

1 15A NCAC 10G .0401 is proposed for repeal through readoption as follows:

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3 **15A NCAC 10G .0401 PURPOSE OF WILDLIFE SERVICE AGENTS**

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5 *History Note: Authority G.S. 113-134; 113-270.1;*

6 *Eff. April 1, 1997;*

7 *Amended Eff. May 1, 2007.*

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1 15A NCAC 10G .0402 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 10G .0402 APPOINTMENT OF WILDLIFE SERVICE AGENTS**

4 (a) Wildlife Service Agents are official license and vessel agents of the Commission who are authorized to issue
5 hunting, fishing and other licenses, permits, applications, vessel registrations, and items pursuant to G.S. 113-270.1,
6 the Wildlife Service Agent Agreement and the Rules of this Section.

7 ~~(b) Any~~ An individual authorized to act on behalf of a business operating from a fixed location in North Carolina may
8 apply to the Commission for appointment as a Wildlife Service Agent by completing an application provided by the
9 Commission. Agent by completing the Wildlife Service Agent application available at ncwildlife.gov. Information
10 required from the applicant shall include:

11 (1) business name, physical address, email, county, phone number, agent type, description of services,
12 and operational dates and hours; and

13 (2) business owner name, address, date of birth, driver's license number, and length of business
14 ownership.

15 ~~(b) Application. Applications for Wildlife Service Agent appointment shall contain the business name, address,~~
16 ~~county agent contact information, bank account information, business hours, and any other information requested by~~
17 ~~the Commission that is reasonably necessary to determine the fitness of the applicant to serve as a Wildlife Service~~
18 ~~Agent.~~

19 ~~(d)(c) Qualifications and Requirements. Applicants~~ Business owners shall meet the following requirements to
20 qualifications in order to be appointed qualify as a Wildlife Service Agent. Agent unless otherwise approved by the
21 Executive Director or his or her designee to maintain adequate service to the public in a geographic area:

22 (1) ~~Businesses shall operate from a fixed location in North Carolina and shall sell a minimum of one~~
23 ~~thousand dollars (\$1,000) in transaction sales annually. This minimum requirement may be waived~~
24 ~~by the Executive Director if he finds the applicant's services necessary to maintain adequate agent~~
25 ~~services to the public in that geographic area.~~

26 ~~(2)(1)~~ An applicant shall have a minimum of one year's experience in operating the business for which the
27 application is made or other equivalent business experience or training. experience; In those cases
28 where other equivalent business experience or training is accepted in lieu of the minimum one year's
29 experience, the applicant shall submit financial statements of the business so that the solvency of
30 the business can be judged.

31 ~~(3)(2)~~ Applicants shall provide a bank account for the purpose of transferring net proceeds from all
32 Wildlife Service Agent transactions to the Commission's account in the State Treasury every week
33 via an electronic transfer of funds. Commission; and

34 (3) no criminal convictions for financial crimes within the five years prior to application.

35 ~~(d) The qualifications as provided by Paragraphs (b) and (c) of this Rule shall be met prior to appointment. Failure~~
36 ~~to comply with the qualifications and requirements as provided by Paragraph (c) of this Rule, throughout the term of~~

1 ~~the appointment, may result in termination of the agent appointment. All agents are subject to monitoring of their~~
2 ~~performance by the Customer Support Section of the Commission.~~

3 (d) Upon approval of the application by the Commission, Wildlife Service Agents shall:

4 (1) have a computer, printer and internet access at their business location;

5 (2) provide a voided check or withdrawal slip for the bank account to be used to transfer funds to the
6 Commission;

7 (3) complete online training provided by the Commission or a contracted third-party vendor; and

8 (4) sign and submit the Wildlife Service Agent Agreement.

9 (e) Wildlife Service Agent Agreements and appointments are non-transferable and valid only for the owner and
10 business named on the executed agreement.

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12 *History Note: Authority G.S. 113-134; 113-270.1;*

13 *Eff. April 1, 1997;*

14 *Amended Eff. September 1, 2011; May 1, 2007; July 1, 1998.*

15A NCAC 10G .0403 is proposed for repeal through readoption as follows:

15A NCAC 10G .0403 WILDLIFE SERVICE AGENT AGREEMENT

History Note: Authority G.S. 113-134; 113-270.1;

Eff. April 1, 1997;

Amended Eff. September 1, 2011; June 1, 2007; July 1, 1998.

