

**PROPOSED ANNUAL RULEMAKING**  
**WITH EFFECTIVE DATES OF JULY 1, 2017 AND JULY 1, 2018**

In accordance with N.C.G.S. §150B-19.1(c), the Real Estate Commission (“Commission”) hereby gives notice that it has submitted to the Office of Administrative Hearings - Rules Review Commission for publication in the *North Carolina Register* the notice of text for proposed rule adoptions, amendments, and repeals under consideration. No federal certifications or fiscal notes are required for any of these proposed changes.

The notice of text includes a summary that cites each rule affected and explains the reason for each proposed change. Changes to the proposed rule text are reflected by underscoring text that will be added and striking through text that will be deleted.

A public hearing on the proposed rule text will be held at the Commission’s offices on Wednesday, December 14, 2016, at 9:00 a.m. Oral or written comments concerning the proposed rule text will be accepted beginning November 15, 2016, and continue through January 17, 2017. It is anticipated that the proposed rule text will be presented to the Commission for consideration and adoption at its meeting on January 18, 2017.

Members of the public may submit oral or written comments on any proposed rule(s) by contacting the Commission’s Rulemaking Coordinator as follows:

Melissa A. Vuotto  
North Carolina Real Estate Commission  
P.O. Box 17100  
Raleigh, NC 27619  
(919) 875-3700 (telephone)  
(919) 877-4220 (fax)  
[ra@ncrec.gov](mailto:ra@ncrec.gov)

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission (“RRC”). If the RRC receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the RRC approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The RRC will receive written objections until 5:00 p.m. on the day following the day the RRC approves the rule. The RRC will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the RRC, please call a RRC staff attorney at 919-431-3000.



## NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing  
 Notice without a scheduled hearing  
 Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.  
Previous publication of text was published in Volume:            Issue:

<b>1. Rule-Making Agency:</b> NORTH CAROLINA REAL ESTATE COMMISSION
<b>2. Link to agency website pursuant to G.S. 150B-19.1(c):</b> WWW.NCREC.GOV
<b>3. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action:</b> <input checked="" type="checkbox"/> <b>ADOPTION:</b> 21 NCAC 58A .1905  <input type="checkbox"/> <b>READOPTION <u>with</u> substantive changes:</b>  <input type="checkbox"/> <b>READOPTION <u>without</u> substantive changes:</b>  <input checked="" type="checkbox"/> <b>AMENDMENT:</b> 21 NCAC 58A .0101, .0103, .0106, .0302, .0304, .0502, .0503, and .0505  <input checked="" type="checkbox"/> <b>REPEAL:</b> 21 NCAC 58A .0509
<b>4. Proposed effective date:</b> July 1, 2017
<b>5. Is a public hearing planned?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If yes: <b>Public Hearing date:</b> December 14, 2016 <b>Public Hearing time:</b> 9:00 a.m. <b>Public Hearing Location:</b> NC Real Estate Commission 1313 Navaho Drive Raleigh, NC 27609
<b>6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:</b>

**7. Explain Reason For Proposed Rule(s):**

See attached 'Exhibit A'

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

**9. The person to whom written comments may be submitted on the proposed rule(s):**

**Name:** Melissa A. Vuotto

**Address:**

P.O. Box 17100  
Raleigh, NC 27619-7100

**Phone (optional):** 919-875-3700

**Fax (optional):**

**E-Mail (optional):**

**10. Comment Period Ends:** January 17, 2017

**11. Fiscal impact (check all that apply).**

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected  
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

**12. Rule-making Coordinator:**

Melissa A. Vuotto

**Address:**

P.O. Box 17100  
Raleigh, NC 27619-7100

**Phone:** 919-875-3700 ext. 142

**E-Mail:** melissa@ncrec.gov

**Agency contact, if any:**

Robert A. Patchett

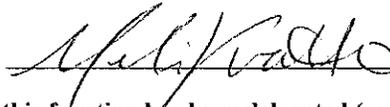
**Phone:** 919-875-3700 ext. 133

**E-mail:** rob@ncrec.gov

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** September 14, 2016

**14. Signature of Agency Head\* or Rule-making Coordinator:**



\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

**Typed Name:** Melissa A. Vuotto

**Title:** Rulemaking Coordinator

**NOTICE OF TEXT  
EXHIBIT A**

Rules Effective July 1, 2017

**21 NCAC 58A .0101 – Proof of Licensure**

The amendments are proposed to allow the use of electronic pocket cards as proof of licensure and to merge the requirements of A .0509, to submit a \$5 duplicate license fee, into this Rule.

