

**SECTION .1700 - REGISTRATION OF INVESTMENT ADVISERS AND INVESTMENT ADVISER
REPRESENTATIVES**

18 NCAC 06A .1701 DEFINITIONS

For purposes of Chapter 78C of the North Carolina General Statutes and Sections .1700 and .1800 of these Rules, the following definitions shall apply:

- (1) "Accountant" shall mean a person who holds himself out to be an "accountant" or a "certified public accountant" as those terms are defined at Section 93-1(a) of the North Carolina General Statutes.
- (2) "Act" shall mean the North Carolina Investment Advisers Act, Chapter 78C of the North Carolina General Statutes, as may be amended from time to time.
- (3) "Dealer" shall have the same meaning as that set forth in Section 78A-2(2) of the North Carolina General Statutes.
- (4) "Salesman" shall have the same meaning as that set forth in Section 78A-2(9) of the North Carolina General Statutes.
- (5) "Financial Planner" [as used in G.S. 78C-2(1)] includes a person who provides or offers to provide advisory services to clients or to prospective clients regarding the management of their financial resources based on an analysis of individual client needs. The Division hereby incorporates by reference the concepts of "financial planning" found in Section I of SEC Release No. IA-1092, October 8, 1987, 52 F.R. 38400 (CCH Federal Securities Law Reporter 56,156E).
- (6) "Holds [oneself] out" [as used in G.S. 78C-2(1)] means advertises, announces, represents, communicates, publishes, discloses, or makes known, by any means or manner, that one will provide or is willing to provide the services referred to in G.S. 78C-2(1) to other persons.
- (7) The performance of investment advisory services is "solely incidental" [within the meaning of G.S. 78C-2(1)(c) and (d)] to the practice of a profession or to the conduct of a business when the person performing such services neither makes any charge nor receives any compensation, either direct or indirect, that is properly allocable to his rendering of such services. The Division hereby incorporates by reference the concepts found in Sections II (A)(3) and II (B) of SEC Release IA-1092, October 8, 1987, 52 F.R. 38400 (CCH Federal Securities Law Reporter 56,156E).

*History Note: Authority G.S. 78C-30(a);
Temporary Rule Eff. January 2, 1989, for a Period of 180 Days to Expire on June 30, 1989;
Eff. February 1, 1989;
Amended Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
2016.*