

## **21 NCAC 12A .0205      QUALIFIER**

(a) The qualifier for the applicant shall be a responsible managing employee, officer, or member of the personnel of the applicant. A person may serve as a qualifier for no more than two licenses. A qualifier's examination credentials shall archive if the qualifier does not serve as a qualifier for an active licensee for a period of four consecutive years. Once a qualifier's examination credentials archive, he or she shall retake the examination and earn a passing grade in accordance with Rule .0404 of this Chapter to serve as a qualifier.

(b) Subject to the provisions of G.S. 150B and Section .0800 of these Rules, the Board may reject the application of an applicant seeking qualification by employment of a person who has already passed an examination if such person has previously served as qualifier for a licensee that has been disciplined by the Board.

(c) A licensee shall notify the Board in writing in the event a qualifier ceases to be connected with the licensee. The notice shall include the date on which the qualifier was last connected with the licensee and shall be submitted no later than 10 days after the date of separation. A qualifier shall also be required to notify the Board in writing in such circumstances. After such notice is filed with the Board in writing, or the Board determines that the qualifier is no longer connected with the licensee, and if there are no additional qualifiers for the licensee, the license shall be invalidated in accordance with G.S. 87-10.

(d) Persons associated with a firm or corporation may take the required examination on behalf of the firm or corporation as described in G.S. 87-10. A partner may take an examination on behalf of a partnership.

(e) "Responsible managing" as used in G.S. 87-10 means a person who is engaged in the work of the applicant a minimum of 20 hours per week or a majority of the hours operated by the applicant, whichever is less. If the person described herein is not an owner, officer, or partner of the applicant or licensee, the person must be a W-2 employee.

(f) "Members of the personnel" as used in G.S. 87-10 means a person who is a responsible managing employee of the applicant or licensee. A member of the personnel must be a W-2 employee and shall not be an independent contractor of the applicant or licensee.

(g) An applicant or licensee may have more than one qualifier. If one person associated with the applicant fails, and another passes, the license shall be granted to that applicant. A license shall be issued only in the classification held by a qualifier who has passed an examination in that classification.

*History Note: Authority G.S. 87-1; 87-4; 87-10; 87-11(a);*

*Eff. February 1, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. April 1, 2014; July 1, 2008; April 1, 2006; August 1, 2000; June 1, 1994; June 1, 1992; May 1, 1989; July 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;*

*Amended Eff. September 1, 2019; September 1, 2018; April 1, 2018;*

*Recodified from 21 NCAC 12 .0205 Eff. January 2, 2020.*