**21 NCAC 58A .0103 – Broker Name and Address**

The amendments are proposed to add a requirement that brokers changing their name of record must show legal proof of such name change; to comply with S.L. 2016-100 (SB 124) the Assumed Business Act recently passed by the General Assembly; and to clarify the use of an unlicensed person's name as a tradename.

**21 NCAC 58A .0106 – Deliver of Instruments**

The amendments are proposed to clarify a broker's responsibility to deliver information regarding the identity of current or former tenants to property owner clients.

**21 NCAC 58A .0302 – Filing and Fees**

The amendments are proposed to comply with S.L. 2016-117 (HB 728) that increased the broker's application fee from \$30 to \$100.

**21 NCAC 58A .0304 – Equivalent Experience Qualifications for Applicants**

The amendments are proposed to clarify Prelicensing education waiver requirements.

**21 NCAC 58A .0502 – Business Entities**

The amendments are proposed to clarify that the qualifying broker is affiliated with the firm so that they receive notice if a broker-in-charge were to withdraw their designation and to require brokers to disclose the banking institution where their trust accounts will be held.

**21 NCAC 58A .0503 – License Renewal; Penalty for Operating While License Expired**

The amendments are proposed to require brokers to disclose the banking institution where their trust accounts are held each time they renew their license and any criminal convictions or disciplinary actions within the previous year.

**21 NCAC 58A .0505 – Reinstatement**

The amendments are proposed to comply with S.L. 2016-117 (HB 728) that changed a broker's reinstatement application fee to an amount equal to two times the license renewal fee instead of the previous reinstatement fee of \$55 and to clarify the requirements for a broker to reinstate a license.

**21 NCAC 58A .0509 – Duplicate License Fee**

The amendments are proposed to merge this Rule into A .0101, Proof of Licensure, and to repeal this Rule.

**21 NCAC 58A .1905 – Waiver of 90-Hour Postlicensing Education Requirement**

The adoption of a rule is proposed to clarify the Postlicensing education waiver requirements.

1 21 NCAC 58A .0101 is proposed for amendment as follows:

2

3 **21 NCAC 58A .0101 PROOF OF LICENSURE**

4 (a) The annual ~~license renewal~~ pocket card issued by the Commission to each ~~licensee broker~~ shall be retained by  
5 the ~~licensee broker~~ as evidence of licensure. Each ~~licensee broker~~ shall ~~carry his or her pocket card on his or her~~  
6 ~~person at all times while engaging in real estate brokerage and shall produce a legible form of the card~~ as proof of  
7 licensure whenever requested ~~while engaging in real estate brokerage~~.

8 ~~(b) The qualifying broker of a firm shall retain the firm's renewal pocket card at the firm and shall produce it upon~~  
9 ~~request as proof of firm licensure as required by Rule .0502.~~

10 ~~(c)~~(b) Every licensed real estate business entity or firm shall prominently display its license certificate or a copy of  
11 its license certificate facsimile thereof in each office maintained by the entity or firm. A broker-in-charge shall also  
12 prominently display his or her license certificate in the office where he or she is broker-in-charge.

13 ~~(d) Every licensee shall include his or her license number in agency contracts and disclosures as provided in Rule~~  
14 ~~.0104 of this Subchapter.~~

15 (c) A replacement real estate license or pocket card may be obtained by:

16 (1) submitting a written request to the Commission that includes the broker or firm's:

17 (A) legal name;

18 (B) license number;

19 (C) physical and mailing address;

20 (D) phone number;

21 (E) email address;

22 (F) proof of legal name change pursuant to Rule .0103 of this Section, if applicable; and

23 (G) signature;

24 (2) paying a five dollar (\$5.00) replacement fee.

25

26 *History Note: Authority G.S. 93A-3(c); 93A-4;*

27 *Eff. February 1, 1976;*

28 *Readopted Eff. September 30, 1977;*

29 *Amended Eff. July 1, 2017; July 1, 2005; April 1, 2004; October 1, 2000; September 1, 1998;*

30 *August 1, 1998; April 1, 1997; February 1, 1989.*

31

1 21 NCAC 58A .0103 is proposed for amendment as follows:

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3 **21 NCAC 58A .0103      BROKER NAME AND ADDRESS**

4 (a) Upon initial ~~licensure~~ licensure, every broker shall notify the Commission of the broker's current personal name,  
5 firm name, trade name, residence address, firm address, telephone number, and email address. All addresses  
6 provided to the Commission shall be sufficiently descriptive to enable the Commission to correspond with and  
7 locate the broker.

