

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

AUTHORITY: Section 6, inclusive, NRS 225.084.

Chapter 225 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1– 15, inclusive, of this regulation.

Section 1. *As used in sections 1 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 1 to 15,, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 2. *A person who is named or otherwise a party affected by a filing in violation of the provision of NRS 225.084 may apply to the Secretary of State for relief by submitting a complaint to the Secretary of State, Commercial Recordings Division, ATTN: Fraudulent Filings, 202 N. Carson Street, Carson City, NV 89701.*

Sec. 3. *Any complaint submitted pursuant Section 2 of this regulation shall be on a form prescribed by the Secretary of State and shall contain, but may not be limited to, the following information:*

- (a) the name, street address, telephone number and if applicable, the e-mail address of the person submitting the complaint form.*
- (b) Any additional contact information of the person submitting the complaint form, as necessary.*
- (c) The name of the entity as reported on the record of the Secretary of State that the false or forged record affected.*

- (d) The file number, if available, of the entity that the false or forged record affected.*
- (e) A name and filing date of the record believed to be false or forged and the reason the record is believed to be false or forged.*
- (f) Identifying information, if known, of all persons involved including, but not limited to names, addresses, telephone numbers and web site and e-mail addresses.*
- (g) Indication of any history with the persons involved including, but not limited to, competitor, friend or acquaintance, family member or relative, spouse or ex-spouse/relative, business partner, associate or other co-worker.*
- (h) Any additional information the submitter believes may assist in understanding the situation.*
- (i) Indication if submitter has filed a complaint or report with any other regulatory entity or agency, or with an attorney.*
- (j) The submitter may attach photocopies of any information that may be useful in an investigation.*
- (k) Indication that submitter is or is not willing to testify in a court of law or administrative proceeding regarding the complaint.*
- (l) The printed name and signature of the complainant or other authorized person on behalf of the complainant, the date signed and a declaration under the penalty of perjury under the Laws of Nevada that the information provided is true and correct to the best of your knowledge and that the information may be used by the Division to further investigate the complaint.*

Sec. 4. *Actions subject to complaint and possible administrative action include, but are not limited to the following:*

- (a) Person's name and or signature listed, without consent, as officer, director, resident agent, incorporator, or otherwise on any record filed with the Secretary of State.*
- (b) Person's address listed, without consent, as the address of an officer, director, resident/registered agent, incorporator, or otherwise on any record filed with the Secretary of State.*
- (c) Over-filing of any record filed on an existing entity on file with the Secretary of State by a person that is unknown to the principles of the entity.*
- (d) Forged or fraudulently altered records.*
- (e) Records filed in bad faith or for the purpose of harassing or defrauding a person.*
- (f) Reinstatement or revival of any entity previously on file with the Secretary of State without the statutory authority as provided by Title 7 of NRS.*
- (g) Records filed that contain a false statement of material fact.*

Sec. 5. *The Secretary of State may forward the information obtained in a complaint or through the associated investigation, to another regulatory or enforcement agency for further investigation.*

Sec. 6. *Upon receipt of a complaint submitted pursuant to sections 2 - 4 of this regulation, the Secretary of State shall review the complaint and determine if said complaint may be resolved*

though administrative process or if complaint should be forwarded to other regulatory or enforcement entities or agencies.

Sec 7. *If the complaint does not meet the standard required for further process or investigation, the Secretary of State shall, in writing, communicate the reasons to the submitter at the address provided on the complaint form.*

Sec. 8. *If the complaint meets the standard required for further process or investigation, the Secretary of State may, in writing to the entity, through its resident agent and to the person who submitted the alleged false or fraudulent record, if that information is available, demand information substantiating the accuracy of the alleged false or fraudulent record.*

Sec 9. *If the Secretary of State does not receive information substantiating the accuracy within 30 days of mailing the request, the Secretary of State may consider the information in the complaint as valid and may, through the filing of a filing officer statement, correct the false or fraudulent record and remove the information at issue from his website.*

Sec 10. *Responses to requests for information must include, but may not be limited to:*

- (a) The name, street address, telephone number and if applicable, the e-mail address of the person responding to the request for information.*
- (b) Any additional contact information of the person submitting the response, as necessary.*
- (c) The name of the entity for which the Secretary of State is requesting a response.*

- (d) Identifying information, if known, of all persons involved including, but not limited to names, addresses, telephone numbers and web site and e-mail addresses.*
- (e) Indication of any history with the persons involved including, but not limited to, competitor, friend or acquaintance, family member or relative, spouse or ex-spouse/relative, business partner, associate or other co-worker.*
- (f) Any additional information the responder believes may assist in understanding the situation.*
- (g) The responder may attach photocopies of any information that may be useful in an investigation.*
- (h) The printed name and signature of the responder or other authorized person on behalf of the responder, the date signed and a declaration under penalty of perjury under the Laws of Nevada that the information provided is true and correct to the best of your knowledge and that the information may be used by the Division to further investigate the complaint.*

Sec. 11. *If within 30 days of request the Secretary of State receives information in response to his request for information substantiating the accuracy of the information in a record, he shall evaluate that information, and if deemed invalid, may consider the information in the complaint as valid and may, through the filing of a filing officer statement, correct the false or fraudulent record and remove the information at issue from his website. If information in the original record is deemed valid, the Secretary of State shall communicate his finding to the submitter of the complaint at the address provided on the complaint form.*

Sec 12. *The Secretary of State may require of the complaining or named parties, any additional information necessary to determine the validity of a complaint.*

Sec 13. *A filing officer statement is deemed to correct the false or fraudulent information contained in a record and does not physically alter or remove the record from database of public records on file with the Secretary of State.*

Sec 14. *A filing officer statement prepared by the Secretary of State shall include the name and file number of the affected entity, a description of the finding and resulting action, the description and filing date of the affected record and that the filing officer statement has the effect of correcting the affected record. The filing officer statement shall be signed by the Secretary of State, one of his deputies, or another authorized staff member.*

Sec. 15. *The Secretary of State, when notified of a filing that may be in violation of NRS 225.084 as a result of an investigation of another matter, may apply the provisions of this regulation, as applicable.*