

**APPLICATION FEES:**

**\$30 — ORIGINAL APPLICATION**  
**\$55 — LICENSE REINSTATEMENT**

If application is to reinstate an expired or revoked firm license, check the box below and provide the old license number.

**Reinstatement Application**  
Old License Number \_\_\_\_\_

**NORTH CAROLINA  
REAL ESTATE COMMISSION**  
P.O. Box 17100  
Raleigh, North Carolina 27619-7100  
919/875-3700

For Commission Use Only

APPL. # _____	FEE _____
FIRM LIC. # _____	
ISSUED _____	

**APPLICATION FOR  
REAL ESTATE FIRM LICENSE**

*Please Read the Instructions on Page 4 Prior to Completing the Application.*

(1) **Legal Name of Applying Firm** \_\_\_\_\_  
*[Enter the complete name of the firm exactly as it is shown on its "Articles of Incorporation" (Corporation), "Partnership Agreement" (Partnership), "Articles of Organization" (Limited Liability Company), or organizational documents (Other).]*

(2) **Type of Business Entity** *[Check one]*  
 Corporation  Partnership  Limited Liability Company  Other (Describe) \_\_\_\_\_

(3) **Name Under Which Firm Will Engage in the Real Estate Business** (if different from legal firm name shown in Item 1) \_\_\_\_\_  
*[If using an assumed name, the firm must file an "Assumed Name Registration Certificate" with the County Register of Deeds Office in compliance with N.C.G.S. 66-68.]*

(4) **Address of Firm's Principal Office** \_\_\_\_\_  
(Must Provide Street Address or Highway Number & P.O. Box If Applicable)

\_\_\_\_\_  
(City) (State) (Zip + 4) ( ) ( )  
(Phone) (Fax)

*[Furnish the full address of the principal office and post office box (if any). If the applicant is a foreign (out-of-state) business entity, furnish here the out-of-state address of its principal office and see Item 5.]*

(5) **Foreign (Out-of-State) Business Entity** *[Indicate below the address of the firm's principal office in North Carolina (if any). Note that the out-of-state address of the firm's principal office should be shown in Item 4.]*

Address of Principal Office in N.C. \_\_\_\_\_  
(Street Address or Highway Number & P.O. Box If Applicable)

\_\_\_\_\_, North Carolina \_\_\_\_\_ ( )  
(City) (Zip + 4) (Phone)

(6) **Secretary of State Identification Number (SOSID)** \_\_\_\_\_

*[If the applicant is a corporation, limited liability company or limited partnership, the applicant must provide the SOSID. A corporation, limited liability company or limited partnership is required by North Carolina law to be registered with the office of the N.C. Secretary of State and to maintain that registration on current status. Applicants must be in compliance with these requirements to be eligible for licensure and compliance will be verified by the Commission. A general partnership or other business entity may skip this item or enter "Not Applicable."]*

(7) **Qualifying Broker of Firm** \_\_\_\_\_  
(Name) (Title) (N.C. Broker License No.)

*[The qualifying broker is required to possess an active North Carolina real estate broker license and must be either a corporate officer if a corporation, general partner if a partnership, or manager if a limited liability company. The qualifying broker acts as the primary contact person between the firm and the Real Estate Commission and performs certain specified administrative duties. Only one qualifying broker is required, even if the firm operates multiple real estate offices.]*

**CORPORATION**

(8) **Corporate Officers.** List below the names, corporate titles, and N.C. real estate license numbers (if licensed) of all the **major officers** (President, Vice-President(s), Secretary, Treasurer, etc.) of the corporation. *[Attach an additional sheet if necessary.]*

Name \_\_\_\_\_ Title \_\_\_\_\_ RE License No. \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_ RE License No. \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_ RE License No. \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_ RE License No. \_\_\_\_\_

**Corporate Shareholders.** List below any additional persons (or entities) not listed as corporate officers who own at least 10% of the outstanding shares of stock (of any class) and provide their N.C. real estate license numbers (if licensed). *[Attach an additional sheet if necessary.]*

Name \_\_\_\_\_ RE Lic.No. \_\_\_\_\_ Name \_\_\_\_\_ RE Lic. No. \_\_\_\_\_  
Name \_\_\_\_\_ RE Lic.No. \_\_\_\_\_ Name \_\_\_\_\_ RE Lic. No. \_\_\_\_\_

**PARTNERSHIP**

(9) **Partners.** List below the name and N.C. real estate license number (if licensed) of each general and limited partner of the partnership and indicate whether a general or limited partner. *[Attach additional sheet if necessary.]*