8 (b) Every broker shall notify the Commission in writing of each change of personal name, firm name, trade name,  
9 residence address, firm address, telephone number, and email address within 10 days of said change. A broker  
10 notifying the Commission of a change of personal name or firm name shall also provide evidence of a legal name  
11 change for either the individual or firm, such as a court order or name change amendment from the Secretary of  
12 State's Office. All addresses shall be sufficiently descriptive to enable the Commission to correspond with and  
13 locate the broker.

14 ~~(b)(c)~~ (c) In the event that any broker shall advertise or operate in any manner using a name different from the name  
15 under which the broker is licensed, the broker shall first file ~~the appropriate~~ an assumed name certificate ~~with the~~  
16 ~~office of the county register of deeds in each county in which the broker intends to engage in brokerage activities in~~  
17 compliance with ~~G.S. 66-68~~ G.S. 66 – 71.4 and shall notify the Commission in writing of the use of such a firm  
18 name or assumed name. An individual broker shall not advertise or operate in any manner that would mislead a  
19 consumer as to the broker's actual identity or as to the identity of the firm with which he or she is affiliated.

20 ~~(c)(d)~~ (d) A broker shall not include the name of a provisional broker or an unlicensed person in the name of a sole  
21 proprietorship, partnership, assumed name, trade name, or business entity other than a corporation or limited liability  
22 company. No broker shall use a business name that includes the name of any ~~active, inactive, or cancelled~~ current or  
23 former broker without the permission of that broker or that broker's authorized representative.

24  
25 *History Note: Authority G.S. 55B-5; 66-68; 93A-3(c); 93A-6(a)(1);*

26 *Eff. February 1, 1976;*

27 *Readopted Eff. September 30, 1977;*

28 *Amended Eff. July 1, 2017; July 1, 2016; April 1, 2013; August 1, 1998; February 1, 1989; May 1,*

29 *1984.*

30

1 21 NCAC 58A .0106 is proposed for amendment as follows:

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3 **21 NCAC 58A .0106 DELIVERY OF INSTRUMENTS**

4 (a) Except as provided in Paragraph (b) of this Rule, every broker shall ~~immediately, but in no event later than five~~  
5 ~~days from the date of execution,~~ deliver a copy to the parties thereto copies of any required written agency  
6 agreement, contract, offer, lease, ~~rental agreement, or option affecting real property; option, or other pertinent~~  
7 document to their client within five days of the document's execution.

8 (b) A broker may be relieved of ~~his or her~~ the duty to deliver copies of leases or rental agreements to a property  
9 owner under pursuant to Paragraph (a) of this Rule to deliver copies of leases or rental agreements to the property  
10 owner, if the broker:

11 (1) obtains the ~~prior express~~ written authority of the property owner to enter into and retain copies of  
12 leases or rental agreements on behalf of the property owner;

13 (2) executes the lease or rental agreement on a pre-printed form, the material terms of which may not  
14 be changed by the broker without prior approval by the property ~~owner~~ owner, except as may be  
15 required by law; and

16 ~~(3) promptly provides a copy of the lease or rental agreement to the property owner upon reasonable~~  
17 ~~request; and~~

18 ~~(4) delivers to the property owner within 45 days following the date of execution of the lease or rental~~  
19 ~~agreement, an accounting which identifies the leased property and which sets forth the names of~~  
20 ~~the tenants, the rental rates and rents collected.~~

21 (3) delivers to the property owner an accounting within 45 days following the date of execution of the  
22 lease or rental agreement that identifies:

23 (A) the leased property;

24 (B) the name, phone number, and home address of each tenant; and

25 (C) the rental rates and rents collected.

26 (c) Paragraph (b) of this Rule notwithstanding, upon the request of a property owner, a broker shall deliver a copy of  
27 any lease or rental agreement within five days.

28  
29 *History Note: Authority G.S. 93A-3(c);*

30 *Eff. February 1, 1976;*

31 *Readopted Eff. September 30, 1977;*

32 *Amended Eff. ~~July 1, 2017; April 1, 2006;~~ July 1, 2005; July 1, 2001; October 1, 2000; May 1,*  
33 *1990; July 1, 1989; February 1, 1989.*

34

1 21 NCAC 58A .0302 is proposed for amendment as follows:

