

20 NCAC 07 .0403 CERTIFICATION OF DEFAULT BY PUBLIC DEPOSITORS

(a) The public depositor shall provide to the State Treasurer a statement of all circumstances which he feels gives rise to a default. Each public depositor is required to discuss with the State Treasurer the need for a determination on the existence of a default prior to the sending of the statement. The statement shall be notarized and mailed to the State Treasurer certified mail, return receipt requested. In addition, each public depositor shall provide the State Treasurer with certified copies of the security agreement with resolution, the escrow agent agreements, or other agreement, and a current list of securities pledged to secure the applicable deposit accounts.

(b) The State Treasurer shall make a determination no later than the close of the business day, next following receipt of the request with regard to the default. The State Treasurer shall determine that:

- (1) a default has occurred,
- (2) a default has not occurred, or
- (3) that additional information is necessary before a ruling can be made.

If additional information is necessary, the public depositor may provide the information required. If it is provided, the public depositor shall submit the information, notarized, by certified mail, return receipt requested. Receipt of the new information shall be considered to be a new request for determination. Appeal of a determination of the State Treasurer shall be considered a contested case.

(c) Upon determining that there is a default as regards a public depositor other than the State Treasurer, the State Treasurer shall proceed under Rule .0401 of this Section.

*History Note: Authority G.S. 115C-444(b); 147-79; 159-31(b);
 Eff. August 1, 1980;
 Readopted Eff. February 1, 1982;
 Amended Eff. April 1, 1994;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5,
 2016.*