Name \_\_\_\_\_ RE License No. \_\_\_\_\_  General Partner  Limited Partner  
Name \_\_\_\_\_ RE License No. \_\_\_\_\_  General Partner  Limited Partner  
Name \_\_\_\_\_ RE License No. \_\_\_\_\_  General Partner  Limited Partner  
Name \_\_\_\_\_ RE License No. \_\_\_\_\_  General Partner  Limited Partner

**LIMITED LIABILITY COMPANY**

(10) **Managers and Members.** List below the name and N.C. real estate license number (if licensed) of each manager and member of the limited liability company and indicate whether a manager or member. *[Attach additional sheet, if necessary.]*

Name \_\_\_\_\_ RE License No. \_\_\_\_\_  Manager  Member  
Name \_\_\_\_\_ RE License No. \_\_\_\_\_  Manager  Member  
Name \_\_\_\_\_ RE License No. \_\_\_\_\_  Manager  Member  
Name \_\_\_\_\_ RE License No. \_\_\_\_\_  Manager  Member

**OTHER BUSINESS ENTITY**

(11) **Principals.** List below the name, title and N.C. real estate license number (if licensed) of any person or entity who owns the business entity to any extent or who is an officer, director, manager, member, partner or holds any other comparable position. *[Attach additional sheet if necessary.]*

Name \_\_\_\_\_ Title \_\_\_\_\_ RE License No. \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_ RE License No. \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_ RE License No. \_\_\_\_\_

(12) **Limited Broker-In-Charge Exception.** Please answer the following questions:

- (a) Is the firm treated as a "Subchapter S" corporation for tax purposes by the IRS? **Yes**  **No**
- (b) Is the qualifying broker named in Item 7 the **only person** affiliated with the firm? **Yes**  **No**
- (c) Is the firm being licensed *solely for the purpose of receiving compensation for brokerage services performed by the qualifying broker through another firm?* **Yes**  **No**

If the answer to all three question in (a)-(c) above is "Yes," a **broker-in-charge** is NOT required to be designated for the applicant firm and you may disregard Item 13 below. If the answer to any of the questions in (a) - (c) above is "No," follow the instructions in Item 13 below. See Commission Rule A.0110(h).

(13) **Brokerage Office(s) and Broker(s)-In-Charge.**

The **qualifying broker** for the firm must designate and assure that there is at all times a **broker-in-charge** for *each office of the firm where (or from which) North Carolina brokerage activities will be conducted or where N.C. trust monies or records pertaining thereto are maintained* (including out-of-state offices). A broker may act as **broker-in-charge** for only **one** office location of the firm. The **qualifying broker** may also serve as **broker-in-charge** of **one** of the firm's offices. The broker-in-charge must have an active N.C. broker license not on provisional status.

List below each broker-in-charge and office of the firm where (or from which) North Carolina real estate brokerage activities will be conducted or trust monies maintained. **ALSO READ ITEM 12 ABOVE BEFORE COMPLETING THIS ITEM.** [Attach additional sheet if necessary.]

**Office #1:** \_\_\_\_\_  
 (Name of Broker-In-Charge) (Broker License No.) (Street Address or Highway Number and P.O. Box )  
 \_\_\_\_\_  
 (City) (State) (Zip +4) (Phone) (Fax)

**Office #2:** \_\_\_\_\_  
 (Name of Broker-In-Charge) (Broker License No.) (Street Address or Highway Number and P.O. Box )  
 \_\_\_\_\_  
 (City) (State) (Zip +4) (Phone) (Fax)

COMPLETE AND ATTACH TO THIS APPLICATION THE ENCLOSED "**BROKER-IN-CHARGE DECLARATION**" FORM FOR EACH BROKER-IN-CHARGE LISTED ABOVE.

\*\*\*\*\*

- |   | <b>Yes</b>               | <b>No</b>                |
|---|--------------------------|--------------------------|
| (14) Has <b>anyone listed in Items 8, 9, 10, 11 or 13</b> (or any director of a corporation applicant) ever been convicted of any <b>criminal offense</b> or is there <b>any criminal charge pending</b> against them? (Be sure to report all offenses for driving while impaired and serious traffic offenses — exclude only minor traffic offenses.) . . . . .  | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>[If "Yes", provide a copy of the court judgment, release from parole or probation, and a complete explanation from the affected person.]</i>   |                          |                          |
| (15) Has <b>anyone listed in Items 8, 9, 10, 11 or 13</b> ever been denied a real estate license or had a real estate or other professional license suspended, revoked or surrendered, or been reprimanded, censured or otherwise <b>disciplined by a licensing agency</b> in N.C. or elsewhere; or are there currently any charges pending against them in connection with any real estate or other professional license that they hold? . . . . . | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>[If "Yes", provide a copy of the licensing agency's order and a complete explanation from the affected person.]</i>  |                          |                          |
| (16) Does the firm propose to engage in the business of selling or marketing <b>time shares</b> in this State? . . . . .  | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>[If "Yes", see Article 4, Chapter 93A of N.C. General Statutes and Subchapter 58B of the Commission's rules.]</i>  |                          |                          |

(17) **Declaration and Signature of Qualifying Broker**

The undersigned declares that he/she has read the foregoing application and that the information stated therein, including any attachments, is true to the best of his/her knowledge and belief, and that he/she is duly authorized by said firm to make this application and apply to the North Carolina Real Estate Commission for a license to engage in the business of real estate brokerage under the provisions of Chapter 93A of the General Statutes of North Carolina.

