



Fiscal Note for Wildlife Service Agents – Periodic Rules Review

Rule Amendments: 15A NCAC 10G .0401 PURPOSE OF WILDLIFE SERVICE AGENTS
15A NCAC 10G .0402 APPOINTMENT OF WILDLIFE SERVICE AGENTS
15A NCAC 10G .0403 WILDLIFE SERVICE AGENT AGREEMENT
15A NCAC 10G .0405 WILDLIFE SERVICE AGENT TERMS AND CONDITIONS
15A NCAC 10G .0406 APPOINTMENT TERMINATION

Agency Contact: William Casola
Policy Analyst
NC Wildlife Resources Commission
1751 Varsity Drive
Raleigh, NC 27606
(919) 707-0125
william.casola@ncwildlife.gov

Fiscal Impact: State Government: Minimal
Local Government: No
Private Impact: Minimal
Substantial Economic Impact: No

Authority: G.S. 113-134, 113-270.1

Background

The proposed amendments and repeals to Rules within 15A NCAC 10G .0400 provide minor updates to the framework for Wildlife Service Agents. Highlights include updates to language throughout for improved clarity and conciseness, updates to wildlife service agent terms and conditions, and updates to the information and conditions required for application.

Wildlife Service Agents are brick and mortar businesses who are authorized to sell WRC licenses, including hunting licenses, fishing licenses, permits, applications, and vessel registrations. Wildlife Service Agents provide a convenient service to North Carolinians and visitors, allowing people to purchase licenses in person at locations other than WRC headquarters. Agents are required to stay informed of the laws and rules governing requirements for licenses and vessel transactions and stay abreast of changes in these requirements so they can provide accurate and reliable information for people looking to purchase licenses.

Currently, there are approximately 800 Wildlife Service Agents across North Carolina. The benefits of being a Wildlife Service Agent in North Carolina include:

- The opportunity to promote wildlife conservation.
- Being part of a network authorized by the North Carolina Wildlife Resources Commission, which can enhance the credibility and visibility of a business.
- Potential to increase customer traffic and sales by offering hunting, fishing, and vessel licenses, which are in demand among outdoor enthusiasts.
- Access to resources provided by the Commission to stay informed about regulations.
- Generating additional revenue for their business through transactions fees. Transaction fees are collected and kept by the Wildlife Service Agent. Fee amounts are determined in G.S. 113-270.1(b) and G.S. 75A-5.2(c).

Proposed Rule Amendments and Impacts

15A NCAC 10G .0401 PURPOSE OF WILDLIFE SERVICE AGENTS

- This rule is proposed for repeal. Wildlife Service Agent definition moved to .0402.

The proposed repeal is anticipated to have no impact on local or State government.

15A NCAC 10G .0402 APPOINTMENT OF WILDLIFE SERVICE AGENTS

- Information required from the applicant is more clearly defined and includes business name, physical address, email, county, phone number, agent type, description of services, operational dates and hours; and business owner name, address, date of birth, driver's license number, and length of business ownership.

- Applicants must not have convictions for financial crimes within the five years prior to application.
- Agents must have a computer, printer and internet access at their business location, and provide a voided check or withdrawal slip for the bank account to be used to transfer funds to the Commission.

The proposed amendments may reduce opportunities for individuals to become Agents due to their criminal history. Wildlife Service Agents are responsible for selling licenses and permits, collecting money, and transferring these funds to the state. This change is intended to help ensure the trustworthiness of individuals handling public funds and sensitive information. A recent financial crime conviction may indicate a risk of mismanagement or misuse of funds and/or personal information, which could undermine public confidence in the licensing process and the agency as a whole. By restricting individuals with recent financial crime convictions, the Commission aims to protect both state resources and the public interest by appointing agents who demonstrate financial responsibility and ethical conduct. This change is being made out of an abundance of caution given the general rise in financial crimes and scams, and not in response to any known incidents. The agency already conducts background checks on Wildlife Service Agent applicants; as such, this change is not expected to impact current Agents.

The requirement for a computer, printer and internet access is being made to align with current practices and may result in additional costs to businesses that are becoming Wildlife Service Agents. It should be noted that this change will not affect current agents, as they are already required in practice to have this equipment and internet access, even though this requirement is not yet formally reflected in the rule. This change simply aligns the rule with the existing standard operating procedures. This requirement could dissuade some business owners from applying to be a Wildlife Service Agent. However, this change is unlikely to impact many business owners since having computer equipment and internet access has become standard for most businesses. It is reasonable to assume that a business owner would only pursue becoming a Wildlife Service Agent if they determined that the associated costs are justified by the potential benefits.

