

**18 NCAC 06A .1202 RECOGNIZED SECURITIES MANUALS**

(a) The publications recognized by the administrator as securities manuals for the purposes set forth in G.S. 78A-17(2)a. shall be:

- (1) Standard and Poor's Corporation Records,
- (2) Mergent's Industrial Manual,
- (3) Mergent's Over-the-Counter Industrial Manual,
- (4) Mergent's International Manual, and
- (5) Periodic supplements to each recognized securities manual.

Other publications may be recognized by the administrator, on a case by case basis, upon a showing that the information required by G.S. 78A-17(2)a. is actually contained in the publication.

(b) None of the publications in Paragraph (a) shall be recognized as relating to the securities of a particular issuer unless all of the information required by G.S. 78A-17(2)a. is contained in the publication, and:

- (1) such information has been continuously published in that securities manual for at least fifteen months preceding the commencement of a distribution in reliance on G.S. 78A-17(2)a.; or
- (2) during the twelve months preceding the commencement of a distribution in reliance on G.S. 78A-17(2)a., the issuer's common stock or equivalent security has traded at the price of five dollars (\$5.00) or more per share for a period of at least thirty consecutive days as quoted in the Wall Street Journal or similar national publication; or
- (3) as of the end of its most recent fiscal year, the issuer had:
  - (A) a tangible net worth (i.e., net worth computed by excluding intangible assets) of at least one million dollars (\$1,000,000), and
  - (B) net income, after taxes, or at least one hundred fifty thousand dollars (\$150,000); or
- (4) during the twelve months preceding a distribution in reliance on G.S. 78A-17(2)a., the issuer completed a public offering of securities which raised at least five million dollars (\$5,000,000).

*History Note: Authority G.S. 78A-17(2)a.; 78A-49(a);  
Eff. April 1, 1981;  
Amended Eff. October 1, 2000; February 1, 1991; September 1, 1990; October 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.*