

**COMMITTEE OF BLIND VENDORS
QUARTERLY MEETING MINUTES**

April 22, 2021

4:30 P.M.

The meeting was held via Zoom

Roll Call – Attendance was taken. A quorum was present.

Members Present:

Mac Carnes, Lynn Florence, Vice Chair, Todd Freeman, Jerry Grimes, Larry Hall, Chair, Buster Mayne, Chris Miller, Justin Purvis, Cramer Schneider, Todd Stephens, and Ronnie Wheatley.

Staff Present:

Corey Marcum, KBE Director, Jennifer Wright, KBE Assistant Director, Janice Jackson, Recording Secretary, Jason Wathen, Food Service Coordinator, Stuart Boggs, Vending Coordinator, Cora McNabb, Executive Director & Dondra Meredith, Deputy General Counsel, Education and Workforce Development Cabinet

Vendors Present:

George Bouquet, Charles Dorsey, Katherine Gore, Randy Hester, Reni Jackson, and Angela Stevens

The meeting was called to order at 4:30 p.m. by Chair Larry Hall.

Approval of Minutes – Chair Hall called for a motion for the approval of minutes from the January 28th and March 25th meetings. Todd Stephens made the motion to accept the minutes as written. The motion was seconded by Jerry Grimes. The motion was voted on and approved.

Chair Hall asked for a moment of silence.

KBE Report – Corey Marcum

Mr. Marcum asked the cabinet's Deputy General Counsel Dondra Meredith, to speak on the Financial Relief and Restoration Payments (FRRP) plan and what is happening with it, within the agency.

Ms. Meredith said that the agency is making an inquiry to the Rehabilitation Services Administration (RSA) to seek further clarification on what must be considered as "otherwise compensated", as stated in the law. She said that the cabinet's legal team is concerned that RSA may not be currently requiring the State Licensing Agencies (SLA) to consider unemployment and the reimbursement for lost inventory as "otherwise compensated", but it may result in a reversal later.

She said, as one who worked on Kentucky's Unemployment Insurance (UI) issue last year, she saw that when the Inspector General looked at what had been approved by the US Department of Labor, it was reversed. She said if something is submitted that gets approved, but the Inspector General reverses it later, it would trickle down and we may have to return the money. She said with UI, the Department of Labor was vague in the beginning and then the cabinet was penalized later.

She said she will keep the vendors posted on what the RSA is doing, but warned it is important to be careful with what is submitted.

Chair Hall stated that other states may have to redo their plans and Kentucky does not want that to happen.

Ms. Meredith reported that cabinet legal staff has concerns that the law is not being followed where it states, “on losses otherwise compensated”. She said that other states’ plans that have been approved by RSA have not all been offsetting any other compensation.

Ms. Meredith said in the vocational rehabilitation attorney network, they have discussed the meaning of “otherwise compensated”. They all have concerns over the interpretation. She said agencies need to keep in my mind what the law actually says. They don’t want to have to explain in a congressional hearing why the law was not followed. The integrity of the program must be protected.

Chair Hall said that other state Chairs he has spoken with, who had their first plan rejected, just tweaked it a bit, and it was approved the second time. He thanked Ms. Meredith for her update.

In his report, Mr. Marcum said that the agency is actively working on the vendor relief program submission. He said they are working on refining it to get it right.

The Mazzoli Building micro market equipment is now in Cincinnati and should be ready to install within two weeks. The plan is to have it operational on June 1.

The Transportation Cabinet’s kitchen equipment install is complete.

The Hall of Justice and the L&N Building equipment has been ordered and is on the way.

Mr. Marcum asked vendors to make sure they have up to date liability coverage verification on file with KBE.

He said that legal staff is working on updated vendor agreements which will be sent out in a few weeks to be signed and returned for

the files. Todd Stephens indicated that vendors should receive the agreements in their preferred format. He wants his sent electronically, not mailed.

Mr. Marcum said he is still waiting on the company who is supposed to maintain the electronic pay for iBEP. He has continuously reached out to the company to submit their Statement of Work, which we are required to have, to move forward.

Todd Stephens said that getting this set up should be made a priority. Justin Purvis suggested setting up a PayPal account for collecting the money, or considering other options. Mr. Marcum said he will check with the cabinet's fiscal staff about using other means to collect set asides.

Mr. Marcum told the committee that he, Chair Hall, and Food Service Coordinator Jason Wathen recently went for a site visit at E.P. "Tom" Sawyer State Park to investigate bidding on food concessions there. A concession stand will be on site for the summer. It would be a seven day a week operation. It may be a viable option for an interested vendor. It depends on the answers to our questions that were submitted to the Finance Cabinet.

Reni Jackson asked, since it will only be open three months a year, would it be worth it to use KBE equipment. Mr. Marcum said that it is a snack bar at the pool area, state equipment will be used, so no KBE equipment will be needed.

Mr. Marcum told vendors that the state soft drink contract has been rebid and closes today. There could be changes coming.

He reported that James Webb is the new Pepsi rep for Frankfort.

He said the inventory relief funds vendors were allocated would be available to use until June 30, 2022.

Mr. Marcum asked for questions.

Todd Stephens said he was concerned that nothing has been settled for EFT payment of the set asides and that it's been over a year and a half. With the agency's mail issues and lost and misdirected checks, it needs to be done soon. He asked what the Committee can do to push the ePay company into getting started. Chair Hall said that it definitely needs to be done and that an attorney may need to get involved.