The proposed amendments are anticipated to have no impact on State or local government.

15A NCAC 10G .0403 WILDLIFE SERVICE AGENT AGREEMENT

- This rule is proposed for repeal. Information on the Wildlife Service Agent Agreement is moved to relevant parts of .0402 and .0405.

The proposed repeal is anticipated to have no impact on local or State government.

15A NCAC 10G .0405 WILDLIFE SERVICE AGENT TERMS AND CONDITIONS

- Agents must maintain \$5,000 in agent transaction sales at the business location annually. Currently, the requirement is \$1,000 in annual transactions.
- Agents may cancel their Agreement by sending written notice to the Commission. Consigned equipment and supplies shall be returned to the Commission and the financial account shall be settled within 10 business days of the date of resignation letter receipt.
- Termination and suspension rules are moved to .0406.

The current transaction threshold has not been updated in almost 25 years. In that same timeframe, there have been three increases in license prices, and two increases in vessel registration prices. The number of transactions needed to meet the proposed threshold is approximately the same as it was when the current transaction threshold was adopted. Additionally, requiring a sales transaction threshold for Agents helps ensure that Wildlife Service Agents are effective, and positioned to best serve the needs of North Carolina's residents. Agents with higher sales volumes are likely to be in locations with greater public demand, improving access and convenience for license buyers across the state. Having a transaction minimum offers administrative efficiencies for the Commission. By setting a sales minimum, the Commission can focus its support, training, and oversight resources on agents who are contributing substantially to public service.

The proposed increase in the required minimum amount of agent transaction sales may increase the likelihood that some Agents' agreements will be terminated. While transaction values fluctuate year to year, we anticipate the proposed increase to result in the termination of agreements with fewer than 15 agents. Upon termination of an agreement, Agents would be required to return consigned equipment and supplies at their expense within 10 business days. Typically, equipment and supplies are returned in person rather than by mail, which may incur travel-related expenses for the business.

The Commission does not anticipate a change in revenue because of the termination of agreements. Customers who have historically purchased licenses with these agents are expected to either switch to other Wildlife Service Agents or purchase their license and/or vessel registration online.

The proposed amendments regarding the cancellation of Agreements and the return of equipment and supplies are intended to formally reflect existing procedures and will not lead to any changes in how these matters are currently handled or the understanding that those agents have about how this process works.

The proposed amendments are anticipated to have no impact on local government.

15A NCAC 10G .0406 APPOINTMENT TERMINATION

- Termination and suspension rules are moved from .0405 and edited for clarity and conciseness.

These minor improvements to the clarity and conciseness of the rules could lead to improved compliance and greater administrative efficiency for the Commission. Clearer rules make it easier for Agents to understand and follow requirements, while also streamlining oversight and enforcement processes for the Commission.

The proposed rule is anticipated to have no impact on local government.

1 **15A NCAC 10G .0401 PURPOSE OF WILDLIFE SERVICE AGENTS**

2 ~~Wildlife Service Agents are official license and vessel agents of the North Carolina Wildlife Resources Commission~~
3 ~~(Commission) who are appointed by the agency and thereby authorized to issue hunting, fishing and other licenses,~~
4 ~~permits, applications, vessel transactions, and other items authorized by the Commission pursuant to a Wildlife Service~~
5 ~~Agent Agreement in accordance with Rule .0403 of this Section.~~

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7 *History Note: Authority G.S. 113-134; 113-270.1;*
8 *Eff. April 1, 1997;*
9 *Amended Eff. May 1, 2007.*

1 **15A NCAC 10G .0402 APPOINTMENT OF WILDLIFE SERVICE AGENTS**

2 (a) Wildlife Service Agents are official license and vessel agents of the Commission who are authorized to issue
3 hunting, fishing and other licenses, permits, applications, vessel registrations, and items pursuant to G.S. 113-270.1,
4 the Wildlife Service Agent Agreement and the Rules of this Section.

5 ~~(b) Any~~ An individual authorized to act on behalf of a business operating from a fixed location in North Carolina may
6 apply to the Commission for appointment as a Wildlife Service Agent by completing an application provided by the
7 Commission. Agent by completing the Wildlife Service Agent application available at ncwildlife.gov. Information
8 required from the applicant shall include:

9 (1) business name, physical address, email, county, phone number, agent type, description of services,
10 and operational dates and hours; and

11 (2) business owner name, address, date of birth, driver's license number, and length of business
12 ownership.