The undersigned further declares that the organizational documents of the applicant firm authorize the firm to engage in the real estate brokerage business. (It is sufficient if the documents authorize the firm to engage in any lawful business or are silent regarding the firm's type of business, but if a specific business is named, the real estate brokerage business must also be named.)

\_\_\_\_\_  
(Signature of Qualifying Broker)

\_\_\_\_\_  
(Date)

**GENERAL INSTRUCTIONS**

1. Read Commission Rules A .0502, A .0110 and A .0506.
2. For advice regarding information of your business entity and completion of this application, you should consult your attorney.
3. Read each provision of the application and the instructions on this page carefully! If any part of the application is incorrect or incomplete or if required attachments are not included, the application may be returned, resulting in a delay in the licensing process.
4. Type or print legibly in ink. The original application must be submitted. Application may NOT be submitted by fax.
5. Remember to enclose the application fee in the form of a check or money order payable to the N.C. Real Estate Commission. A company or personal check is acceptable.

**Original License Fee — \$30**

**Fee for Reinstatement of Expired License — \$55**

6. If a *Broker-in-Charge Course* registration form and fee is being submitted with the firm application, the course registration fee (\$100) must be paid by a **separate check**. You are strongly encouraged to register for the *Broker-in-Charge Course* **online** through the Commission's website at *www.ncrec.gov*.

**REQUIRED ATTACHMENTS**

**All Applicants:**

- Application fee.
- A completed **"Broker-in-Charge Declaration" form** [*form was provided with application form*] for each office where (or from which) North Carolina real estate brokerage activities will be conducted or N.C. trust monies maintained.

**General Partnership:**

A copy of partnership agreement, or if no written agreement exists, a written description of the rights and duties of the partners.

**Foreign (Out-of-State) Firms:**

Completed **"Consent to Service of Process and Pleadings" form**. [*If form was not provided with the application form, it may be obtained from the Commission office.*]

**NOTE:** *The Commission reserves the right to request additional information regarding the applicant (such as copies of organizational documents or addresses of the firm's principals) as may be necessary to fully identify all principals to be associated with the firm and the firm's eligibility for licensure.*

# NORTH CAROLINA REAL ESTATE COMMISSION

## Selected Rules Related to Firm Licensing

### 21 NCAC 58A .0502 BUSINESS ENTITIES

(a) Every business entity other than a sole proprietorship shall apply for and obtain from the Commission a firm license prior to engaging in business as a real estate broker. An entity that changes its business form other than by conversion shall submit a new license application immediately upon making the change and obtain a new firm license. An entity which converts to a different business entity in conformity with and pursuant to applicable North Carolina General Statutes is not required to apply for a new license. However, such converted entity shall provide the information required by this Paragraph in writing to the Commission within 10 days of said conversion and shall include the applicable fee to have the firm license reissued in the legal name of the converted entity. Incomplete applications shall not be acted upon by the Commission. Application forms for partnerships, corporations, limited liability companies, associations and other business entities required to be licensed as brokers shall be available upon request to the Commission and shall require the applicant to set forth:

- (1) the name of the entity;
- (2) the name under which the entity will do business;
- (3) the type of business entity;
- (4) the address of its principal office;
- (5) the entity's NC Secretary of State Identification Number if required to be registered with the Office of the NC Secretary of State;
- (6) the name, real estate license number and signature of the proposed qualifying broker for the proposed firm;
- (7) the address of and name of the proposed broker-in-charge for each office as defined in Rule .0110(b) of this Subchapter, along with a completed broker-in-charge declaration form for each proposed broker-in-charge;
- (8) any past criminal conviction of and any pending criminal charge against any principal in the company or any proposed broker-in-charge;
- (9) any past revocation, suspension or denial of a business or professional license of any principal in the company or any proposed broker-in-charge;
- (10) if a general partnership, a full description of the applicant entity, including a copy of its written partnership agreement or if no written agreement exists, a written description of the rights and duties of the several partners;
- (11) if a business entity other than a corporation, limited liability company or partnership, a full description of the organization of the applicant entity, including a copy of its organizational documents evidencing its authority to engage in real estate brokerage;
- (12) if a foreign business entity, a certificate of authority to transact business in North Carolina and an executed consent to service of process and pleadings; and
- (13) any other information required by this Rule.

