

10A NCAC 63C .0205 CONTRACTUAL AGREEMENT BETWEEN DIVISION AND OPERATOR

- (a) Each licensee who accepts a Business Enterprises assignment must enter into a contractual operating agreement with the Division upon initial placement and upon subsequent reassignment.
- (b) A copy of the permit or contract with the sponsor of the site upon which the Business Enterprises facility is located shall become a part of the agreement, and the operator shall conduct the business in accordance with the provisions of that permit or contract.
- (c) The agreement shall include provisions which specify:
 - (1) the responsibilities of the licensed operator as contained in the rules in this Subchapter;
 - (2) the responsibilities of the Division as contained in the rules in this Subchapter;
 - (3) that the licensed operator will receive the net proceeds [in accordance with 45 CFR 1369.1(k)] from the Business Enterprises facility he/she operates in accordance with Section .0700 of this Subchapter;
 - (4) the right of the operator to terminate the agreement at any time;
 - (5) that the agreement will be terminated upon termination of the permit or contract with the sponsor of the site upon which the Business Enterprises facility is located;
 - (6) that the agreement will be terminated upon failure of the licensed operator to operate the Business Enterprises facility in accordance with the agreement or applicable federal, state, or local laws or regulations;
 - (7) that the agreement will be terminated upon the closing of a facility which the Division has determined offers no possibility of being profitable.

History Note: Authority G.S. 111-27; 34 C.F.R. 395.1; 34 C.F.R. 395.3; 20 U.S.C. sec. 107; Eff. October 1, 1978; Amended Eff. August 1, 2002; February 1, 1984; February 1, 1983.