13 ~~(b) Application. Applications for Wildlife Service Agent appointment shall contain the business name, address,~~
14 ~~county agent contact information, bank account information, business hours, and any other information requested by~~
15 ~~the Commission that is reasonably necessary to determine the fitness of the applicant to serve as a Wildlife Service~~
16 ~~Agent.~~

17 ~~(d)(c) Qualifications and Requirements. Applicants~~ Business owners shall meet the following requirements to
18 qualifications in order to be appointed qualify as a Wildlife Service Agent. Agent unless otherwise approved by the
19 Executive Director or his or her designee to maintain adequate service to the public in a geographic area:

20 (1) ~~Businesses shall operate from a fixed location in North Carolina and shall sell a minimum of one~~
21 ~~thousand dollars (\$1,000) in transaction sales annually. This minimum requirement may be waived~~
22 ~~by the Executive Director if he finds the applicant's services necessary to maintain adequate agent~~
23 ~~services to the public in that geographic area.~~

24 ~~(2)(1)~~ An applicant shall have a minimum of one year's experience in operating the business for which the
25 application is made or other equivalent business experience or training. experience; In those cases
26 ~~where other equivalent business experience or training is accepted in lieu of the minimum one year's~~
27 ~~experience, the applicant shall submit financial statements of the business so that the solvency of~~
28 ~~the business can be judged.~~

29 ~~(3)(2)~~ Applicants shall provide a bank account for the purpose of transferring net proceeds from all
30 Wildlife Service Agent transactions to the Commission's account in the State Treasury every week
31 ~~via an electronic transfer of funds. Commission; and~~

32 (3) no criminal convictions for financial crimes within the five years prior to application.

33 ~~(d) The qualifications as provided by Paragraphs (b) and (c) of this Rule shall be met prior to appointment. Failure~~
34 ~~to comply with the qualifications and requirements as provided by Paragraph (c) of this Rule, throughout the term of~~
35 ~~the appointment, may result in termination of the agent appointment. All agents are subject to monitoring of their~~
36 ~~performance by the Customer Support Section of the Commission.~~

37 ~~(d) Upon approval of the application by the Commission, Wildlife Service Agents shall:~~

- (1) have a computer, printer and internet access at their business location;
- (2) provide a voided check or withdrawal slip for the bank account to be used to transfer funds to the Commission;
- (3) complete online training provided by the Commission or a contracted third-party vendor; and
- (4) sign and submit the Wildlife Service Agent Agreement.

(e) Wildlife Service Agent Agreements and appointments are non-transferable and valid only for the owner and business named on the executed agreement.

*History Note: Authority G.S. 113-134; 113-270.1;
Eff. April 1, 1997;
Amended Eff. September 1, 2011; May 1, 2007; July 1, 1998.*

1 **15A NCAC 10G .0403 WILDLIFE SERVICE AGENT AGREEMENT**

2 ~~Each Wildlife Service Agent shall execute an Agreement with the Commission and shall comply with all rules and~~
3 ~~statutes related to the sale of licenses and the registration of vessels. All terms and conditions shall be set forth in the~~
4 ~~Agreement at the time of execution. The business shall operate as a public convenience and shall serve the public in~~
5 ~~an efficient and helpful manner with all reasonable requests for assistance related to the duties of a Wildlife Service~~
6 ~~Agent whenever open for business. The agent shall be informed and knowledgeable of the laws and rules governing~~
7 ~~requirements for licenses and vessel transactions and stay abreast of changes in these requirements so that the agent~~
8 ~~can provide accurate and reliable information and instruction to persons who seek assistance in these matters. The~~
9 ~~appointment as a Wildlife Service Agent and the Agreement under which the appointment is made are singularly valid~~
10 ~~for the person named thereon who is authorized to act on behalf of the business and applies only to the business and~~
11 ~~location named and is non transferable.~~

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13 *History Note: Authority G.S. 113-134; 113-270.1;*
14 *Eff. April 1, 1997;*
15 *Amended Eff. September 1, 2011; June 1, 2007; July 1, 1998.*
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1 **15A NCAC 10G .0405 WILDLIFE SERVICE AGENT TERMS AND CONDITIONS**

2 (a) A Wildlife Service Agent's Agent shall comply with the following appointment and service is subject to the
3 following terms and conditions:

4 ~~(1) Public Service. Wildlife Service Agents shall serve all persons individuals seeking assistance with~~
5 ~~matters related to the duties of a Wildlife Service Agent. Agent during regular business hours.~~