When the authority of a business entity to engage in the real estate business is unclear in the application or in law, the Commission may require the applicant to declare in the license application that the applicant's organizational documents authorize the firm to engage in the real estate business and to submit organizational documents, addresses of affiliated persons and similar information. For purposes of this Rule, the term principal, when it refers to a person or entity, shall mean any person or entity owning 10 percent or more of the business entity, or who is an officer, director, manager, member, partner or who holds any other comparable position.

(b) After filing a written application with the Commission and upon a showing that at least one principal of said business entity holds a broker license on active status and in good standing and will serve as qualifying broker of the entity, the entity shall be licensed provided it appears that the applicant entity employs and is directed by personnel possessed of the requisite truthfulness, honesty, and integrity. The qualifying broker of a partnership of any kind must be a general partner of the partnership; the qualifying broker of a limited liability company must be a manager of the company; and the qualifying broker of a corporation must be an officer of the corporation. A licensed business entity may serve as the qualifying broker of another licensed business entity if the qualifying broker-entity has as its qualifying broker a natural person who is licensed as a broker. The natural person who is qualifying broker shall assure the performance of the qualifying broker's duties with regard to both entities. A provisional broker may not serve as a qualifying broker.

(c) The licensing of a business entity shall not be construed to extend to the licensing of its partners, managers, members, directors, officers, employees or other persons acting for the entity in their individual capacities regardless of whether they are engaged in furthering the business of the licensed entity.

(d) The qualifying broker of a business entity shall assume responsibility for:

- (1) designating and assuring that there is at all times a broker-in-charge for each office and branch office of the entity at which real estate brokerage activities are conducted;
- (2) renewing the real estate broker license of the entity;
- (3) retaining the firm's renewal pocket card at the firm and producing it as proof of firm licensure upon request and maintaining a photocopy of the firm license certificate and pocket card at each branch office thereof;

- (4) notifying the Commission of any change of business address or trade name of the entity and the registration of any assumed business name adopted by the entity for its use;
- (5) notifying the Commission in writing of any change of his or her status as qualifying broker within ten days following the change;
- (6) securing and preserving the transaction and trust account records of the firm whenever there is a change of broker-in-charge at the firm or any office thereof and notifying the Commission if the trust account records are out of balance or have not been reconciled as required by Rule .0107 of this Chapter;
- (7) retaining and preserving the transaction and trust account records of the firm upon termination of his or her status as qualifying broker until a new qualifying broker has been designated with the Commission or, if no new qualifying broker is designated, for the period of time for which said records are required to be retained by Rule .0108 of this Chapter; and
- (8) notifying the Commission if, upon the termination of his or her status as qualifying broker, the firm's transaction and trust account records cannot be retained or preserved or if the trust account records are out of balance or have not been reconciled as required by Rule .0107(e) of this Chapter.

(e) Every licensed business entity and every entity applying for licensure shall conform to all the requirements imposed upon it by the North Carolina General Statutes for its continued existence and authority to do business in North Carolina. Failure to conform to such requirements shall be grounds for disciplinary action or denial of the entity's application for licensure. Upon receipt of notice from an entity or agency of this state that a licensed entity has ceased to exist or that its authority to engage in business in this state has been terminated by operation of law, the Commission shall cancel the license of the entity.

*History Note:* Authority G.S. 55-11A-04; 93A-3©); 93A-4(a),(b),(d);  
 Eff. February 1, 1976;  
 Readopted Eff. September 30, 1977;  
 Amended Eff. January 1, 2008; April 1, 2006; July 1, 2005; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; January 1, 1997; July 1, 1994; May 1, 1990.

#### **21 NCAC 58A .0506 PROVISIONAL BROKER TO BE SUPERVISED BY BROKER**

(a) This Rule shall apply to all real estate provisional brokers.

(b) A provisional broker may engage in or hold himself or herself out as engaging in activities requiring a real estate license only while his or her license is on active status and he or she is supervised by the broker-in-charge of the real estate firm or office where the provisional broker is associated. A provisional broker may be supervised by only one broker-in-charge at a time.