2  
3 **21 NCAC 58A .0302 FILING AND FEES LICENSE APPLICATION AND FEE**

4 (a) ~~An applicant shall file a complete and accurate application and, except as provided by Rule .0403 of this~~  
5 ~~Subchapter, shall submit his or her application to the Commission's office accompanied by the application fee.~~  
6 ~~Examination scheduling of applicants who are required to pass the real estate licensing examination shall be~~  
7 ~~accomplished in accordance with Rule .0401 of this Subchapter. The fee for an original application of a broker or~~  
8 ~~firm license shall be one hundred dollars (\$100.00).~~

9 (b) ~~Except for persons applying for licensure under the provisions of Section .1800 of this Subchapter, the license~~  
10 ~~application fee shall be thirty dollars (\$30.00). In addition to the license application fee, applicants for licensure~~  
11 ~~who are required to take the license examination must pay the examination fee charged by the Commission's~~  
12 ~~authorized testing service in the form and manner acceptable to the testing service. Persons applying for licensure~~  
13 ~~under Section .1800 of this Subchapter shall pay the application fee set forth in Rule .1803 of this Subchapter.~~

14 (e) (b) ~~An applicant shall update information provided in connection with an a license application in writing to the~~  
15 ~~Commission or submit a newly completed new application form that includes the updated information without~~  
16 ~~request by the Commission to assure ensure that the information provided in the application is current and accurate.~~  
17 ~~Failure to submit updated information prior to the issuance of a license may result in disciplinary action against a~~  
18 ~~licensee broker or firm in accordance with G.S. 93A-6(b)(1). In the event that the Commission requests Upon the~~  
19 ~~request of the Commission, an applicant to shall submit updated information or to provide additional information~~  
20 ~~necessary to complete the application and the applicant fails to submit such information within 90 days following the~~  
21 ~~Commission's request, the Commission shall cancel the applicant's application. days of the request or the license~~  
22 ~~application shall be canceled.~~

23 (c) ~~The license application of an individual found by the Commission to be qualified for the licensing examination~~  
24 ~~shall be immediately canceled if the applicant fails to to:~~

25 (1) ~~pass a scheduled licensing examination, license examination within 180 days of filing a complete~~  
26 ~~application pursuant to Rule .0301 of this Section; or~~

27 (2) ~~fails to appear for and take any scheduled examination for which the applicant has been scheduled~~  
28 ~~without having the applicant's examination postponed or absence excused in accordance with Rule .0401(b) and (c)~~  
29 ~~pursuant to Rule .0401 of this Section, Subchapter. or fails to take and pass the examination within 180 days of~~  
30 ~~filing a complete application as described in Rule .0301 of this Section and having the application entered into the~~  
31 ~~Commission's examination applicant file. Except as permitted otherwise in Rule .0403 of this Subchapter, an~~  
32 ~~applicant whose license application has been canceled and who wishes to obtain a real estate license must start the~~  
33 ~~licensing process over by filing a complete application to the Commission and paying all required fees.~~

34  
35 *History Note:* Authority G.S. 93A-4; 93A-6(b)(1); 93A-9;

36 *Eff. February 1, 1976;*

37 *Readopted Eff. September 30, 1977;*

1  
2

*Amended Eff. July 1, 2017; April 1, 2006; July 1, 2004; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; July 1, 1998; July 1, 1996; February 1, 1989.*

1 21 NCAC 58A .0304 is proposed for amendment as follows:

2  
3 **21 NCAC 58A .0304      ~~EQUIVALENT EXPERIENCE QUALIFICATIONS FOR APPLICANTS~~ WAIVER**  
4 **OF 75-HOUR PRELICENSING EDUCATION REQUIREMENT**

5 ~~Experience obtained by a broker applicant in violation of law or rule shall not be recognized by the Commission as~~  
6 ~~fulfilling the requirements for licensure when the applicant is requesting the Commission to waive the prescribed~~  
7 ~~education requirement based wholly or in part on equivalent experience obtained by the applicant.~~

8 (a) An applicant for a North Carolina real estate broker license may request a waiver of the 75-hour education program  
9 required by G.S. § 93A-4(a) by submitting an application to the Commission pursuant to Rule A .0301 of this Section and  
10 shall submit:

11 (1) an official transcript and copy of a baccalaureate or higher degree in the field of real estate, real estate  
12 brokerage, real estate law, real estate finance, real estate development, or similar field, conferred on the applicant from  
13 any college or university accredited by a college accrediting body recognized by the U. S. Department of Education; or

14 (2) an official course completion certificate or transcript evidencing the successful completion of a prelicensing  
15 education program in another state that consisted of at least 75-hours of instruction that was completed within one year  
16 prior to license application and while the applicant was a resident of said state.