6 ~~(2)(1) Training. New Wildlife Service Agents shall attend a training session at a location specified by the~~
7 ~~Commission prior to activation of agent status and prior to receiving any equipment or supplies from~~
8 ~~the Commission. Transfer funds and records to the Commission as specified in the Wildlife Service~~
9 ~~Agent Agreement;~~

10 ~~(3) Activation of Agent Status. Upon completion of training and receipt of equipment and supplies,~~
11 ~~Wildlife Service Agents shall have their equipment set up and ready for operation 10 days after the~~
12 ~~date they receive the equipment and supplies.~~

13 ~~(4)(2) Application. Each Wildlife Service Agent shall notify the Commission of any changes to the~~
14 ~~original application for appointment such as business name, address, agent contact information,~~
15 ~~bank account information, business hours and other information related to agent appointment, within~~
16 ~~five business days of it's the change.~~

17 ~~(5)(3) Business Change of Ownership, Location, or Management. If the ownership of the business,~~
18 ~~location or management changes, then the Agreement becomes null and void. Written provide~~
19 ~~written notice of any a change in business ownership, location, or management shall be sent to the~~
20 ~~Commission at least 10 business days prior to the change along with an application for a new~~
21 ~~Wildlife Service Agreement, if desired, pursuant to the rules in this Section. desired.~~

22 ~~(6)(4) Maintain five thousand dollars (\$5,000) in Agent transaction sales at the business location annually.~~
23 ~~Cancellation. A Wildlife Service Agent may cancel the Agreement at any time by sending written~~
24 ~~notice to the Commission. The Commission shall instruct resigning agents on the procedures for~~
25 ~~returning all equipment and supplies and to settle their account. Upon resignation of appointment~~
26 ~~as a Wildlife Service Agent, the former agent must return all consigned equipment and supplies to~~
27 ~~the Commission and settle the agent financial account within 10 days of the resignation letter's date.~~

28 (b) A Wildlife Service Agent may cancel the Agreement by sending written notice to the Commission. Consigned
29 equipment and supplies shall be returned to the Commission and the financial account shall be settled within 10
30 business days of the date of resignation letter receipt.

31 ~~(b) Suspension. The Commission shall temporarily suspend any Wildlife Service Agent appointment for:~~

32 ~~(1) Failure to deposit sufficient funds one or two times to cover the electronic transfer of funds each~~
33 ~~week.~~

34 ~~(2) Failure to operate as a public convenience as specified in the Agreement one or two times.~~

35 ~~(3) Failure to provide proper and correct information one or two times about wildlife transactions and~~
36 ~~related issues to customers as documented by customer complaints or agency inspections.~~

1 ~~(4) — Failure to submit or return all required documentation for transactions as outlined in the Agreement~~
2 ~~one or two times.~~

3 Temporary suspension is effective immediately upon communication of that fact to the Wildlife Service Agent. Such
4 communication shall state the grounds for temporary suspension and that the agent may request a hearing within 5
5 working days if he contests the grounds for temporary suspension. If the initial notification is not in writing, it shall
6 be followed by written notice of temporary suspension containing the same information. If the Commission
7 determines it is necessary to protect State property, an employee of the Commission may enter the premises and
8 impound all property and supplies issued or entitled to by the Commission such as equipment, moneys, record books,
9 reports, license forms, other documents and materials pertinent to the agent being suspended. The Commission must
10 make the impounded property, or copies of it, available to the agent during the period of temporary suspension. If a
11 hearing is requested, it shall be before the Executive Director or his designee and shall be held at a location specified
12 by the Executive Director.

13 Temporary suspension remains in effect until the hearing. A temporary suspension may not last longer than 30 days,
14 but additional suspensions may be imposed if, at the end of the suspension period, the agent has not corrected the
15 deficiency or deficiencies that resulted in the suspension. A Wildlife Service Agent may at any time after a hearing
16 appeal his suspension to the Commission. A new suspension shall comply with the provisions of this Paragraph.