(c) Upon a provisional broker's association with a real estate broker or brokerage firm, the provisional broker and the broker-in-charge of the office where the provisional broker will be engaged in the real estate business shall immediately file with the Commission a provisional broker supervision notification on a form provided by the Commission containing identifying information about the provisional broker and the broker-in-charge, a statement from the broker-in-charge certifying that he or she will supervise the provisional broker in the performance of all acts for which a license is required, the date that the broker-in-charge assumes responsibility for such supervision, and the signatures of the provisional broker and broker-in-charge. If the provisional broker is on inactive status at the time of associating with a broker or brokerage firm, the provisional broker and broker-in-charge shall also file, along with the provisional broker supervision notification, the provisional broker's request for license activation on a form provided by the Commission containing identifying information about the provisional broker, the provisional broker's statement that he or she has satisfied the continuing education requirements prescribed by Rule .1703 of this Subchapter, the provisional broker's statement that he or she has satisfied the postlicensing education requirements, if applicable, prescribed by Rule .1902 of this Subchapter, the date of the request, and the signatures of the provisional broker and the provisional broker's proposed broker-in-charge. Upon the mailing or delivery of the required form(s), the provisional broker may engage in real estate brokerage activities requiring a license under the supervision of the broker-in-charge; however, if the provisional broker and broker-in-charge do not receive from the Commission a written acknowledgment of the provisional broker supervision notification and, if appropriate, the request for license activation, within 30 days of the date shown on the form, the broker-in-charge shall immediately terminate the provisional broker's real estate brokerage activities pending receipt of the written acknowledgment from the Commission. If the provisional broker and broker-in-charge are notified that the provisional broker is not eligible for license activation due to a continuing education deficiency, the broker-in-charge shall cause the provisional broker to immediately cease all activities requiring a real estate license until such time as the continuing education deficiency is satisfied and a new provisional broker supervision notification and request for license activation is submitted to the Commission.

(d) A broker-in-charge who certifies to the Commission that he or she will supervise a provisional broker shall actively and directly supervise the provisional broker in a manner which reasonably assures that the provisional broker performs all acts for which a real estate license is required in accordance with the Real Estate License Law and Commission rules. A supervising broker who fails to supervise a provisional broker as prescribed in this Rule may be subject to disciplinary action by the Commission.

(e) Upon the termination of the supervisory relationship between a provisional broker and his or her broker-in-charge, the provisional broker and the broker-in-charge shall provide written notification of the date of termination to the Commission not later than 10 days following said termination.

*History Note:* Authority G.S. 93A-2(b); 93A-3; 93A-9;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. April 1, 2006; July 1, 2005; July 1, 2004; October 1, 2000; August 1, 1998; July 1, 1996; July 1, 1995; July 1, 1993.

## **21 NCAC 58A .0110 BROKER-IN-CHARGE**

(a) Every real estate firm shall designate a broker to serve as the broker-in-charge at its principal office and a broker to serve as broker-in-charge at any branch office. No broker shall be broker-in-charge of more than one office at a time. If a firm shares office space with one or more other firms, one broker may serve as broker-in-charge of each firm at that location. No office or branch office of a firm shall have more than one designated broker-in-charge. A broker who is a sole proprietor shall designate himself or herself as a broker-in-charge if the broker engages in any transaction where the broker is required to deposit and maintain monies belonging to others in a trust account, engages in advertising or promoting his or her services as a broker in any manner, or has one or more other brokers affiliated with him or her in the real estate business. A broker-in-charge shall declare in writing his or her designation as broker-in-charge of an office to the Commission on a form prescribed by the Commission within 10 days following the broker's designation as broker in charge of any office. The broker-in-charge shall, in accordance with the requirements of G.S. 93A and the rules adopted by the Commission, assume the responsibility at his or her office for:

- (1) the retention of current license renewal pocket cards by all brokers employed at the office for which he or she is broker-in-charge; the proper display of licenses at such office in accordance with Rule .0101 of this Section; and assuring that each licensee employed at the office has complied with Rules .0503, .0504, and .0506 of this Subchapter;
- (2) the proper notification to the Commission of any change of business address or trade name of the firm and the registration of any assumed business name adopted by the firm for its use;
- (3) the proper conduct of advertising by or in the name of the firm at such office;
- (4) the proper maintenance at such office of the trust or escrow account of the firm and the records pertaining thereto;
- (5) the proper retention and maintenance of records relating to transactions conducted by or on behalf of the firm at such office, including those required to be retained pursuant to Rule .0108 of this Section;
- (6) the proper supervision of provisional brokers associated with or engaged on behalf of the firm at such office in accordance with the requirements of Rule .0506 of this Subchapter;
- (7) the proper supervision of all licensees employed at the office for which he or she is broker-in-charge with respect to adherence to agency agreement and disclosure requirements.

(b) When used in this Rule, the term:

- (1) "Branch Office" means any office in addition to the principal office of a broker which is operated in connection with the broker's real estate business; and
- (2) "Office" means any place of business where acts are performed for which a real estate license is required or where monies received by a licensee acting in a fiduciary capacity are handled or records for such trust monies are maintained.