17 (b) The Commission will not consider education or experience obtained in violation of any law or rule as fulfilling the  
18 requirements for waiver of the 75-hour prelicensing education requirement.

19  
20 *History Note: Authority G.S. ~~93A-3(e)~~; 93A-4;*

21 *Eff. July 1, 1993;*

22 *Amended Eff. July 1, 2017; April 1, 2006; October 1, 2000.*

23

1 21 NCAC 58A .0502 is proposed for amendment as follows:

2  
3 **21 NCAC 58A .0502 BUSINESS ENTITIES FIRM LICENSING**

4 (a) Every business entity other than a sole proprietorship shall apply for and obtain from the Commission a firm  
5 license prior to engaging in business as a real estate broker.

6 ~~(b)~~ An entity that changes its business form other than by conversion shall submit a new firm license application  
7 upon making the change and obtain a new firm license. An entity that converts to a different business entity in  
8 conformity with and pursuant to applicable North Carolina General Statutes is not required to apply for a new  
9 license. However, such converted entity shall provide the information required by this Paragraph in writing to the  
10 Commission within 10 days of the conversion and shall include the ~~duplicate license replacement fee prescribed in~~  
11 ~~Rule .0509 of this Section pursuant to Rule .0101(c) of this Subchapter~~ to have the firm license reissued in the legal  
12 name of the converted entity. ~~Incomplete applications shall not be acted upon by the Commission.~~

13 ~~(c) Application~~ Firm license application forms for partnerships, corporations, limited liability companies,  
14 ~~associations, and other business entities required to be licensed as brokers shall be available on the Commission's~~  
15 website at [www.ncree.gov](http://www.ncree.gov) or upon request to the Commission and shall require the applicant to set forth:

- 16 (1) the name of the entity;
- 17 (2) the name under which the entity will do business;
- 18 (3) the type of business entity;
- 19 (4) the address of its principal office;
- 20 (5) the entity's NC Secretary of State Identification Number if it is required to be registered with the  
21 Office of the NC Secretary of State;
- 22 (6) each federally insured depository institution lawfully doing business in this State where the entity's  
23 trust account(s) will be held, if applicable;
- 24 ~~(6)~~ (7) the name, real estate license number, and signature of the proposed qualifying broker for the  
25 proposed firm;
- 26 ~~(7)~~ (8) the address of and name of the proposed broker-in-charge for each office as defined in Rule  
27 .0110(a) of this Subchapter, along with a completed broker-in-charge declaration form for each  
28 proposed broker-in-charge;
- 29 ~~(8)~~ (9) any past criminal conviction of and any pending criminal charge against any principal in the  
30 company or any proposed broker-in-charge;
- 31 ~~(9)~~ (10) any past revocation, suspension, or denial of a business or professional license of any principal in  
32 the company or any proposed broker-in-charge;
- 33 ~~(10)~~ (11) if a general partnership, a description of the applicant entity, including a copy of its written  
34 partnership agreement or if no written agreement exists, a written description of the rights and  
35 duties of the partners, and the name of each partner. If a partner is an entity rather than a natural  
36 person, the name of each officer, partner, or manager of that entity, or any entity therein;

1           ~~(11)~~ (12) if a limited liability company ~~(LLC), company,~~ a description of the applicant entity, including a  
2           copy of its written operating agreement or if no written agreement exists, a written description of  
3           the rights and duties of the managers, and the name of each manager. If a manager is an entity  
4           rather than a natural person, the name of each officer, partner, or manager of that entity, or any  
5           entity therein;

6           ~~(12)~~ (13) if a business entity other than a corporation, limited liability company, or partnership, a description  
7           of the organization of the applicant entity, including a copy of its organizational documents  
8           evidencing its authority to engage in real estate brokerage;

9           ~~(13)~~ (14) if a foreign business entity, a Certificate of Authority to transact business in North Carolina issued  
10          by the NC Secretary of State and an executed consent to service of process and pleadings; and

11          ~~(14)~~ (15) any other information required by this Rule.

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

18        ~~(b)~~(e) After filing a written firm license application with the Commission and upon a showing to the Commission  
19        that one principal of the business entity holds a broker license on active status and is in good standing who will serve  
20        as qualifying broker of the entity, the entity shall be licensed provided it appears to the Commission that the  
21        applicant entity employs and is directed by personnel possessed of the requisite character and fitness required of  
22        applicants for a broker license by G.S. 93A-4(b). A natural person serving as a qualifying broker of a licensed entity  
23        shall affiliate with a broker-in-charge prior to engaging in brokerage activity in the name of the licensed entity. The  
24        qualifying broker of a partnership of any kind shall be a general partner of the partnership; the qualifying broker of a  
25        limited liability company shall be a manager of the company; and the qualifying broker of a corporation shall be an  
26        officer of the corporation. A licensed business entity may serve as the qualifying broker of another licensed business  
27        entity if the qualifying broker-entity has as its qualifying broker a natural person who is licensed as a broker. The  
28        natural person who is qualifying broker shall assure to the Commission the performance of the qualifying broker's  
29        duties with regard to both entities. A provisional broker may not serve as a qualifying broker.

