

18 NCAC 06A .2032 REQUIRED FUNDING PORTAL ATTESTATIONS

A funding portal shall attest in the Form NCFP that it:

- (1) is registered with the Secretary of State and has North Carolina as its principal place of business;
- (2) is being used to offer and sell securities under G.S. 78A-17.1;
- (3) will not engage in the prohibited activities set out in G.S. 78A-17.1(a)(11);
- (4) is not subject to disqualification pursuant to G.S. 78A-17.1(e);
- (5) does not have any officers, directors, or any person occupying a similar status or performing a similar function that are subject to disqualification pursuant to G.S. 78A-17.1(e);
- (6) will not buy or sell personally identifiable information of any prospective investor or investor;
- (7) agrees to comply with Rules .2037, .2039, and .2061 of this Section;
- (8) agrees to comply with Rule .2038 of this Section regarding denying access to those it reasonably believes are subject to disqualification or potential for fraud or investor harm;
- (9) shall not handle or take custody of the funds of the issuer or investors;
- (10) shall safeguard prospective investor and investor personal identifying information and immediately notify the Administrator in writing of any compromise of confidentiality; and
- (11) consents to personal jurisdiction of the Administrator and consents to service of process by the Administrator.

History Note: Authority G.S. 78A-17.1(a)(5); 78A-17.1(f); 78A-49(a); 78A-49(d); 78A-64; S.L. 2016-103, s.4.(a);
Eff. April 1, 2017.