(c) To qualify to become a broker-in-charge, a broker shall not be a provisional broker and shall:

- (1) possess at least two years of full-time real estate brokerage experience or equivalent part-time real estate brokerage experience within the previous five years or real estate education or experience in real estate transactions that the Commission finds equivalent to such experience; and
- (2) complete the Commission's 12 classroom hour broker-in-charge course either within three years prior to designation as a broker-in-charge or within 120 days following designation as a broker-in-charge.

A broker-in-charge shall certify his or her experience qualifications in the written broker-in-charge declaration he or she submits to the Commission and shall provide to the Commission upon request evidence that he or she possesses the required experience. Status as a broker-in-charge shall be immediately terminated if a broker-in-charge fails to complete the broker-in-charge course during the required time period or if the Commission finds the broker-in-charge does not possess the required experience. A broker who is removed as broker-in-charge for failure to timely complete the Commission's 12 hour broker-in-charge course must first complete the 12 hour broker-in-charge course before he or she may again be designated as broker-in-charge. A broker-in-charge, upon written request of the Commission or a broker who has been affiliated with the broker-in-charge within the previous five years, shall provide the Commission or broker on a form prescribed by the Commission an accurate written statement regarding the broker's work at the office of the broker-in-charge, including the dates of affiliation, average number of hours worked per week, and the number and type of properties listed, sold, bought, leased, or rented for others by the licensee during his or her affiliation with the broker-in-charge.

(d) A broker who was the broker-in-charge of a real estate office on April 1, 2006, whose broker-in-charge declaration was received by the Commission prior to that date, and who completed the Commission's broker-in-charge course prior to April 1, 2006 or within 120 days following designation as a broker-in-charge, may continue to serve as a broker-in-charge thereafter until his or her eligibility to serve as a broker-in-charge is terminated as provided in Paragraph (e) of this Rule.

(e) A broker's eligibility to serve as a broker-in-charge shall be terminated upon the occurrence of any of the following events:

- (1) The broker's license expires or the broker's license is suspended, revoked or surrendered; or
- (2) the broker's license is made inactive for any reason, including failure to satisfy the continuing education requirements described in Rule .1702 of this Subchapter or Paragraph (f) of this Rule.

When a broker's eligibility to serve as a broker-in-charge is terminated pursuant to this Paragraph and the broker subsequently seeks to again serve as broker-in-charge of the same or a different office, the broker must fully satisfy all the current broker-in-charge experience and education qualification requirements stated in Paragraph (c) of this Rule. A broker-in-charge course taken by such broker prior to April 1, 2006 shall not be recognized toward the current education requirement.

(f) To maintain eligibility to serve as a broker-in-charge, a broker shall complete during each license year a special four classroom hour continuing education course prescribed by the Commission only for brokers-in-charge. This course must be taken during the first full license year following designation as a broker-in-charge and each license year thereafter in order for the broker to remain eligible to serve as broker-in-charge. The course shall satisfy the broker's general continuing education elective course requirement, but the broker must continue to take the mandatory continuing education update course each license year. When a broker-in-charge or a broker who retains broker-in-charge eligibility fails to take the special continuing education course specified in this Paragraph for brokers-in-charge during any license year, his or her eligibility to serve as broker-in-charge shall be terminated at the end of that license year. Before such broker may again be designated a broker-in-charge, he or she must first satisfy the qualification requirements set forth in Paragraph (c) of this Rule. If, however, such broker has taken the 12 hour broker-in-charge course within the preceding three years, he or she still shall not be eligible to be redesignated as broker-in-charge of any office until he or she first either takes the current year's special broker-in-charge continuing education course required by this paragraph or repeats the 12 hour broker-in-charge course, as he or she may elect. The special continuing education course specified in this paragraph is reserved only for licensees who are brokers-in-charge or who retain broker-in-charge eligibility or who are seeking to reinstate broker-in-charge eligibility pursuant to this paragraph and only such licensees shall receive continuing education elective credit for the special continuing education course prescribed herein.

(g) A broker-in-charge shall notify the Commission in writing that he or she no longer is serving as broker-in-charge of a particular office within 10 days following any such change.

(h) A licensed real estate firm shall not be required to designate a broker-in-charge if it:

- (1) has been organized for the sole purpose of receiving compensation for brokerage services furnished by its qualifying broker through another firm or broker;
- (2) is treated for tax purposes as a Subchapter S corporation by the United States Internal Revenue Service;
- (3) has no principal or branch office; and
- (4) has no person associated with it other than its qualifying broker.