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

33        ~~(f)~~(g) The qualifying broker of a business entity shall assume responsibility for:

- 34           (1) designating and assuring that there is at all times a broker-in-charge for each office and branch  
35           office of the entity as "office" and "branch office" are defined in Rule .0110(a) of this Subchapter;
- 36           (2) renewing the real estate broker license of the entity;

- 1 (3) retaining the firm's renewal pocket card at the firm and producing it as proof of firm licensure upon  
2 request and maintaining a photocopy of the firm license certificate and pocket card at each branch  
3 office thereof;
- 4 (4) notifying the Commission of any change of business address or trade name of the entity and the  
5 registration of any assumed business name adopted by the entity for its use;
- 6 (5) notifying the Commission in writing of any change of his or her status as qualifying broker within  
7 10 days following the change;
- 8 (6) securing and preserving the transaction and trust account records of the firm whenever there is a  
9 change of broker-in-charge at the firm or any office thereof and notifying the Commission if the  
10 trust account records are out of balance or have not been reconciled as required by Rule .0117 of  
11 this Subchapter;
- 12 (7) retaining and preserving the transaction and trust account records of the firm upon termination of  
13 his or her status as qualifying broker until a new qualifying broker has been designated with the  
14 Commission or, if no new qualifying broker is designated, for the period of time records are  
15 required to be retained by Rule .0108 of this Subchapter;
- 16 (8) notifying the Commission if, upon the termination of his or her status as qualifying broker, the  
17 firm's transaction and trust account records cannot be retained or preserved or if the trust account  
18 records are out of balance or have not been reconciled as required by Rule .0117 of this  
19 Subchapter; and
- 20 (9) notifying the Commission regarding any revenue suspension, revocation of Certificate of  
21 Authority, or administrative dissolution of the entity by the NC Secretary of State within 10 days of  
22 the suspension, revocation, or dissolution.

23 ~~(h)~~ Every licensed business entity and every entity applying for licensure shall conform to all the requirements  
24 imposed upon it by the North Carolina General Statutes for its continued existence and authority to do business in  
25 North Carolina. Failure to conform to such requirements shall be grounds for disciplinary action or denial of the  
26 entity's application for licensure.

27 (i) Upon receipt of notice from an entity or agency of this State that a licensed entity has ceased to exist or that its  
28 authority to engage in business in this State has been terminated by operation of law, the Commission shall cancel  
29 the license of the entity.

30  
31 *History Note:* Authority G.S. 55-11A-04; 93A-3(c); ~~93A-4(a); 93A-4(b); 93A-4(d); 93A-4;~~  
32 *Eff. February 1, 1976;*  
33 *Readopted Eff. September 30, 1977;*  
34 *Amended Eff. July 1, 2017; July 1, 2015; July 1, 2014; July 1, 2009; January 1, 2008; April 1,*  
35 *2006; July 1, 2005; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; January 1,*  
36 *1997; July 1, 1994; May 1, 1990.*

1 21 NCAC 58A .0503 is proposed for amendment as follows:

2  
3 **21 NCAC 58A .0503 LICENSE RENEWAL; RENEWAL PENALTY FOR OPERATING WHILE**  
4 **LICENSE EXPIRED**

5 (a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on ~~the 30th day of June~~  
6 30 following issuance. Any broker desiring renewal of his or her license shall ~~apply for renewal~~ renew on the  
7 Commission's website within 45 days prior to license expiration ~~by submitting an electronic renewal application on~~  
8 ~~the Commission's website at www.ncrec.gov and submitting with the electronic application the required~~ and shall  
9 submit a renewal fee of forty-five dollars (\$45.00). A broker who does not have the ability to renew online may  
10 renew by calling the Commission's office during normal business hours posted on the Commission's website.

11 ~~(b) During the renewal process, Every every~~ individual broker shall provide ~~on his or her renewal application~~ an  
12 email address to be used by the ~~Commission~~ Commission ~~to communicate with the broker~~. The email address may  
13 be designated by the broker as private in order to be exempt from public records disclosures pursuant to G.S. 93A-  
14 4(b2). A broker who does not have an email address ~~shall so state on the renewal application. A broker is not~~  
15 required to obtain an email address to comply with this Rule.

