

**21 NCAC 28B .0303 QUALIFIER/QUALIFYING PARTY; USE OF ASSUMED NAME**

(a) Each license shall have a person associated with the license who shall be deemed the "qualifier" or the "qualifying party." The qualifier shall be an individual who has passed the Board's examination in accordance with the Board's statutes and rules.

(b) If the license is an individual license, the qualifier shall be the same person as the person holding the individual license name. If the licensee is a legal entity authorized under the Board's practice act, the qualifier shall be as follows:

- (1) If a corporation, the qualifier shall be an officer or a full-time employee;
- (2) If a limited liability company, the qualifier shall be a manager as defined in G.S. 57D-1-03 or a full-time employee;
- (3) If a partnership, the qualifier shall be a general partner or full-time employee; and
- (4) If the holder of an assumed or designated trade name, the qualifier shall be an owner of no less than 50 percent of the business or a full-time employee.

(c) If a qualifier ceases his relationship with the licensee and pursuant to G.S. 89D-17(h) seeks additional time to acquire a qualifier, the licensee shall submit a written request to the Board. If more than 30 days pass without a qualifier and no written request is submitted, the license is automatically suspended. If more than one year passes and the license is not renewed, the license shall be revoked pursuant to G.S. 89D-20.

(d) "Full-time employee" means a person who is paid a salary or wage and is engaged in the work of the licensee a minimum of 20 hours per week or a majority of the hours operated by the applicant, whichever is less. A qualifier shall not be an independent contractor.

(e) Any applicant or licensee seeking to operate under an assumed name shall submit to the Board a Certificate of Assumed Name filed in accordance with Chapter 66, Article 14A of the General Statutes. Applications submitted to the Board on behalf of corporations, limited liability companies and partnerships shall be accompanied by a copy of any documents required to be filed with the North Carolina Secretary of State's office, such as Articles of Incorporation or Certificate of Authority.

(f) All licensees shall comply with the requirements of G.S. 66-71.4 and shall notify the Board within 30 days of any change in the name in which the licensee is conducting business in the State of North Carolina.

(g) No applicant or licensee shall use or adopt an assumed name used by any other licensee, or any name so similar to an assumed name used by another licensee that could confuse or mislead the public.

*History Note: Authority G.S. 66-71-4; 89D-16; 89D-17; 89D-20;  
Eff. June 1, 2019.*