

Randolph-Sheppard Act

For over 20 years, Brown, Goldstein & Levy has been a national leader fighting to protect the rights of blind entrepreneurs under the Randolph-Sheppard Act. In 1987 we represented a group of Maryland vendors, ultimately obtaining an agreement that lowered the amount of set-aside collected by more than two-thirds. Since that first case, we have represented blind managers, groups of managers, state licensing agencies, the National Association of Blind Merchants, and the National Federation of the Blind throughout the United States in arbitrations, trial courts, and appellate courts.

We have won several precedent-setting Randolph-Sheppard cases, including the first decisions to apply the Act to the Department of Veterans Affairs and the Veterans' Canteen Service and to military mess halls. These cases also established that federal agencies could not charge commissions on vending machine receipts and that the Veterans' Canteen Service could not install vending machines in competition with a machine-only vending facility.

Among the cases in which we have been involved are:

- Reversing a decision to terminate a manager's license;
- Obtaining vending commissions due from the Postal Service;
- Securing a manager's transfer to a new location and obtaining back pay for the time the transfer was wrongfully withheld.
- Expanding the types of items offered for sale by a manager;
- Challenging conflicts of interest in the award of new location;
- Protesting state licensing agencies' decisions not to obtain new vending facilities;
- Recovering unassigned vending machine income belonging to managers' retirement funds;
- Representing managers in negotiations with teaming partners for the operation of cafeterias and mess halls;
- Assisting state licensing agencies in negotiating agreements with federal agencies;
- Aiding teaming partners in drafting subcontracting agreements with other non-profit organizations;
- Contesting federal agency decisions that the Randolph-Sheppard Act does not apply to particular locations.

Andy Freeman