



## NORTH CAROLINA REAL ESTATE COMMISSION

### *Q. What is the Real Estate Commission?*

A. The North Carolina Real Estate Commission (“Commission”) is an independent state *government agency*. The Commission’s primary function is to license and regulate North Carolina’s real estate brokers (persons and firms who sell, lease, etc. real estate for others).

The Commission also registers and regulates sales activities of time share projects, where ownership in a single living unit (usually a resort condominium) is shared by many persons, and regulates brokers who act as time share agents.

In addition, the Commission disseminates information of interest to brokers and consumers about residential and commercial real estate transactions, including sales and rental management.

The Commission should not be confused with the North Carolina Association of REALTORS® (including its local boards and associations), a private *trade organization* whose members are known as “REALTORS®.”

### *Q. Can the Real Estate Commission give consumers legal advice or help them settle disputes with real estate brokers?*

A. No. The Commission cannot enforce contracts or require real estate brokers to fulfill promises, reimburse money, or perform other acts. Persons who feel that money is owed to them in a real estate transaction or that a sales contract, lease, or other real estate contract has been breached should consult their private attorney for advice and assistance.

### *Q. What types of consumer complaints should be reported to the Real Estate Commission?*

A. Buyers, sellers, landlords, tenants and other persons involved in real estate transactions who believe that they have been defrauded or victimized by the improper or incompetent acts of a real estate broker or a person acting as a real estate broker should report their complaints to the Commission’s Regulatory Affairs Division.

### *Q. What happens when a complaint is filed with the Real Estate Commission?*

A. (1) Persons who wish to file complaints against real estate brokers (including those associated with time share projects) may obtain a “Complaint Form” from the Commission’s website at [www.ncrec.gov](http://www.ncrec.gov) or from the Commission office or they may file a complaint directly through the website.

(2) Complaints are reviewed by the Commission’s regulatory staff and, if appropriate, an investigation or other inquiry is conducted.

(3) If, following an investigation or other inquiry, it is determined that there appears to be sufficient proof (“probable cause”) that the broker has violated the Real Estate License Law or the Commission’s rules, and that discipline may be warranted, a hearing is ordered. The Commission’s hearings are conducted in accordance with the Administrative Procedures Act, NCGS Chapter 150B. During the hearing, the Commission receives the sworn testimony of witnesses and affords the broker the opportunity to answer the charges and present evidence in his or her defense. The broker may be represented by an attorney, and a staff attorney represents the Commission.

(4) If, based upon the evidence, the Commission finds that the broker has violated the Real Estate License Law or Commission rules and that discipline is warranted, it can either (a) *reprimand* the broker; (b) *suspend* the broker’s real estate license for a definite period of time; (c) *revoke* the broker’s license; or (d) in the case of time share transactions, *fine* the time share project’s developer. [Note: Decisions of the Commission may be appealed by licensees through the court system.]

### *Q. Can the Real Estate Commission assist persons whose funds have been fraudulently taken by a real estate broker?*

A. Persons who give down payments, earnest money deposits and other trust monies to licensed real estate brokers to be held pending the completion of real estate transactions, and whose funds are converted or embezzled by the broker, may, *under certain specific conditions*, receive compensation from the *Real Estate Recovery and Education Fund* which is maintained by the Commission. See N.C.G.S. Chapter 93A, Article 2.

## REAL ESTATE COMMISSION EDUCATIONAL PROGRAMS/PUBLICATIONS

- **North Carolina Real Estate Manual.** Reference book for real estate practitioners and postlicensing course students. Available in print, CD-ROM or as a website subscription.
- **Residential Square Footage Guidelines.** How to measure, calculate and report the living area of residential buildings.
- **Real Estate Licensing in North Carolina.** Free booklet containing information on real estate licensing.
- **North Carolina Real Estate License Law and Commission Rules.** Booklet also contains the License Law and Rule Comments to assist in understanding selected laws and rules.
- Question and Answer brochures addressing topics affecting real estate brokers and consumers: (English and Spanish versions) **Fair Housing, Renting Residential Real Estate, Tenant Security Deposits;** (English only) **Condos and Townhouses, Home Inspections, Purchasing Coastal Real Estate in North Carolina, Residential Subdivisions and Planned Communities, Earnest Money Deposits, Real Estate Closings, Offer and Acceptance, Owning Vacation Rental Property** and **N.C. Military Personnel Residential Lease Termination.**
- **Residential Property and Owners’ Association Disclosure Statement.** A form required for use by owners of residential real estate to disclose the condition of their property to prospective purchasers.
- **Mineral and Oil and Gas Rights Disclosure Statement.** A form required for use by owners of residential real estate to disclose transfers of various surface and sub-surface rights.
- **Working with Real Estate Agents.** Brochure required for use by brokers in all real estate sales transactions describing the various roles of real estate brokers (English and Spanish).
- **Real Estate Bulletin.** Newsletter distributed three times each year to North Carolina real estate brokers.
- **North Carolina Real Estate Agent Safety Guide.** Booklet containing tips for real estate brokers to promote personal safety in business practice and procedure.

- **Basic Trust Account Procedures Course** and **Trust Account Procedures for Resort Property Managers Course.** Courses conducted by Commission staff for North Carolina real estate brokers and trust account bookkeepers; \$45 per course; four (4) hours of continuing education elective credit is awarded for completing either course. Trust account guidelines are included.
- **Issues and Answers in Real Estate Practice.** Refresher course on various brokerage issues conducted by Commission staff. \$85 per course. No continuing education credit is granted for the course.
- **Broker-In-Charge Course.** 12-hour course conducted for new brokers-in-charge of real estate offices by Commission staff; \$110 per course.
- **Broker-In-Charge Guide.** Reference publication for brokers-in-charge of real estate offices and the text for the Broker-in-Charge Course.