1 15A NCAC 10G .0405 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 10G .0405 WILDLIFE SERVICE AGENT TERMS AND CONDITIONS**

4 (a) A Wildlife Service ~~Agent's~~ Agent shall comply with the following ~~appointment and service is subject to the~~
5 ~~following terms and conditions:~~

6 (1) ~~Public Service.~~ Wildlife Service Agents shall serve all persons ~~individuals~~ seeking assistance with
7 matters related to the duties of a Wildlife Service ~~Agent.~~ Agent during regular business hours.

8 (2) ~~Training.~~ New Wildlife Service Agents shall attend a training session at a location specified by the
9 ~~Commission prior to activation of agent status and prior to receiving any equipment or supplies from~~
10 ~~the Commission.~~ transfer funds and records to the Commission as specified in the Wildlife Service
11 Agent Agreement;

12 (3) ~~Activation of Agent Status.~~ Upon completion of training and receipt of equipment and supplies,
13 ~~Wildlife Service Agents shall have their equipment set up and ready for operation 10 days after the~~
14 ~~date they receive the equipment and supplies.~~

15 (4)(3) ~~Application.~~ Each Wildlife Service Agent shall notify the Commission of any changes to the
16 original application for appointment such as business name, address, agent contact information,
17 bank account information, business hours and other information related to agent appointment, within
18 five business days of it's the change.

19 (5)(4) ~~Business Change of Ownership, Location, or Management.~~ If the ownership of the business,
20 location or management changes, then the Agreement becomes null and void. Written provide
21 written notice of any a change in business ownership, location, or management shall be sent to the
22 Commission at least 10 business days prior to the change along with an application for a new
23 Wildlife Service Agreement, if desired, pursuant to the rules in this Section. desired.

24 (6)(5) maintain five thousand dollars (\$5,000) in Agent transaction sales at the business location annually.
25 ~~Cancellation.~~ A Wildlife Service Agent may cancel the Agreement at any time by sending written
26 notice to the Commission. The Commission shall instruct resigning agents on the procedures for
27 returning all equipment and supplies and to settle their account. Upon resignation of appointment
28 as a Wildlife Service Agent, the former agent must return all consigned equipment and supplies to
29 the Commission and settle the agent financial account within 10 days of the resignation letter's date.

30 (b) A Wildlife Service Agent may cancel the Agreement by sending written notice to the Commission. Consigned
31 equipment and supplies shall be returned to the Commission and the financial account shall be settled within 10
32 business days of the date of resignation letter receipt.

33 (b) ~~Suspension.~~ The Commission shall temporarily suspend any Wildlife Service Agent appointment for:

34 (1) ~~Failure to deposit sufficient funds one or two times to cover the electronic transfer of funds each~~
35 ~~week.~~

36 (2) ~~Failure to operate as a public convenience as specified in the Agreement one or two times.~~

1 ~~(3) — Failure to provide proper and correct information one or two times about wildlife transactions and~~
2 ~~related issues to customers as documented by customer complaints or agency inspections.~~

3 ~~(4) — Failure to submit or return all required documentation for transactions as outlined in the Agreement~~
4 ~~one or two times.~~

5 Temporary suspension is effective immediately upon communication of that fact to the Wildlife Service Agent. Such
6 communication shall state the grounds for temporary suspension and that the agent may request a hearing within 5
7 working days if he contests the grounds for temporary suspension. If the initial notification is not in writing, it shall
8 be followed by written notice of temporary suspension containing the same information. If the Commission
9 determines it is necessary to protect State property, an employee of the Commission may enter the premises and
10 impound all property and supplies issued or entitled to by the Commission such as equipment, moneys, record books,
11 reports, license forms, other documents and materials pertinent to the agent being suspended. The Commission must
12 make the impounded property, or copies of it, available to the agent during the period of temporary suspension. If a
13 hearing is requested, it shall be before the Executive Director or his designee and shall be held at a location specified
14 by the Executive Director.

15 Temporary suspension remains in effect until the hearing. A temporary suspension may not last longer than 30 days,
16 but additional suspensions may be imposed if, at the end of the suspension period, the agent has not corrected the
17 deficiency or deficiencies that resulted in the suspension. A Wildlife Service Agent may at any time after a hearing
18 appeal his suspension to the Commission. A new suspension shall comply with the provisions of this Paragraph.

