10A NCAC 63C .0601 is proposed for readoption with substantive changes as follows:

SECTION .0600 ‑ RESPONSIBILITIES OF LICENSED OPERATORS

10A ncac 63c .0601 GENERAL RESPONSIBILITIES

(a) ~~The~~ A Business Enterprises operator ~~must:~~ shall:

(1) ~~perform~~ ~~faithfully and to the best of his ability the necessary~~ ~~duties~~ ~~in connection with~~ [~~to~~] ensure the operation of ~~the~~ a Business Enterprises facility in accordance with the rules of the Commission for the [~~Blind~~] Blind, ~~and standards issued pursuant thereto~~ ~~and~~ the contractual agreement between the Division and the operator, and the terms and conditions of the permit or contract with the ~~building or property on which the~~ host [~~facility,~~] facility including any amendments if provided to the operator. ~~facilit~~y ~~is located;~~ This requirement shall not mandate the physical presence of the operator at the facility at all times of its operation;

(2) operate the facility in accordance with all applicable public health laws and Rules;

(3) ~~assume such responsibilities as purchasing needed supplies and merchandise, pricing, merchandising the facility, and control of inventory;~~ purchase merchandise, price goods for [~~sale,~~]sale as set forth in Rule .0608 of this Subchapter, purchase supplies for the [~~facility~~] facility, rotate stock, and control inventory in the Business Enterprises facility;

(~~4)~~ ~~devote~~ ~~his~~ ~~full managerial attention to the responsibilities of operating the facility in accordance with the agreement~~ ~~between him and~~ [~~with~~] ~~the Division and in accordance with the Rules in this Subchapter. The operator is not required to be on site at all times; and~~

(~~5~~) ~~maintain~~ ~~good~~ [~~professional relationships with~~] ~~customer~~ [~~customers,~~] ~~relations with his patrons and with the property‑managing officials at his work site.~~ [~~the host facility and the Division;~~]

[(~~6~~)] [~~maintain a neat, business‑like appearance while working at the Business Enterprises facility, and shall conduct the facility in an orderly, business‑like manner;~~]

[(~~7~~)] [~~must assure that the business to be carried on at the facility shall be limited to that specified and authorized in the operator agreement and permit or contract with the sponsor of the building or property where the facility is located. host facility;~~]

[(~~8~~)] (4) open and maintain a business bank account [~~in which funds are maintained to operate~~] for the management of funds derived from the Business Enterprises facility;

[(~~9~~)] (5) submit an electronic profit and loss report (D-sheet) to the Division by the 15th of the month following the reporting [~~month;~~] month. Assistance shall be provided with the electronic submission of the report by the Business Enterprises Consultant upon request from the operator;

[(~~10~~)] (6) submit payment of all monthly [~~fees~~] fees, including set-aside and liability fees, health insurance premiums, and phone bill payments, if applicable, to the Controller’s Office by the 15th of the month following the month in which the business was transacted;

[(~~11~~)] (7) keep all records supporting the monthly ~~revenue and expense~~ profit and loss report (D-sheet) for three calendar [~~years:~~] years, as required by this Subchapter;

[~~(12)~~] (8) provide [~~all~~] records for the assigned facility to the Division upon request [~~for the purpose of~~] ~~business~~ ~~consultation,~~] [~~consultation and~~] for [~~conducting audits and record keeping~~ ~~reviews;~~] reviews as required by this Subchapter. That may include cash sales deposit receipts, cash register tapes, monthly bank and credit card statements, invoices and receipts for purchases and expenses, card reader weekly reports, and payroll records;

[~~(13)~~] (9) be available for all appointments with the Division staff [~~members~~] members, [~~to allow inspection, advice,~~ ~~record~~] [~~reviews~~] [~~reviews, and consultation to support operations,~~] which will be scheduled at the convenience of both parties;

[~~(14)~~] (10) not subcontract management of the Business Enterprises facility except as approved in writing by

the [~~Division.~~] Division;

[~~(15)~~] (11) take [~~appropriate~~] actions to correct deficiencies noted on Business Enterprises facility audits or reviews within 15 business [~~days, and~~] days after receiving notification of the deficiencies and a description of the corrective actions to be taken, unless an extension to this time frame has been agreed to by the Division and operator in writing; and

[~~(16)~~] (12) notify the Division of [~~any~~] changes to the following no later than 10 business days after the change occurs:

(A) the facility telephone number;

(B) the address to which Business Enterprises correspondence [~~shall be~~] is delivered; and

(C) emergency contact [~~information~~] information.

 (b) The operator shall be accountable to the Division for the proceeds of the Business Enterprises ~~facility,~~ facility and shall handle the ~~proceeds,~~ proceeds ~~including payments to suppliers and deposits of funds,~~ ~~in accordance with Division guidelines developed to facilitate the provision of management, accounting, and technical services to operators, and in accordance with the U. S. Department of Education reporting requirements.~~ as set forth in Section .0700 of the Subchapter.

(~~c) The operator shall maintain a neat, business‑like appearance while working at the Business Enterprises facility, and shall conduct the facility in an orderly, business‑like manner.~~

~~(d) In accordance with Paragraph (b) of this Rule, any rebates, commissions, or bonuses received by the operator from supplier shall be considered as income or a refund of purchases and shall be accounted for accordingly.~~

~~(e) The operator must assure that the business to be carried on at the facility shall be limited to that specified and authorized in the permit or contract with the sponsor of the building or property where the facility is located.~~

History Note: Authority G.S. 111‑27; G.S. 111‑27.1; 34 C.F.R. 395.3; 34 C.F.R. 395.7; 20 U.S.C. Sec. 107;

Eff. February 1, 1976;

Readopted Eff. November 16, 1977;

Amended Eff. August 1, 2002; April 1, 1990; February 1, 1984; October 1, ~~1978.~~ 1978;

Readopted Eff. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.