3304:1-21-01 **Definitions.**

The following terms are used throughout Chapter 3304:1-21 of the Administrative Code.

(A) "Accessible Format" means the format requested in writing by the operator and kept on file by the Business Enterprise Program that informs the program of how an operator wishes to receive documents, information, forms, BE computer programs, and other correspondence sent by the program, including but not limited to regular print, large print, Braille, or electronic mail.

(B) "Active Engagement" means an operator is the manager of the assigned business operation and the operator or a designee is physically present at a vending facility at least once every thirty (30) days.

(C) "Active Participation" means meaningful collaboration on major administrative decisions and policy and program development decisions affecting overall administration of Ohio's vending facility program between the BSVI and the Ohio Vendors Representative Committee.

(D) "Blind" has the same definition as in division (B) of section 3304.28 of the Revised Code. "Individual who is blind" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees.

(E) "Bureau of Services for the Visually Impaired or Bureau" (BSVI) means the designated state licensing agency housed within Opportunities for Ohioans with Disabilities agency responsible for implementing the provisions of the Randolph-Sheppard Act and its amendments and sections 3304.28 to 3304.35 of the Revised Code.

(F) "Bureau-grantor agreement" (BGA) means the signed agreement between BSVI and grantor for a facility.

(G) "Bureau-operator agreement" (BOA) means a signed agreement between BSVI and an operator assigning them to a facility.

(H) "Business Consultant" means the BSVI employee assigned to provide occasional consulting directly to an operator in an effort to maximize efficiency, income, and performance.

(I) "Business Enterprise area manager" means the BSVI employee who reports directly to the BE program manager of BSVI or the director's designee and is the principal field manager for the BE program in an assigned area of the state.

(J) "Business Enterprise program" (BE) means the program within BSVI responsible for training, licensing, regulating and supporting operators, purchasing equipment and initial inventory, negotiating and entering into bureau-grantor agreements, agreements with operators, and settlement agreements, and that performs all other functions necessary to operate the program.

(K) "BE program manager" means the BSVI staff person who reports directly to the deputy director of BSVI and who directs and monitors the operation of the business enterprise program, its staff and its funds statewide.

(L) "Business Enterprise rules" means the complete set of administrative rules governing the Business Enterprise Program which have been promulgated in accordance with section 119.03 of the Revised Code.

(M) "Criminal Activity" means a conviction of, plea of guilty or no-contest to, or a judicial finding in any jurisdiction of a felony, or misdemeanor, or a crime involving fraud or deceit in procuring or attempting to procure a license, as defined in 3304:1-21-02, Appendix A.

(N) "Designee" means a person authorized to carry out a responsibility or task.

(O) "Discipline" means a denial, revocation, or suspension of the license.

(P) "Displaced operator" means an operator whose permanent facility has been permanently closed, temporarily closed, or whose net facility sales have been temporarily reduced by at least fifty per cent, for more than two weeks due to remodeling or by extraneous circumstances such as strike or disaster. Should a facility be permanently closed the operator shall be considered displaced for only six months after closure. A displaced operator may receive a fair minimum return payment.

(Q) "Electoral district" means a geographical area from which representatives and alternates of the Ohio vendors representative committee (OVRC) are elected to equitably represent the operators.

(R) "Equipment" means any item purchased by the Business Enterprise program that remains the property of the program and does not include items purchased as part of an initial inventory.

(S) "Facility" means an entity created by the Business Enterprise Program and assigned a unique number that may consist of one or more sites that the Business Enterprise Program reasonably believes will earn enough in sales to independently support a single blind vendor when an operator is awarded a permanent facility.

(T) "Facility announcement" is a notice announcing a current or forthcoming permanent operator position available in an existing or newly developed BE facility.

(U) "Federal Fiscal Year" (FFY) means the time period beginning October first and ending September thirtieth.

(V) "Federal property" is property as defined in 34 CFR 395.1 (g), as published in the July 1, 2015 Code of Federal Regulations.

(W) "Governmental property" has the same definition as division (C) of section 3304.28 of the Revised Code.

(X) "Grantor" means the person or entity who is responsible for the property supporting a BE facility.