19 (e) Termination. The Commission shall terminate any Wildlife Service Agent appointment for any of the deficiencies
20 listed below unless it determines that such deficiency may be corrected, is not likely to be repeated during the term of
21 the current agreement, and not maintaining the Agent Agreement will result in insufficient Commission services to
22 the public in the area served by the Agent. Deficiencies that may result in termination include:

23 ~~(1) — Failure to comply with the terms and conditions as outlined in the wildlife service agreement.~~

24 ~~(2) — Failure to deposit sufficient funds three or more times to cover the electronic transfer of funds each~~
25 ~~week.~~

26 ~~(3) — Failure to meet the minimum transaction sales requirement of one thousand dollars (\$1,000)~~
27 ~~annually.~~

28 ~~(4) — Failure to operate as a public convenience as specified in the Agreement three or more times.~~

29 ~~(5) — Failure to provide proper and correct information three or more times about wildlife transactions~~
30 ~~and related issues to customers as documented by customer complaints or agency inspections.~~

31 ~~(6) — Failure to submit or return all required documentation for transactions as outlined in the Agreement~~
32 ~~three or more times.~~

33 Notice of termination of the appointment may be sent to the Wildlife Service Agent in lieu of or in addition to
34 temporary suspension. The notice must state the grounds for termination of the appointment and the agent's right to
35 a hearing if he has not previously been afforded one. If the appointment is to be terminated, the notice must state the
36 effective date and hour of termination. If the agent has not been previously afforded a hearing, the agent is entitled to
37 a hearing within 14 days before the Executive Director or his designee to be held at a location specified by the

1 Executive Director. If the Executive Director upholds the decision to terminate the appointment, an agent may appeal
2 his termination to the Commission. Pending the hearing and any appeal from it, the termination is held in abeyance,
3 but no transaction may be made once the agent's termination effective date and time have passed.

4 Upon termination of appointment as a Wildlife Service Agent, the former agent must return all consigned equipment
5 and supplies to the Commission and settle the agent financial account within 10 days of the date of receiving written
6 notice from the Commission. Employees of the Commission may conduct inspections and audits when terminating an
7 agent.

8 The Executive Director or his designee holding any hearing under this Paragraph must keep a written record of
9 evidence considered and findings made. Upon appeal to the Commission, the Commission Chairman or another
10 presiding officer must cause such a written record of evidence and findings to be made and kept.

11 No person denied appointment or whose appointment was terminated under this Paragraph may apply again for an
12 appointment as a Wildlife Service Agent for two years. Upon application, the Commission may not grant the
13 appointment as a Wildlife Service Agent unless the applicant produces evidence, convincing to the Commission, that
14 he meets all standards and qualifications and will comply with all requirements of statutes and rules pertaining to
15 Wildlife Service Agents.

16 ~~(d)(c)~~ Use of customer identifying information. Customer identifying information for customers of the Commission
17 is protected by G.S. 143-254.5. A Wildlife Service Agents Agent shall not use or disclose any customer identifying
18 information specified in G.S. 143-254.5 ~~to any third party~~ without written authorization ~~of from~~ the Commission.
19 Wildlife Service Agents shall not use such customer identifying information for any purpose other than the processing
20 of Commission transactions requested by the customer. Failure to abide by provisions in this Paragraph is grounds for
21 termination of the agency.

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23 *History Note: Authority G.S. 113-134; 113-270.1;*
24 *Eff. June 1, 2007;*
25 *Amended Eff. September 1, 2011.*
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1 15A NCAC 10G .0406 is proposed for adoption as follows:
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3 **15A NCAC 10G .0406 APPOINTMENT TERMINATION**
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5 (a) The Commission may audit Wildlife Service Agent transactions. Agents shall comply with Commission requests
6 for records and information within 10 business days of the request.

7 (b) The Commission may suspend or terminate Wildlife Service Agent appointment for violation of provisions of G.S.
8 113-270.1, the rules of this Section, or the Wildlife Service Agent Agreement. The determination of whether to
9 suspend or revoke appointment shall be based on the severity and frequency of the violation, and may include failure
10 to:

11 (1) operate as a public convenience as specified in the Agreement;

12 (2) provide correct information about wildlife transactions to customers as documented by customer
13 complaints or agency inspections;

14 (3) submit or return required documentation for transactions;

15 (4) comply with the terms and conditions specified in Rule .0405 of this Section;

16 (5) deposit sufficient funds to cover electronic transfers; and

17 (6) meet the five thousand dollar (\$5,000) annual Agent transaction requirement.

18 (c) Upon termination of appointment, a Wildlife Service Agent shall return consigned equipment and supplies to the
19 Commission and settle the agent financial account within 10 business days of receipt of written of termination notice
20 from the Commission.

21 (d) Individuals denied appointment or whose appointment is terminated shall not reapply for appointment for two
22 years.

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24 *History Note:* Authority G.S. 113-134; 113-270.1;
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