendor has not been in default for at least one month. A licensed blind vendor who is in default twice within six months will not be permitted to transfer to new or vacated vending facilities, after notice of disqualification from the state licensing agency. The licensed blind vendor may regain eligibility to transfer if the licensed blind vendor has cured any prior default and has not been in default for six consecutive months after the prior defaults have been cured.

D. A leave of absence for medical reasons, supported by a doctors statement, may be granted by the state licensing agency and management committee, and the licensed blind vendor shall continue to accrue seniority during the leave. A medical leave of absence for up to six months may be granted under a plan in which the requesting licensed blind vendor retains responsibility for and general management of the current business enterprise. A medical leave up to one year may also be granted under a plan in which the licensed blind vendor permanently gives up all responsibility for and rights to the current business enterprise.

A doctor's statement of ability to return to work is required before a licensed blind vendor's actual return to a business enterprise. Upon returning from a one-year medical leave of absence, the licensed blind vendor must comply with part 3321.0300, subpart 1, item E. Prior to entering into a new agreement with the licensed blind vendor who is returning from the one-year medical leave of absence, the state licensing agency must evaluate the licensed blind vendor to ensure continued compliance with part 3321.0200, item C. If necessary, the state licensing agency must provide additional training to a licensed blind vendor to meet this standard before entering into a new agreement.

E. A general leave of absence may be granted by the state licensing agency and management committee during which time the licensed blind vendor shall not accrue seniority but may exercise seniority rights for new or vacated business enterprises. The licensed blind vendor shall retain seniority accrued up to the date of the leave. A licensed blind vendor on general leave shall give up all rights to the business enterprise which they are operating. Prior to entering into a new agreement with the licensed blind vendor who is returning from a general leave of absence, the state licensing agency must evaluate the licensed blind vendor to ensure continued compliance with part 3321.0200, item C. If necessary, the state licensing agency must provide additional training to a licensed blind vendor to meet this standard before entering into a new agreement.

F. The wages paid by a licensed blind vendor for any assistance employed, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the state licensing agency.

G. The state licensing agency shall approve the items and the selling prices at which those items may be sold, which comprise the merchandise inventory at each business enterprise.

H. The state licensing agency must purchase liability insurance for a business enterprise only when, in the opinion of the state licensing agency, it is deemed essential that the state licensing agency purchase this insurance.

I. The state licensing agency shall review all licensed blind vendor monthly reports, statements and invoices, and other information with specific attention to expenses and take those steps necessary to ensure licensed blind vendor payment of those expenses.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 15 SR 692; L 2005 c 56 s 2; 37 SR 939*

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3321.1100 LICENSED BLIND VENDOR MANAGEMENT COMMITTEE.

Subpart 1. **Annual election for representatives.** The state licensing agency and the elections subcommittee of the licensed blind vendor management committee must conduct an annual election for representatives to the licensed blind vendor management committee, hereinafter referred to as the "management committee."

Subp. 2. Representation, nominations, and terms.

A. The management committee must consist of two representatives from each of three program districts. These districts must be designated in the management committee bylaws and, to the extent possible, must be fully representative of all licensed blind vendors in the business enterprises program on the basis

of geography and vending facility type with a goal of providing for proportional representation of blind vendors on federal property and blind vendors on other property.

B. Nominations for two representatives must be solicited in each district for that district starting with and only for the 2012 election for representatives taking office in 2013. After each district has elected two representatives, each representative must be assigned by flip of coin either seat A or B for their district. Seat A must serve a one-year term and seat B must serve a two-year term. Nominations for subsequent elections must be for one representative from each district each year. The intent is to ensure no more than one seat from each district be up for election each year.

C. Elections must be by licensed blind vendors in each district for their district.

D. Each term, with the exception of the three representatives in the first election as described in item B must be two years, with a limit of two successive terms.

E. The management committee shall elect its own chair and other officers. The chair shall appoint subcommittees as necessary.

F. The management committee must meet a minimum of four times a year. Meetings may be called by notice of either the state licensing agency or the chair of the management committee. Subcommittees may meet as necessary to carry on their functions.

G. The management committee shall establish bylaws to further govern the functions of the management committee.

Subp. 3. **Duties of management committee.** The management committee's duties are to:

A. actively participate with the state licensing agency in major administrative decisions and policy and program development affecting the overall administration of all business enterprises;

B. receive and transmit grievances of licensed blind vendors to the state licensing agency and serve as their advocates;

C. actively participate with the state licensing agency in the administration of the transfer and promotion system for licensed blind vendors;

D. actively participate with the state licensing agency in developing training and retraining programs;

E. sponsor, with the assistance of the state licensing agency, meetings and instructional conferences for licensed blind vendors; and

F. actively participate with the state licensing agency in the administration of licensed blind vendor leave requests.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 15 SR 692; 37 SR 939*

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3321.1200 REVIEW OF AGENCY DECISIONS.

