

18 NCAC 06A .2061 FUNDING PORTAL RECORDKEEPING REQUIREMENTS

(a) The funding portal shall make and preserve the following:

- (1) all documents related to an investor who purchases or attempts to purchase securities through the funding portal;
- (2) all documents related to:
 - (A) issuers who offer and sell or attempt to offer and sell securities through the funding portal; and
 - (B) the controlling persons of such issuers related to the securities offering;
- (3) documents of all communications that occur on or through its platform;
- (4) all documents related to persons that use communication channels provided by a funding portal to promote an issuer's securities or communicate with prospective investors;
- (5) all documents to demonstrate compliance with the requirements set out in the Rules in this Section;
- (6) all notices provided by such funding portal to issuers and investors generally through the funding portal's platform or otherwise;
- (7) all written agreements entered into relating to its business in connection with offerings listed on the funding portal or offerings by issuers rejected by the portal;
- (8) all daily, monthly, and quarterly summaries of transactions effected through the funding portal;
- (9) a log reflecting the progress toward meeting the target offering amount of each issuer who offers or sells securities through the funding portal; and
- (10) a copy of all documents relating to the escrow account or any account maintained on behalf of an issuer.

(b) The funding portal shall keep the documents required by Paragraph (a) of this Rule for a period of six years from the date of creation of the document.

(c) The funding portal shall keep the documents in a location and manner that will permit access, inspection, and review in North Carolina by the Administrator. The documents shall be subject to inspection by representatives of the Administrator upon reasonable examination from time to time, as the Administrator deems necessary or appropriate in the public interest or for the protection of investors.

(d) Failure to make, keep, or produce documents upon request may subject the funding portal to administrative action pursuant to G.S. 78A-39.

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.