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 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 Business Enterprises facility in accordance with the rules of the Commission for the 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 ~~facilit~~y ~~is located~~;

(2) operate the facility in accordance with all applicable 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, purchase supplies for the facility 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) open a business account in which funds are maintained to operate the Business Enterprises facility;

(9) submit an electronic profit and loss report (D-sheet) to the Division by the 15th of the month following the reporting month;

(10) submit payment of all monthly fees to the Controller’s Office by the 15th of the month following the month in which the business was transacted;

(11) keep all records supporting the monthly revenue and expense report (D-sheet) for three calendar years;

(12) provide all records for the assigned facility to the Division upon request for the purpose of business consultation, and for conducting audits and record keeping reviews;

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

(14) not subcontract management of the Business Enterprises facility except as approved in writing by the Division.

(15) take appropriate actions to correct deficiencies noted on Business Enterprises facility audits or reviews within 15 business days, and

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

(A) facility telephone number;

(B) address to which Business Enterprises correspondence shall be delivered;

(C) emergency contact information

(b) The operator shall be accountable to the Division for the proceeds of the Business Enterprises facility, and shall handle the 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.

(~~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; 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. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.