16 ~~(b) Any person desiring to renew his or her license on active status shall, upon the second renewal of such license~~  
17 ~~following initial licensure, and upon each subsequent renewal, have obtained all continuing education required by~~  
18 ~~G.S. 93A 4.1 and Rule .1702 of this Subchapter.~~

19 ~~(c) A person renewing a license on inactive status shall not be required to have obtained any continuing education in~~  
20 ~~order to renew such license; however, in order to change his or her license from inactive status to active status, the~~  
21 ~~broker must satisfy the continuing education requirement prescribed in Rule .1703 or .1711 of this Subchapter.~~

22 ~~(d) Any person or firm that engages in the business of a real estate broker while his, her, or its license is expired~~  
23 ~~shall be subject to the penalties prescribed in G.S. 93A 6.~~

24 (c) During the renewal process, every designated broker-in-charge shall disclose:

25 (1) each federally insured depository institution lawfully doing business in this State where the trust  
26 account(s) for the broker-in-charge or the entity for which the broker-in-charge is designated is held, if applicable;  
27 and

28 (2) any criminal conviction or occupational license disciplinary action that occurred within the  
29 previous year.

30  
31 *History Note:* Authority ~~G.S. 93A-3(c); 93A 4(b2); 93A 4(c); 93A 4(d); 93A-4; 93A-4.1; 93A 4.1(a); 93A-~~  
32 ~~4.1(c)(8); 93A-6;~~

33 *Eff. February 1, 1976;*

34 *Readopted Eff. September 30, 1977;*

35 *Amended Eff. July 1, 1994; February 1, 1991; February 1, 1989;*

36 *Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule*  
37 *becomes effective, whichever is sooner;*

1  
2

*Amended Eff. July 1, 2017; July 1, 2014; April 1, 2013; April 1, 2006; January 1, 2006; July 1, 2004; December 4, 2002; April 1, 1997; July 1, 1996; August 1, 1995.*

1 21 NCAC 58A .0505 is proposed for amendment as follows:

2  
3 **21 NCAC 58A .0505 REINSTATEMENT OF ~~EXPIRED LICENSE, REVOKED, SURRENDERED OR~~**  
4 **~~SUSPENDED~~ A LICENSE**

5 ~~(a) Licenses expired for not more than six months may be reinstated upon the submission of payment of a fifty five~~  
6 ~~dollar (\$55.00) reinstatement fee. In order to reinstate the license on active status, the person requesting~~  
7 ~~reinstatement shall have obtained the continuing education as is required by Rule .1703 of this Subchapter to change~~  
8 ~~an inactive license to active status. A person reinstating a license on inactive status is not required to have obtained~~  
9 ~~any continuing education in order to reinstate the license; however, in order to subsequently change his or her~~  
10 ~~reinstated license from inactive status to active status, the licensee must satisfy the continuing education requirement~~  
11 ~~prescribed in Rule .1703 of this Subchapter, and be supervised by a broker in charge in compliance with the~~  
12 ~~requirements of Rule .0506 of this Section.~~

13 ~~(b) Reinstatement of licenses expired for more than six months shall be considered upon the submission of a~~  
14 ~~complete and accurate application and payment of a fifty five dollar (\$55.00) reinstatement fee. Applicants must~~  
15 ~~satisfy the Commission that they possess the current knowledge, skills and competence, as well as the truthfulness,~~  
16 ~~honesty and integrity, necessary to function in the real estate business in a manner that protects and serves the public~~  
17 ~~interest. To demonstrate knowledge, skills and competence, the Commission may require the applicants to complete~~  
18 ~~real estate education or pass the license examination or both.~~

19 ~~(c) Reinstatement of a revoked license shall be considered upon the submission of a complete and accurate~~  
20 ~~application and payment of a thirty dollar (\$30.00) fee. Applicants must satisfy the same requirements as those~~  
21 ~~prescribed in Paragraph (b) of this Rule for reinstatement of licenses expired for more than six months.~~

22 ~~(d) Reinstatement of a license surrendered under the provisions of G.S. 93A-6(e) shall be considered upon~~  
23 ~~termination of the period of surrender specified in the order approving the surrender and upon the submission of a~~  
24 ~~complete and accurate application and payment of a thirty dollar (\$30.00) fee. Applicants must satisfy the same~~  
25 ~~requirements as those prescribed in Paragraph (b) of this Rule for reinstatement of licenses expired for more than six~~  
26 ~~months.~~