Mr. Purvis asked if one of the other money platforms such as Venmo or PayPal could be used instead. Mr. Marcum said he would look into it. Lynn Florence said there would be a fee for ePay. Mr. Marcum said the agency will pick up any fees. Chair Hall asked Mr. Marcum to check on the issue and make it a priority.

Mr. Stephens also said that it should be up to the vendor, not the agency, how they want to receive their information, electronically or in the mail.

Chair Report – Larry Hall

Chair Hall reported that he went with Mr. Marcum to the EP “Tom” Sawyer Park site visit. There are soccer and softball fields, a swimming pool, and they were told there are at least a thousand people in the park every day, thru the summer. There are three concession stands, one of which is obligated to the softball field, but softball is March to December. He said that there wouldn't be too much equipment involved and the park already has it. The food served would be hot dogs, pretzels, popcorn, etc. He said there would be a strong vendor needed because if they do well at the park, then KBE may eventually get all the state parks, which is the long-range plan.

He said he speaks with the Chairs of other states on a call every month. He said that four or five different states have already been approved now for their FRRP money. Their plans were all rejected the first time, but with minor tweaks, were all accepted the second time. Those states did not require vendors to deduct UI payments and those plans were approved the second time. He said that Kentucky was one of the only states to give an inventory relief payment to vendors. He said that he understands Ms. Meredith's concerns but the vendors need to get these funds as soon as possible.

Reni Jackson asked what the concern was with the first plan was. Chair Hall said that RSA wanted assurance that vendors didn't get back more money than they would have earned prior to the pandemic, and they need to know the agencies can back this up with records.

Todd Stephens commented that he agreed with Ms. Meredith that the plan needs to be legally sound so that it doesn't have to be paid back.

Old Business

As the Electronic Funds Transfer issue was discussed earlier in the meeting, Todd Stephens indicated that he was satisfied with the previous explanation and needed no further discussion under Old Business.

The Chair asked vendors if they were having problems with the coils on their vending machines not working properly. Cramer Schneider said that the repair person told him to hit the button on the number for the coil that isn't working to reprogram it. Then hit #2 on the keypad and it will reset the coils.

Ronnie Wheatley said he often experiences this and has found if the items are too snug, the helix won't turn. It may be necessary to check the spacing between the items. He said the lasers that are supposed to help with this don't always work and the motors aren't as strong as they could be.

Jerry Grimes suggested trying the pushers that clip onto the front. He said that he's found them to really help. Reni Jackson said that he found that they work for lighter, but not heavier products.

New Business

Todd Stephens indicated that Pepsi and Coke are not showing up for deliveries when they say they will. This has caused him to have to pay staff to come in and wait on the deliveries that don't come, and then have to do reorders. Lynn Florence said she is having problems getting products.

Mr. Marcum responded that things are in short supply right now. Due to lack of aluminum for cans, what they are making are going to retail stores before wholesalers. They are also having labor issues and some layoffs.

Todd Freeman said that repairs for vendors are spotty, and the agency doesn't have a repair staff anymore, so it puts the responsibility on the vendor.

Chair Hall commented that lack of repair staff is due to a pay issue. The agency has to hire the vending repair techs at the state salary, and they can make much more money other places so it's hard to find qualified individuals who are willing to work for that salary. He agreed that it is a problem that needs to be addressed but said that Mr. Marcum could answer that better he could.

KBE Vending Coordinator Stuart Boggs reported that he had been in contact with National Vending Company this week and asked them to locate a contract repair company who could serve the Owensboro and Paducah areas.

Chair Hall said that cooperation between the vendors and the agency is the bottom line. Everyone needs to work together. He said he had spoken with the Governor's Chief of Staff Rocky Adkins yesterday and he said the plan was to start putting workers back in the office buildings in the next couple of months. This is good news for vendors.

Vice Chair Lynn Florence read the names of those she and Chair Hall proposed be on the standing sub-committees. She suggested adding a couple of vendors who are not elected members of the Blind Vendor Committee, in non-chair roles, as they would like more vendors to become involved.

Mac Carnes stated that according to the bylaws those who serve on a sub-committee must be a member of the Blind Vendor Committee.

Cramer Schneider said he thinks it would be a good idea to ask others to be on the subcommittees in order to get new ideas. He remarked that he and Justin Purvis had been asked to serve on special subcommittees before they were elected members.

Chair Hall said it would be best to check out the legality before continuing with a vote.

Todd Freeman made a motion to table the discussion until there was a ruling by legal staff as to whether it was appropriate to put non-members on a subcommittee. The motion was seconded by Todd Stephens.

Public Comments

Katherine Gore asked if those vendors earning more in 2020 than in 2019 would be entitled to anything under the agency's FRRP plan.

Mr. Marcum said that the formula is yet to be determined but those who did not have a loss could not be compensated. He commented that there may be vendors that are excluded from being eligible if they did not have a loss.

Justin Purvis said he supported the E.P. "Tom" Sawyer venture, and the agency should bid on it.

Discussion was held and it was decided that the next meeting will be Thursday, July 22nd at 4:30 p.m.

At 6 pm, a motion to adjourn was made by Todd Stephens and seconded by Lynn Florence.