

13 NCAC 17 .0102 LICENSING PROCEDURES

(a) Each application for a private personnel service license shall be made on forms prescribed and furnished by the Commissioner and shall contain the following information in addition to the information required by G.S. 95-47.2:

- (1) The proposed mailing address, and telephone number of the private personnel service;
- (2) Four personal or business references who are not related to or currently employed by the applicant;
- (3) Whether the private personnel service will be affiliated in any way with a loan agency or collection agency;
- (4) Whether the private personnel service will operate under a franchise agreement;
- (5) Whether the applicant, owner, officer, director or manager ever made an application for a license to operate a private personnel service in North Carolina or elsewhere;
- (6) Whether the applicant, owner, officer, director or manager ever had a license revoked, suspended, or refused, or has been subjected to any disciplinary action by any governmental body;
- (7) Whether the applicant, owner, officer, director or manager has ever been convicted of a crime other than parking violations and misdemeanor traffic offenses;
- (8) Whether the applicant, owner, officer, director or manager of the service has any additional ownership investment interest in other businesses;
- (9) The name and address of a newspaper of general circulation in the area where the applicant now resides;
- (10) A copy of all contracts and forms to be used with applicants;
- (11) A copy of the fee schedule and a copy of the refund policy (if applicable) used with persons seeking employment and employers;
- (12) If the applicant is a corporation, a copy of the Articles of Incorporation;
- (13) If the applicant is a partnership, a copy of the Partnership Agreement;
- (14) The Surety Bond required by G.S. 95-47.2(j); and
- (15) Any other names, aliases, assumed business names, trade names, or doing business as ("DBA") names under which each applicant has operated.

(b) Assumed Name or Assumed Business Name. If the private personnel service has filed an assumed name with the register of deeds in its county, as required by North Carolina law (G.S. 66-68), the owner must notify the Division in writing of the assumed name. This notification shall be considered a request for an amendment to the application.

(c) Release of Information Authorization:

- (1) By applicant:
 - (A) Each applicant for a private personnel service license shall sign a Release of Information authorizing the Commissioner to conduct a personal background investigation for purposes of determining the applicant's suitability to operate a private personnel service.
 - (B) The release shall be executed before a notary public.
- (2) By officer, director or manager:
 - (A) The officer, director or manager of a private personnel service, not covered by Subparagraph (d)(1) of this Rule, shall sign a Release of Information authorizing the Commissioner to conduct a criminal background investigation for purposes of determining the suitability of that person to operate a private personnel service.
 - (B) The release shall be executed before a notary public.

(d) Interview with the Division. Each individual applicant shall come to the Division for an interview as part of the application process.

(e) Right to Protest. Individuals have a right to protest the issuance of a license in accordance with G.S. 95-47.2(d)(1):

- (1) In determining whether the protest is of such a nature that a hearing should be conducted and for a cause on which denial of a license may properly be based, the Commissioner will look to the reasons for denying a license found in G.S. 95-47.2(d)(3) and G.S. 95-47.2(e).
- (2) The hearing shall be conducted in accordance with the provisions of G.S. 150B-38 through G.S. 150B-42.

(f) Denial of License. Upon completion of the investigation, the Commissioner shall determine whether or not a license should be issued. In addition to the reasons for denial in G.S. 95, Article 5A, a license shall be denied if the applicant has failed to submit all of the necessary information and paperwork which is described under Licensing Procedures in Rule .0102 of this Chapter.

(g) Notice of Approval. If the Commissioner approves a private personnel service license, the applicant shall be notified and the license shall be issued.

(h) Notice of Opportunity to Withdraw:

- (1) If the application for a license is incomplete, the applicant shall be notified by telephone of this fact at least seven days prior to the end of the 30 day investigative period. The applicant may either complete the application within that seven days or withdraw the application.
- (2) If the applicant elects to withdraw the application, the Division will deem any supporting documents which the Division has obtained, such as the criminal background check and references, current for an additional 30 days within which time the applicant may refile the application.
- (3) Failure to withdraw an incomplete application (one that omits material information) before the end of the original 30 day investigative period shall result in the denial of a private personnel service license. However, the applicant may re-apply.

(i) Notice of Denial. If the Commissioner denies a private personnel service license, the applicant shall be notified of this fact by certified mail sent to his or her last known address.

*History Note: Authority G.S. 95-47.2; 95-47.3; 95-47.9;
Eff. February 27, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*