(i) A broker-in-charge residing outside of North Carolina who is the broker-in-charge of a principal or branch office not located in North Carolina shall not be required to complete the broker-in-charge course or the special continuing education course prescribed for brokers-in-charge under Paragraph (f) of this Rule. However, if such broker-in-charge either becomes a resident of North Carolina or becomes broker-in-charge of an office located within North Carolina, then he or she must take the 12 hour broker-in-charge course within 120 days of such change, unless he or she has taken the 12 hour course within the preceding three years. Such broker-in-charge shall take the special broker-in-charge continuing education course prescribed in Paragraph (f) of this Rule during the first full license year following said change and each license year thereafter so long as the broker-in-charge remains a resident of North Carolina or continues to manage an office located in North Carolina.

(j) A nonresident commercial real estate broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

*History Note:* Authority G.S. 93A-2; 93A-3(c); 93A-4; 93A-4.1; 93A-4.2; 93A-9;

Eff. September 1, 1983;

Amended Eff. January 1, 2008; April 1, 2006; July 1, 2005; July 1, 2004; April 1, 2004; September 1, 2002; July 1, 2001; October 1, 2000; August 1, 1998; April 1, 1997; July 1, 1995; July 1, 1994.

# Consent to Service Of Process and Pleadings

**FOREIGN  
(OUT OF STATE)  
FIRMS ONLY**



North Carolina Real Estate Commission  
P.O. Box 17100, Raleigh, N.C. 27619-7100 • Phone (919) 875-3700  
Fax (919) 877-4221 • Web site - www.ncrec.gov

## I.

### Authorization to Execute Consent to Service

The (Corporation) board of directors, (Partnership) general partner(s), (Limited Liability Company) manager(s) of the applicant firm hereby authorizes the person named in Section II to execute this form in connection with the firm's application for a North Carolina real estate firm license.

(Name of Corporate Officer, General Partner(s), or Manager) <i>(Please Print)</i>	(Title)
(Signature)	(Date)
Attested by: Secretary _____ (if applicable)	(Signature)

## II.

### Consent to Service of Process and Pleadings

Know all men by these presents:

Pursuant to the requirements of Chapter 93A of the General Statutes of North Carolina, the undersigned individual(s) acting for and on behalf of the firm named in this application for licensure does hereby irrevocably consent, stipulate and agree that suits, actions and administrative proceedings may be commenced against such firm or any licensed real estate broker or salesperson employed by or associated with the firm in the courts and agencies of this State, by the service of any process or pleading authorized by the laws of this State on the Executive Director of the North Carolina Real Estate Commission, and that service of such process of pleadings on said Director shall be taken and held in all courts to be as valid and binding as if the service had been made upon said firm in the State of North Carolina.

(Name of Person Executing Consent) <i>(Please Print)</i>	(Street Address of Person Executing Consent)
(Title of Person Executing Consent)	(City) (State) (Zip +4)
(Signature of Person Executing Consent)	( ) ( ) (Phone) (Fax)

\* \* \* \* \*

(AFFIX SEAL)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

Before me personally appeared the individual(s) name in Section II of this form who acknowledged the execution of the foregoing instrument for the purpose set forth therein.

Witness my hand and official seal, this \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_

My Commission expires \_\_\_\_\_ (Notary Public)



NORTH CAROLINA REAL ESTATE COMMISSION  
 PO Box 17100, Raleigh, NC 27619-7100  
 Phone (919) 875-3700 • Fax (919) 877-4221  
 Voice Response/Fax-on-Demand - (919) 850-2757  
 Web Address: www.ncrec.gov

FOR COMMISSION USE ONLY	
REPL	_____
LIC #	_____
NLBIC@	_____
FIRMS	_____
Prssr	_____

**BROKER-IN-CHARGE  
 DECLARATION  
 Instructions**

1. Qualifications and responsibilities of a broker-in-charge are detailed on the back of this form. Please review these carefully.
2. If the firm has more than one office where real estate brokerage activities are conducted, duplicate and submit a separate form for each office. A broker **practicing alone** shall designate himself as **broker-in-charge**.
3. All brokers-in-charge must complete the Commission's Broker-in-Charge Course within three years prior to or 120 days following designation as broker-in-charge.
4. SPECIAL NOTE: If you are completing this form because you are seeking to restore your broker-in-charge eligibility, Commission A.0110 requires that in order to receive credit you must take any required course(s) **after** you qualify and have been re-designated as broker-in-charge. To **register for a broker-in-charge course** or to review course schedules, go to [www.ncrec.gov](http://www.ncrec.gov).
5. If you do not receive a Notice of License Record Change within 10 business days after filing this form, you should contact the Commission's Information Services Section.

\* \* \* \*

BROKER-IN-CHARGE: \_\_\_\_\_  
(Print or Type Name) (NC Real Estate License No.)