Subpart 1. **Written notice.** Licensed blind vendors shall be informed in writing at the time they are licensed of their right to and the procedures to be followed for obtaining an informal administrative review or a full evidentiary hearing regarding an agency decision.

Subp. 2. **Informal administrative review procedures.** An opportunity for an informal administrative review must be afforded to each licensed blind vendor dissatisfied with any action arising from the operation or administration of the business enterprise program. The procedures in items A to D must be followed in granting licensed blind vendors an informal administrative review.

A. A licensed blind vendor or the licensed blind vendor's designee (who need not be an attorney) may request an informal administrative review. This request must be in writing to the director of the state licensing agency within 15 calendar days of the occurrence of the action and must state the specific action with which the licensed blind vendor is dissatisfied. This informal administrative review must be conducted by supervisory staff of the state licensing agency who have not in any way participated in the state licensing agency action in question.

B. The informal administrative review must be held during regular agency working hours, at a district or local office location. An informal administrative review must be conducted within 30 calendar days of receipt by the state licensing agency of the written request.

C. Documentation as to written requests for informal administrative review and actions and decisions resulting therefrom shall be maintained as part of the official record of the informal administrative review process.

D. If an informal administrative review does not resolve a dispute to the satisfaction of a licensed blind vendor, the licensed blind vendor may request that the state licensing agency provide a full evidentiary hearing.

Subp. 3. **Full evidentiary hearing procedures.** An opportunity for a full evidentiary hearing conducted pursuant to Minnesota Statutes, chapter 14, must be afforded to each licensed blind vendor dissatisfied with any action arising from the operation or administration of the business enterprises program. The procedures in items A to F must be followed in granting licensed blind vendors a full evidentiary hearing.

A. If a licensed blind vendor requests a full evidentiary hearing, the request must be made either within 15 calendar days after an adverse decision based on an informal administrative review or, in the absence of an informal administrative review, within 15 calendar days of the occurrence of the state licensing agency action with which the licensed blind vendor is dissatisfied.

B. A licensed blind vendor or the licensed blind vendor's designee must request a full evidentiary hearing in writing. This written request must be transmitted to the director of the state licensing agency. The request must specify the action being appealed.

C. The full evidentiary hearing shall be held at a time and place convenient and accessible to the licensed blind vendor requesting a full evidentiary hearing. A full evidentiary hearing held during regular state licensing agency working hours and located at the state licensing agency central office must be deemed among the convenient times and places. Upon receipt of the request, the state licensing agency shall immediately request a hearing date from the state Office of Administrative Hearings, whose designee shall serve as the administrative law judge, and then notify the licensed blind vendor of the time and place for the full evidentiary hearing. The licensed blind vendor must be provided sufficient preparation time before the full evidentiary hearing. The licensed blind vendor shall be provided a copy of the hearing procedures and rules.

D. The licensed blind vendor has the right to be represented by counsel, and may present witnesses and cross-examine adverse witnesses.

E. A transcript of the proceeding must be available to the licensed blind vendor.

F. After receipt of the report of the administrative law judge, the director of the state licensing agency shall issue a final written decision within 15 calendar days.

Subp. 4. **Arbitration panel.** If the licensed blind vendor is dissatisfied with the decision rendered after a full evidentiary hearing, the licensed blind vendor may request that an arbitration panel be convened by filing a complaint with the secretary of the Department of Education, as authorized by Code of Federal Regulations, title 34, section 395.13.

Statutory Authority: *MS s 248.07*

History: *L 1984 c 640 s 32; L 1984 c 654 art 5 s 58; L 1985 1Sp14 art 9 s 12; 15 SR 692; 37 SR 939*

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3321.1300 ACCESS TO PROGRAM AND FINANCIAL INFORMATION.

Each licensed blind vendor shall be provided access to all program and financial data of the state licensing agency relevant to the operation of the business enterprises program, including quarterly and annual financial reports, provided that the disclosure does not violate applicable federal or state laws pertaining to the disclosure of confidential information. Insofar as is practicable, the data shall be made available in braille, audio, or electronic format. At the request of a licensed blind vendor, the state licensing agency must arrange a convenient time to assist in the interpretation of the data. The management committee organized under part 3321.1100 shall be provided all individual and program data necessary to carry out its purpose and function.

Statutory Authority: *MS s 248.07*

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