

10:97-4.14 Responsibility for damage

The operator shall be liable to the Commission for any damage of the equipment or fixtures owned by the Commission or any losses resulting from the neglect or failure to observe the rules of the Commission.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).
Stylistic changes.

10:97-4.15 Operator owned or leased vending machines

(a) Operators must obtain written approval from the Commission and the property manager to have vending machines as part of the business enterprise.

(b) All income from these vending machines will be counted as miscellaneous sales of the business enterprise.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).
Stylistic changes.

10:97-4.16 Motor vehicle operation

Except as may otherwise be permitted by law, Business Enterprise Program operators shall not operate any motor vehicle on any public street or highway. If it is determined that an operator has operated a vehicle on any public street or highway for which a state driver's license is required, his or her Business Enterprise Program Operating Agreement and/or Business Enterprise Program Operator's license shall be subject to revocation, effective 15 days from the date of such notice of revocation, provided that the operator has been given an opportunity for an Administrative Review and/or an Administrative Hearing in accordance with N.J.A.C. 10:97-8 prior to final determination.

New Rule, R.1994 d.209, effective May 2, 1994.
See: 26 N.J.R. 725(b), 26 N.J.R. 1841(a).

SUBCHAPTER 5. RECORDS AND MONITORING**10:97-5.1 Weekly sales report**

(a) The operator shall submit to the Commission the prescribed weekly sales report. Cash register tapes, or daily reports where registers are not available, along with invoices or photocopies, shall also be submitted.

(b) Weekly reports shall be submitted on at least a monthly basis, on or before the 15th day of the following month. These reports do not constitute complete financial reporting as set forth in N.J.A.C. 10:97-5.2.

(c) Cash registers shall be used at all business enterprises, when available.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Registers and register tapes required; weekly reports submitted at least once a month.

10:97-5.2 Record keeping

(a) The operator is required to keep books of account. These books of account shall meet the requirements of the Internal Revenue Services, Social Security Administration, the New Jersey Sales Tax Division, the Division of Employment Security, the Division of Workers' Compensation and any other agency having jurisdiction.

(b) Such records must be open for the inspection of the Commission one (1) working day after receipt of the notice requesting inspection.

10:97-5.3 Right of inspection

(a) The operator shall recognize any representative directed by the Commissioner of Human Services or the Commission, with official State identification, to make unannounced inspections in order to monitor the appearance and conduct of the business enterprise.

(b) The Commission representative shall make site visits at a minimum of one visit every three months; however, more frequent visits may occur. Each time a Commission representative visits a business enterprise, a site visit report shall be completed, read to the operator (who shall have the right to include his or her comments) and signed by both the operator and the Commission representative. The operator shall be given a copy and the Commission shall retain a copy. It shall be the responsibility of the operator to implement the requirements set forth in the site visit report.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).
Stylistic changes.

Case Notes

Commission required to ensure compliance of its agreements. *Blume v. New Jersey Commission for the Blind and Visually Impaired*, 97 N.J.A.R.2d (CVB) 1. See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

10:97-5.4 Confidentiality of records

No operator and/or client information shall be released except under the provisions of N.J.A.C. 10:91-5.7.

SUBCHAPTER 6. PROGRAM: FISCAL REQUIREMENTS**10:97-6.1 Federal Set Aside Fund**

(a) The Federal Set Aside Fund consists of those funds accruing to the program from unassigned vending machine income from Federal locations.

(b) The funds may be used only for purpose of:

1. Maintenance and replacement of equipment;
2. The purchase of new equipment;
3. Management services;
4. Assuring a fair minimum return to vendors; or
5. The establishment and maintenance of retirement or pension funds, health insurance contributions, and provisions for paid sick leave and vacation time, if it is so determined by a majority vote of blind vendors, after the Commission provides to each vendor information related to the proposed purposes.

(c) A use set forth in (b)1, 2, 3 and 4 above can be authorized only by the Commission. The use set forth in (b)5 above can only be authorized by a majority vote of all the licensed operators in the Business Enterprise Program.

Amended by R.1989 d.249, effective May 15, 1989.

See: 21 N.J.R. 424(a), 21 N.J.R. 1431(a).

Reference to set-aside levy deleted from (a).

Amended by R.1991 d.512, effective October 21, 1991.

See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Vending changed to business enterprise.

10:97-6.2 (Reserved)

Repealed by R.1989 d.249, effective May 15, 1989.

See: 21 N.J.R. 424(a), 21 N.J.R. 1431(a).

Provisions for set-aside levy repealed, pursuant to Attorney General's opinion that levy would be in conflict with N.J.S.A. 30:6-15.2.

10:97-6.3 Business Enterprise Program Fund Non-Federal

The Business Enterprise Fund Non-Federal consists of all monies accruing to the Program from non-Federal sources. These funds will be used to cover expenses which are necessary for the operation of the Program except for costs which can be paid from the Federal Set Aside Fund.

Amended by R.1991 d.512, effective October 21, 1991.

See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Vending changed to business enterprise.

10:97-6.4 Vending machine income due to operators

Operators located on Federal property may be eligible for vending machine income pursuant to Randolph-Sheppard regulations (34 CFR 395:8). Any such income due an operator which has been disbursed to the Commission, shall be remitted to the operator on at least a quarterly basis. All unassigned vending machine income from Federal sources will become a part of the Federal Set Aside Fund.

Amended by R.1991 d.512, effective October 21, 1991.

See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Title of rule revised.

10:97-6.5 Access to program and financial information

(a) Each operator will be provided access, in braille, recorded tape, or print, to all financial data relevant to the operation of the Business Enterprise Program.

(b) Such access will include quarterly and annual financial reports, provided that such disclosure does not violate Federal and State laws pertaining to the disclosure of confidential information.

Amended by R.1991 d.512, effective October 21, 1991.

See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Vending changed to business enterprise.

SUBCHAPTER 7. TRANSFER OF FACILITY FROM ONE OPERATOR TO ANOTHER

10:97-7.1 Advance notice of termination

If an operator decides to terminate his or her assignment as a business enterprise operator, he or she shall notify the Commission by mail at least one month in advance of the actual date of termination.

Amended by R.1991 d.512, effective October 21, 1991.

See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Vending changed to business enterprise.

10:97-7.2 Procedure when an operator leaves a business enterprise

(a) Whenever an operator is transferred, terminated, or otherwise leaves a business enterprise, all equipment and other property belonging to the Commission shall be surrendered in good order and condition, except for reasonable wear and tear.

(b) All accounts and bills shall be paid in full, and an inventory of stock taken as required under the provisions of "Inventory taking" at N.J.A.C. 10:97-3.5.

Amended by R.1991 d.512, effective October 21, 1991.

See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Vending changed to business enterprise.

10:97-7.3 Promotions and transfers

(a) The supervisor of the Business Enterprise Program shall circulate a letter to all operators announcing business enterprise vacancies. The letter shall contain a description and the location of the business enterprise, the gross sales and the net profit for the previous year, scheduled hours of operation and other significant information about the vacancy.

(b) Any eligible interested operator shall apply, in writing, to the supervisor of the Business Enterprise Program within two weeks of the vacancy announcement.

1. Any operator who is not current in repayment of his or her stock loan, under conditions set forth in N.J.A.C. 10:97-3.4(b), or has not satisfied the debt, in full, within 30 days prior to the application for appointment, shall be ineligible to apply.