FIRM BUSINESS NAME: \_\_\_\_\_

FIRM LICENSE NUMBER: \_\_\_\_\_ (Not required if sole proprietorship)

TYPE OF FIRM: [Check one]  Corporation  LLC  Partnership  Sole Proprietorship

PHYSICAL ADDRESS: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip + 4) (County)

PO BOX (IF ANY): \_\_\_\_\_  
(PO Box No.) (City) (State) (Zip +4) (County)

PHONE: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

E-MAIL: \_\_\_\_\_

IS THIS A NEW REAL ESTATE OFFICE?  YES  NO

IF NOT, PROVIDE THE NAME OF THE BROKER-IN-CHARGE YOU ARE REPLACING: \_\_\_\_\_  
(NC Real Estate Licence No.)

\_\_\_\_\_  
(Print of Type Name)

**Note: Any agent listed on the Commission's records as affiliated with the previous broker-in-charge will be changed to reflect you as their broker-in-charge of record unless you notify us in writing differently.**

**Certification**

I certify to the North Carolina Real Estate Commission that I have been duly designated by the Qualifying Broker of the real estate firm shown herein to serve as broker-in-charge for such firm at the office listed and that I have the experience required for such designation. I further certify that I shall carry out my responsibilities as broker-in-charge for such office in accordance with the Commission's rules, that I shall directly supervise any and all licensed real estate provisional brokers working from such office, and that I will continually maintain my license on active status.

BROKER-IN-CHARGE: \_\_\_\_\_  
(Signature) (Date Signed) \*

\* PLEASE NOTE THAT THIS FORM MUST BE FILED WITH THE COMMISSION WITHIN 30 DAYS OF THE DATE SIGNED TO BE VALID

The information provided here is only a summary. For a complete description of the qualifications and responsibilities of a broker-in-charge, please review Commission rule A.0110.

### Qualifications

The broker-in-charge of an office is designated by the Qualifying Broker of the real estate firm for which he/she wishes to serve as broker-in-charge. To qualify as a broker-in-charge, a broker cannot be a provisional broker and must:

- (1) possess at least two years of full-time real estate brokerage experience or equivalent part-time real estate brokerage experience within the previous five years or real estate education or experience in real estate transactions that the Commission finds equivalent to such experience; and
- (2) complete the Commission's 12-classroom hour broker-in-charge course either within three years prior to designation as a broker-in-charge or within 120 days following designation.

\* \* \*

Brokers seeking to restore broker-in-charge eligibility should carefully review Commission rule A.0110. It requires that in order to receive credit, a broker must take any required course(s) after he or she has qualified and been re-designated as broker-in-charge.

\* \* \*

To request a waiver of experience based on education or actual experience, submit a **WRITTEN** request to the Commission, Attention: BIC Waiver, along with a completed Broker-In-Charge Declaration form.

- For equivalent **EDUCATION**, list each course and submit copies of transcripts of course completion certificates (showing date completed and hours) and provide a description of the course subject matter.  
*Note:* Prelicensing education courses, mandatory postlicensing courses, and courses taken for continuing education credit may not serve as a basis for waiver of the experience requirement.
- For equivalent **EXPERIENCE**, provide a detailed description of all experience. For personal transactions, provide a list or summary of all sales, purchase or rental transactions showing for each transaction the type of property, transaction date, description of your role in the transaction and an indication of whether another real estate agent was involved in the transaction with you. For experience acquired in the employ of a company, verification and explanation of the claimed experience by an appropriate management official is preferred and may be specifically required by the Commission.  
*Note:* Unlicensed experience in handling real estate transactions for others for which a license is required may not serve as a basis for waiver of the brokerage experience requirement. Likewise, experience gained while a license was on inactive status may not serve as a basis for waiver of brokerage experience.

### Responsibilities

The broker-in-charge must actively manage the office for which he or she has been designated broker-in-charge and assume responsibility at the office for:

- (1) the retention of current license renewal pocket cards by all brokers employed at the office for which he/she is broker-in-charge;
- (2) the proper notification to the Commission of any change of business address or trade name of the firm and the registration of any assumed business name adopted by the firm for its use;
- (3) the proper conduct of advertising by or in the name of the firm at such office;
- (4) the proper maintenance at such office of the trust account or escrow account of the firm and the records pertaining thereto;
- (5) the proper retention and maintenance of records relating to transactions conducted by or on behalf of the firm at such office;
- (6) the proper supervision of provisional brokers associated with or engaged on behalf of the firm at such office;
- (7) the proper supervision of all licensees employed at the office for which he or she is broker-in-charge with respect to adherence to agency agreement and disclosure requirements;
- (8) the proper notification to the Commission of any change in his or her status as broker-in-charge within 10 days following such change;
- (9) verification to the Commission of the experience of any broker at such office;
- (10) his or her annual attendance of the BIC Annual Review Course prescribed by the Commission for brokers-in-charge.