## DIVISIONS AND PERSONNEL

### REAL ESTATE COMMISSION

- **Commission:** Consists of nine volunteer members appointed by the Governor and General Assembly. At least three members *must be* real estate brokers, and at least two “public members” *must not be* involved in the real estate brokerage business.
- **Function:** Responsible for policy-making with regard to licensing and regulatory matters governing North Carolina real estate brokers. Also conducts hearings and takes disciplinary action against licensees for violations of the Real Estate License Law and Commission rules.

### EXECUTIVE/ADMINISTRATION DIVISION

#### **Function:**

1. Overall administration of the Commission’s staff, programs, and operations in accordance with the policies and directives of the Commission.
2. Financial operations.
3. Personnel, purchasing, and general and technical support services.
4. Website, fillable forms, communication with licensees and the public.
5. Coordination of Commission publications.

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## EDUCATION AND LICENSING DIVISION

### Function:

1. Administering and monitoring preclicensing and postlicensing education program.
2. Processing applications for real estate licenses.
3. Administering real estate license examination program.
4. Maintaining records on real estate brokers, brokerage firms, brokers-in-charge, and time share projects.
5. Overseeing annual license renewal.
6. Administering and monitoring continuing education program.
7. Teaching Broker-in-Charge courses.

## REGULATORY AFFAIRS

### Function:

1. Conducting inquiries and investigations of consumer and other complaints against real estate brokers and time share projects.
2. Examining trust accounts of real estate brokers and time share projects
3. Prosecuting charges against licensees at hearings before the Real Estate Commission.
4. Providing legal counsel to the Real Estate Commission.
5. Coordinating the rulemaking process.
6. Registering time share projects and regulating time share sales.
7. Teaching Trust Account and Issues and Answers courses.
8. Providing information to licensees and consumers concerning the Real Estate License Law and Commission rules.

## WEBSITE

The Commission website, [www.ncrec.gov](http://www.ncrec.gov), provides information for real estate brokers, consumers and applicants for licensure. It is organized into the following sections:

- **Home:** provides links to those areas of the site most frequently accessed: License Law/rules, broker login pages, broker and firm searches, and "What's New."
- **Licensing:** FAQs, broker and firm login, apply for a license, request application, reinstate a license, licensure certification, broker searches.
- **Education:** FAQs, schools, course registration, continuing education, preclicensing, postlicensing.
- **Commission:** about, Commission members, mission and goals, meeting schedule and news and employment opportunities.

- **Publications:** Real Estate Bulletin archives, publication order forms, broker education topics, property management resources.
- **Resources:** annual report, blog, contact, FAQs, License Law/Rules, military resources, trust accounts, video library, feedback.
- **Consumers:** FAQs, complaint form, License Law/Rules, publications, video library, broker search.
- **Forms:** application, consumer, licensee, education, school, disputed trust account monies, time share registration, publications, program presenter.

## INFORMATION DIRECTORY • 919/875-3700

You will receive more immediate service if you use this directory when calling the Commission. If the automated telephone attendant answers your call, you may access the section or division shown in the "Access Code" column by entering the number shown parenthetically ( ).

Subject	Access Codes
• Application form requests.....	Receptionist (0)
• Real estate license renewals, record changes, continuing education credits and postlicensing credits .....	Information Services (2)
• Complaints and legal matters* (Consumer complaints/inquiries, pending cases/hearings) .....	Regulatory Affairs Division (3)
• Education matters .....	Education and Licensing (4)
• Real estate license qualifications examinations, firm licensing and reinstatement .....	Education and Licensing (5)
• Accounting .....	Executive Division (8)
• Administration, personnel matters, and information technology .....	Administration (9)
• Other matters .....	Receptionist (0)

### Internet Addresses – Divisions/Sections

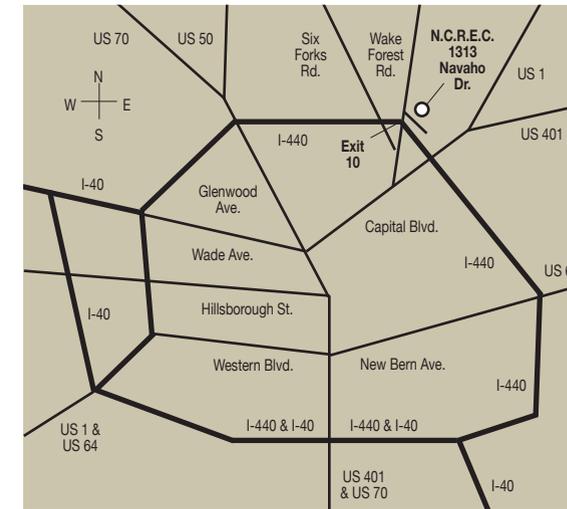
- Executive .....exec@ncrec.gov
- Administration .....admin@ncrec.gov
- Education & Licensing .....educ@ncrec.gov
- Regulatory Affairs .....RA@ncrec.gov
- Information Services .....Info@ncrec.gov
- Publications .....publications@ncrec.gov
- Website .....www.ncrec.gov

\* The Real Estate Commission is not authorized to give legal advice or answer questions on legal subjects other than the North Carolina Real Estate License Law or rules promulgated by the Real Estate Commission.

## NORTH CAROLINA REAL ESTATE COMMISSION

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Phone: 919/875-3700 • Website: [www.ncrec.gov](http://www.ncrec.gov)

### Directions to North Carolina Real Estate Commission Office



This pamphlet has been prepared and is distributed without charge to real estate licensees, consumers and interested persons for the purpose of promoting a better understanding of the functions, programs and organization of the North Carolina Real Estate Commission.

Scan the code below to access the Commission website from your mobile devices.



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