



NORTH CAROLINA REAL ESTATE COMMISSION
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INSTRUCTIONS

Request for Waiver of Broker-In-Charge Experience Requirement Form (REC 2.17)

Broker-In-Charge Qualifying Experience Requirement

To qualify to serve as a broker-in-charge, you must be a North Carolina broker (not a “provisional” broker”) and must 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...” [G.S. 93A-4.2].

If you have the required brokerage experience, you may certify on the Broker-In-Charge Declaration form that you possess such experience and that certification will be accepted, subject to verification by you upon Commission request, if your license has been active and you have been affiliated with a broker-in-charge for at least two of the previous five years.

Requesting a Waiver of the Experience Requirement

If you do not have the required brokerage experience, you may request waiver of all or some portion of the broker-in-charge qualifying experience requirement based on equivalent real estate education or experience in real estate transactions. When making such request, you bear the burden of satisfying the Commission that your real estate education or experience is reasonably current and substantially equivalent to the brokerage experience you are requesting to be waived.

Requests for waiver of the broker-in-charge experience requirement must be submitted on the *Request for Waiver of Broker-In-Charge Experience Requirement Form (REC 2.17)* and must accompany the *Broker-in-Charge Declaration form (REC 2.04)*.

Applicants are referred to G.S. 93A-4.2 and Commission Rule 58A.0110(g) for broker-in-charge qualification requirements. The Statute and Rule are reprinted at the end of this form, as well as additional notes regarding Commission policies.

The following examples are provided to illustrate situations in which the Commission may be inclined to waive all or some portion of the broker-in-charge experience requirement for a person who possesses a non-provisional broker license:

Equivalent Qualifications	Experience Waived
An attorney who has practiced real estate law in North Carolina on a full-time basis for at least the previous three years.	Two Years
A W-2 employee of a corporation who, on a full-time basis for at least the previous three years, has directly supervised an in-house sales or leasing team and managed the marketing of properties owned by the corporation that were being offered for sale or lease.	Two Years
A Commission-approved prelicensing/postlicensing instructor who has been teaching such courses on a full-time basis for at least the previous five years.	Two Years

INSTRUCTIONS

FOR EQUIVALENT EDUCATION

For each course/program, provide the following:

- a. Name/Title
- b. Completion Date
- c. Credit Hours
- d. Detailed Description of Subject Matter

Also, attach copies of transcripts or course completion certificates (showing date completed and hours). Attorneys: Evidence of licensure is sufficient as proof of education. Attorneys do not need to list law school courses or submit a law school transcript.

FOR EQUIVALENT EXPERIENCE

If you are applying based on “An attorney who has practiced real estate law in North Carolina on a full-time basis for at least the previous three years,” provide the following:

- a. Firm/Practice Name
- b. Your Law License #
- c. Dates of Employment (From-To)
- d. % of Time devoted to Real Estate Law
- e. Approximate Number of Closings Conducted
- f. Detailed Description of your Law Practice

If you are applying based on “A W-2 employee of a corporation who, on a full-time basis for at least the previous three years, has directly supervised an in-house sales or leasing team and managed the marketing of properties owned by the corporation that were being offered for sale or lease,” provide the following:

- a. Corporation Name
- b. Your Title
- c. Dates of Employment (From-To)
- d. Detailed Description of your Role and Duties
- e. Management Official Name & Title
- f. Management Official Telephone
- g. Management Official Email

If you are applying based on “A Commission-approved prelicensing/postlicensing instructor who has been teaching such courses on a full-time basis for at least the previous five years,” provide the following:

- a. Instructor Code assigned by the Commission
- b. School Name(s) for which you have been Teaching
- c. Detailed Description of Teaching Experience (course title(s), number of times taught, etc)

If you are applying based on “OTHER Equivalent Experience,” attach a detailed description of all experience during the past five (5) years.

Notes:

Experience in specialized fields related to real estate brokerage such as appraisal, mortgage lending, investment or construction will very likely not, standing alone, be considered as a basis for a waiver.

For personal transactions, provide a list or summary of all sales, purchase or rental transactions. For each transaction (or category of transactions), provide the type of property, the transaction date, a description of your role in the transaction, and an indication of whether another real estate agent was involved in the transactions with you.

License Law, Commission Rule and Policies

G.S. 93A-4.2

To be qualified to serve as a broker-in-charge of a real estate office, a real estate broker shall 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 shall complete, within a time prescribed by the Commission, a course of study prescribed by the Commission for brokers-in-charge not to exceed 12 classroom hours of instruction. A provisional broker may not be designated as a broker-in-charge. (2005-395, s. 7.)

Commission Rule 21 NCAC 58A.0110(g)

To qualify to become a broker-in-charge, a broker shall:

- (1) have a license on active status but not on provisional status;
- (2) possess at least two years of full-time real estate brokerage experience or equivalent four years of part-time real estate brokerage experience within the previous five years or real estate education, such as the completion of the North Carolina GRI program or other education with a subject matter relating to brokerage practice and the supervision of brokers, or experience in real estate transactions that the Commission finds equivalent to such experience, such as a licensed attorney with a practice that consisted primarily of handling real estate closing and related matters in North Carolina for three years immediately preceding application or full-time, lawful experience selling new homes owned by a corporate homebuilder as a bona-fide employee of the corporate home builder for three years immediately preceding the application; and
- (3) 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.

Additional Notes / Commission Policies

- Brokerage experience acquired in another state is treated the same as if acquired in North Carolina. In such cases, the NC broker must submit proof of out-of-state experience and licensure.
- Personal or business hardship is not a basis for obtaining a waiver. Only equivalent education or experience will be considered.
- Prelicensing or postlicensing courses, the 12-hour Broker-In-Charge Course, and courses taken for continuing education (CE) credit may not serve as a basis for waiver of the experience requirement.
- Unlicensed experience in handling real estate transactions for others for which a license is required (therefore unlawful experience) may not serve as a basis for waiver of the brokerage experience requirement. Example: Experience without a real estate license in new home sales as an employee of a non-corporate developer or firm. Such employees are required to have a real estate license.