(Y) "Initial Inventory" are the products both consumable and non-consumable that are identified and purchased by the BE program to facilitate the opening of a new facility or site. Initial inventory does not include lottery tickets and any purchase of lottery tickets is governed exclusively by an agreement between the operator and the Ohio Lottery Commission.

(Z) "Inventory adjustment" means the debit or credit owed by or to an operator resulting from a difference between the value of their inventory on hand at the time of the closing inventory and the value of the initial inventory.

(AA) "License" means a written document with a unique identification number issued to an individual who has met all of the eligibility and licensure requirements to operate a facility in the BE program.

(BB) "Licensee" means any person licensed by BSVI to operate a facility.

(CC) "Local Selection Panel" is a BE Area Manager or designee along with the OVRC representative and OVRC alternate for the district. No individual may serve on a local selection panel if they have a personal or financial conflict of interest. In such case, or if there is no elected representative or alternate, the OVRC chair or the chair's designee shall participate.

(DD) "Ministerial decision" means a decision which has no material impact on the nature, quality or quantity of service provided to BE licensees, and will not adversely impact opportunities for licensees.

(EE) "Monthly Operating Report (MOR)" means accurate facility financial information as submitted monthly by the facility operator and consists of all sales, sales tax collected, discounts, gifts, rebates, federal vending machine income as described in

34 CFR 395.32, as published in the July 1, 2015 Code of Federal Regulations, income from subcontracted facility sales, promotional considerations, and bonuses, either monetary or in kind, stock purchased, business related expenses, employee wages, draw, stock and supply inventory, and business cash on hand, which the operator has the power to obtain and control the disposition thereof, accrued from operation of a facility.

(FF) "Non-Priority Property" means property where the BE program does not have a statutory priority to operate including, but not limited to, county, city, village and township property and private property.

(GG) "Opportunities for Ohioans with Disabilities" (OOD) means the state agency responsible for helping people with disabilities seek and retain substantial gainful employment in Ohio.

(HH) "Ohio Vendors Representative Committee" (OVRC) means the group of operators elected from their respective districts who represent the interests of all operators in the Business Enterprise Program statewide.

(II) "Operator" means an individual who is blind, that has been licensed by BSVI, and is assigned to a BOA or TBOA.

(JJ) "Other Expenses" means expenditures on the daily cash report as defined in appendix A to this rule.

(KK) "Professional Manner" means upholding standards of professionalism and customer service, demonstrating consistent sound fiscal management and practices, and exhibiting positive conduct and behavior.

(LL) "Records Review" is the review of records as prescribed by BSVI. The review pertains to the operation of a BE business and includes financial information regarding sales, sales tax collected, discounts, gifts, rebates, federal vending machine income as described in 34 CFR 395.32, as published in the July 1, 2017 Code of Federal Regulations, income from subcontracted facility sales, lottery commissions, promotional considerations, and bonuses, either monetary or in kind, stock purchased, business related expenses, employee wages, draw, stock and supply inventory, and business cash on hand.

(MM) "Regular Meeting" means the meetings of the OVRC that are required to occur at least twice each federal fiscal year, and any other meeting scheduled in a month.

(NN) "Seniority" means the length of time an operator has served under a BOA or TBOA. If the operator is operating under a BOA and TBOA at the same time, that time is to

be run concurrently to determine the length of time. BE maintains a list of the current seniority of all BE operators.

(OO) "Set-aside fees" means the total of the fee assessed by BE upon the operator's net monthly proceeds.

(PP) "Site" is a business location suitable for vending, determined to not have sufficient gross sales to exist as an independent facility.

(QQ) "Special Meeting" is any OVRC meeting other than a regular meeting when notice is provided pursuant to paragraph (I) of rule 3304:1-21-12 of the Administrative Code.

(RR) "Supplies" means any item not for resale that is necessary for the operation of the facility.

(SS) "Stock" means any item available for retail sale at a facility or site. It does not include lottery tickets and any purchase of lottery tickets is governed exclusively by an agreement between the operator and the Ohio Lottery Commission.

(TT) "Temporary bureau-operator agreement" (TBOA) means a signed temporary agreement between BSVI and the operator of a facility for a limited period of time which is designated in the agreement.

(UU) "Upward Mobility" is continuing education provided to licensees.

(VV) "Vacant Facility" is a suitable vending location without a licensee permanently assigned, or for which BE has notice of an operator's pending departure.

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Certification

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