

**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*

**Published Electronically:** *January 14, 2013*