

10A NCAC 63C .0205 CONTRACTUAL AGREEMENT BETWEEN DIVISION AND OPERATOR

- (a) Each licensee or operator who accepts a Business Enterprises assignment shall enter into an operating agreement with the Division upon initial placement and upon subsequent reassignment.
- (b) When a permit or contract with a host facility is developed, it shall become a part of the operator agreement and the operator shall conduct the business in accordance with the provisions of that permit or contract.
- (c) The operator agreement shall include provisions which specify:
 - (1) responsibilities of the licensed operator required by the rules in this Subchapter;
 - (2) responsibilities of the Division required by the rules in this Subchapter;
 - (3) the licensed operator will receive the net proceeds in accordance with 34 CFR 395.9 from the Business Enterprises facility he or she operates in accordance with Section .0700 of this Subchapter;
 - (4) the operator's right to terminate the agreement at any time;
 - (5) the agreement will terminate upon termination of the permit or contract with the host facility;
 - (6) that the agreement will terminate upon failure of the licensed operator to operate the Business Enterprises facility in accordance with the agreement or the rules in this Subchapter or applicable federal, State, or local laws or regulations;
 - (7) the agreement will terminate upon the closing of a facility that offers no possibility of being profitable.

History Note: Authority G.S. 111-27; 34 C.F.R. 395.1; 34 C.F.R. 395.3; 20 U.S.C. sec. 107;
Eff. October 1, 1978;
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