

18 NCAC 12 .0106 FACTORS FOR WAIVERS

Factors which may be used to determine whether to grant a waiver to a person or entity requesting a waiver (the "requester") are:

- (1) Whether the requester had control over the circumstances which underlie the requested waiver;
- (2) Previous requests from the requester for waivers by the Secretary;
- (3) The nature, number and severity of the violations;
- (4) The nature and severity of the actual or potential harm to the public, group, individual, lobbyist, principal or designated individual;
- (5) The requester's record for timeliness, completeness and accuracy of filings with the Department;
- (6) History of prior sanctions imposed by the Department on the requester;
- (7) Evidence in mitigation and aggravation;
- (8) Willfulness of the violation by the requester;
- (9) Negligence on the part of the requestor which contributed to the violation;
- (10) Impact of the granting of the waiver on consistency of enforcement by the Secretary.

History Note: Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400(h); 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-800; 150B-19(6); Eff. December 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.