

18 NCAC 06A .2060 ISSUER RECORDKEEPING REQUIREMENTS

- (a) With regard to documents related to the Exemption, an issuer shall retain:
- (1) copies of documents that it makes;
 - (2) copies of documents that it receives; and
 - (3) documents of any persons acting on its behalf. The issuer shall not be required, pursuant to this Rule, to obtain and retain documents from escrow agents, funding portals, and registered dealers other than those documents it receives in the ordinary course of business related to the securities offering pursuant to the Exemption.
- (b) An issuer shall make and preserve copies of all communications in any medium used, published, or distributed that are related to the securities offering. For purposes of this Rule, "communications" include social media posts and other electronic distributions relating to the securities offering.
- (c) The documents referred to in Paragraphs (a) and (b) of this Rule shall be retained by the issuer for a period of at least six years after the date of initial filing of the Form NCE with the Administrator.
- (d) An issuer shall produce documents to the Administrator upon request or demand. An issuer shall keep the documents in a location and manner that will permit access, inspection, and review in North Carolina by the Administrator.
- (e) Failure to keep or produce documents pursuant to Paragraph (d) of this Rule may form the basis for an order denying or revoking the Exemption pursuant to G.S. 78A-18.

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.