

**18 NCAC 06A .2066      FACTORS ADMINISTRATOR MAY CONSIDER WITH REGARD TO WAIVER REQUESTS**

The Administrator may consider the following factors when considering whether to grant a waiver request:

- (1) the benefits to the particular investors and to the general investing public of compliance with the rule for which waiver is requested;
- (2) the nature and severity of the actual or potential harm to the public, prospective investors, investors, the funding platform (if the requestor is the issuer), or other members of the regulated community;
- (3) the necessity for a waiver as explained in the waiver request;
- (4) the harm if the waiver is not granted;
- (5) the business history, qualifications, and disciplinary history of the person or persons effecting the securities transactions;
- (6) history of prior sanctions imposed on the requester by the Department, the SEC, or FINRA;
- (7) the requester's record for timeliness, completeness, and accuracy of filings with the Department;
- (8) previous requests from the requester for waivers by the Administrator;
- (9) evidence in mitigation and aggravation, including the requestor's expertise in securities law and practice;
- (10) the need for full and adequate disclosure of information relevant to investment decisions;
- (11) impact of the granting of the waiver on consistency of enforcement by the Administrator; and
- (12) any other factors that are relevant to the protection of the investing public.

*History Note:* Authority G.S. 78A-17.1(a)(5); 78A-17.1(f); 78A-49(a); 78A-49(d); 78A-64; S.L. 2016-103, s.4.(a);  
Eff. April 1, 2017.