17 ~~(c) Termination. The Commission shall terminate any Wildlife Service Agent appointment for any of the deficiencies~~
18 ~~listed below unless it determines that such deficiency may be corrected, is not likely to be repeated during the term of~~
19 ~~the current agreement, and not maintaining the Agent Agreement will result in insufficient Commission services to~~
20 ~~the public in the area served by the Agent. Deficiencies that may result in termination include:~~

21 ~~(1) — Failure to comply with the terms and conditions as outlined in the wildlife service agreement.~~

22 ~~(2) — Failure to deposit sufficient funds three or more times to cover the electronic transfer of funds each~~
23 ~~week.~~

24 ~~(3) — Failure to meet the minimum transaction sales requirement of one thousand dollars (\$1,000)~~
25 ~~annually.~~

26 ~~(4) — Failure to operate as a public convenience as specified in the Agreement three or more times.~~

27 ~~(5) — Failure to provide proper and correct information three or more times about wildlife transactions~~
28 ~~and related issues to customers as documented by customer complaints or agency inspections.~~

29 ~~(6) — Failure to submit or return all required documentation for transactions as outlined in the Agreement~~
30 ~~three or more times.~~

31 Notice of termination of the appointment may be sent to the Wildlife Service Agent in lieu of or in addition to
32 temporary suspension. The notice must state the grounds for termination of the appointment and the agent's right to
33 a hearing if he has not previously been afforded one. If the appointment is to be terminated, the notice must state the
34 effective date and hour of termination. If the agent has not been previously afforded a hearing, the agent is entitled to
35 a hearing within 14 days before the Executive Director or his designee to be held at a location specified by the
36 Executive Director. If the Executive Director upholds the decision to terminate the appointment, an agent may appeal

1 ~~his termination to the Commission. Pending the hearing and any appeal from it, the termination is held in abeyance,~~
2 ~~but no transaction may be made once the agent's termination effective date and time have passed.~~

3 ~~Upon termination of appointment as a Wildlife Service Agent, the former agent must return all consigned equipment~~
4 ~~and supplies to the Commission and settle the agent financial account within 10 days of the date of receiving written~~
5 ~~notice from the Commission. Employees of the Commission may conduct inspections and audits when terminating an~~
6 ~~agent.~~

7 ~~The Executive Director or his designee holding any hearing under this Paragraph must keep a written record of~~
8 ~~evidence considered and findings made. Upon appeal to the Commission, the Commission Chairman or another~~
9 ~~presiding officer must cause such a written record of evidence and findings to be made and kept.~~

10 ~~No person denied appointment or whose appointment was terminated under this Paragraph may apply again for an~~
11 ~~appointment as a Wildlife Service Agent for two years. Upon application, the Commission may not grant the~~
12 ~~appointment as a Wildlife Service Agent unless the applicant produces evidence, convincing to the Commission, that~~
13 ~~he meets all standards and qualifications and will comply with all requirements of statutes and rules pertaining to~~
14 ~~Wildlife Service Agents.~~

15 ~~(d)(c) Use of customer identifying information. Customer identifying information for customers of the Commission~~
16 ~~is protected by G.S. 143-254.5. A Wildlife Service Agents Agent shall not use or disclose any customer identifying~~
17 ~~information specified in G.S. 143-254.5 to any third party without written authorization of from the Commission.~~
18 ~~Wildlife Service Agents shall not use such customer identifying information for any purpose other than the processing~~
19 ~~of Commission transactions requested by the customer. Failure to abide by provisions in this Paragraph is grounds for~~
20 ~~termination of the agency.~~

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22 *History Note: Authority G.S. 113-134; 113-270.1;*
23 *Eff. June 1, 2007;*
24 *Amended Eff. September 1, 2011.*
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1 **15A NCAC 10G .0406 APPOINTMENT TERMINATION**

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3 (a) The Commission may audit Wildlife Service Agent transactions. Agents shall comply with Commission requests
4 for records and information within 10 business days of the request.

5 (b) The Commission may suspend or terminate Wildlife Service Agent appointment for violation of provisions of G.S.
6 113-270.1, the rules of this Section, or the Wildlife Service Agent Agreement. The determination of whether to
7 suspend or revoke appointment shall be based on the severity and frequency of the violation, and may include failure
8 to:

9 (1) operate as a public convenience as specified in the Agreement;

10 (2) provide correct information about wildlife transactions to customers as documented by customer
11 complaints or agency inspections;

12 (3) submit or return required documentation for transactions;

13 (4) comply with the terms and conditions specified in Rule .0405 of this Section;

14 (5) deposit sufficient funds to cover electronic transfers; and

15 (6) meet the five thousand dollar (\$5,000) annual Agent transaction requirement.

16 (c) Upon termination of appointment, a Wildlife Service Agent shall return consigned equipment and supplies to the
17 Commission and settle the agent financial account within 10 business days of receipt of written of termination notice
18 from the Commission.

19 (d) Individuals denied appointment or whose appointment is terminated shall not reapply for appointment for two
20 years.

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22 *History Note: Authority G.S. 113-134; 113-270.1;*
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