27 ~~(e) When a license is suspended by the Commission, the suspended license shall be restored at the end of the period~~  
28 ~~of active suspension provided that any applicable license renewal fees that accrued during the time of the suspension~~  
29 ~~are paid by the licensee within 60 days from the end of the period of license suspension. In order for the license to~~  
30 ~~be restored on active status, the licensee shall demonstrate that the licensee has satisfied the continuing education~~  
31 ~~requirement for license activation prescribed by Rule .1703 of this Subchapter and that the licensee is supervised by~~  
32 ~~a broker in charge in compliance with the requirements of Rule .0506 of this Section, if applicable. Failure to pay~~  
33 ~~the accrued license renewal fees within the time set forth in this Paragraph shall result in expiration of the license~~  
34 ~~effective the last day of the suspension period. A former licensee whose license expires under this Paragraph and~~  
35 ~~who thereafter seeks reinstatement must satisfy the same requirements as those prescribed in Paragraph (b) of this~~  
36 ~~Rule for reinstatement of licenses expired for more than six months.~~

1 ~~(f) Whenever a license is reinstated by the Commission following expiration for more than six months, revocation,~~  
2 ~~or voluntary surrender, the date of licensure for the licensee shall be the date of reinstatement and not the date of~~  
3 ~~original licensure.~~

4 (a) The fee for reinstatement of a license that has been expired, revoked, or suspended shall be an amount equal to  
5 two times the current renewal license fee pursuant to .0503 of this Section.

6 (b) The reinstatement application is a Commission prescribed form available on the Commission's website and  
7 shall set forth the applicant's:

8 (1) legal name;

9 (2) mailing, physical, and email address;

10 (3) telephone number;

11 (4) previous license number;

12 (5) Secretary of State identification number, if applicable;

13 (6) social security number and date of birth, if applicable;

14 (7) qualifying broker and broker-in-charge's legal name and license number, if applicable;

15 (8) certification; and

16 (9) signature.

17 (c) An individual seeking reinstatement of a license that has been expired or revoked for less than six months shall  
18 submit the reinstatement fee pursuant to Paragraph (a) of this Rule.

19 (d) An individual seeking reinstatement of a license that has been expired or revoked for six months but no more  
20 than two years shall:

21 (1) submit a complete reinstatement application pursuant to Paragraph (b) of this Rule;

22 (2) submit the reinstatement fee pursuant to Paragraph (a) of this Rule; and either

23 (A) complete one Postlicensing course within six months prior to submitting his or her  
24 reinstatement application;

25 (B) pass both the "National" and "State" sections of the current license examination within  
26 six months prior to submitting his or her reinstatement application; or

27 (C) pass only the "State" section of the current license examination within six months prior to  
28 submitting his or her reinstatement application if the individual possesses an active broker license in another state.

29 (e) An individual seeking reinstatement of a license that has been expired or revoked for two years or more shall file  
30 an original license application pursuant to G.S. § 93A-4 and Rules .0301 and .0302 of this Subchapter.

31 (f) A business entity seeking reinstatement of a license that has been expired or revoked:

32 (1) for less than six months shall submit the reinstatement fee pursuant to Paragraph (a) of this Rule.

33 (2) for six months but no more than two years shall:

34 (A) submit a complete reinstatement application pursuant to Paragraph (b) of this Rule; and

35 (B) submit the reinstatement fee pursuant to Paragraph (a) of this Rule.

36 (3) for two years or more shall file an original firm license application pursuant to G.S. § 93A-4 and  
37 Rules .0301, .0302, and .0502 of this Subchapter.

1 (g) An individual or business entity seeking reinstatement of a license that has been suspended shall submit the  
2 reinstatement fee pursuant to Paragraph (a) of this Rule.

3 (h) A license shall be reinstated with the same license number and status, either full or provisional, it held before  
4 expiration, revocation, or suspension and shall be effective as of the date of reinstatement, not the date of original  
5 licensure. An individual seeking reinstatement of a license on active status shall satisfy the requirements of Rule  
6 .1703 of this Subchapter.

7 (i) An individual or firm seeking restoration of a license surrendered pursuant to G.S § 93A-6(e) shall, after the  
8 period of surrender specified in the order accepting the surrender, file an original application pursuant to G.S.  
9 §93A-4 and either Rules .0301 and .0302 or Rule .0502 of this Subchapter, as applicable.

10  
11 *History Note: Authority G.S. 93A-3(c); ~~93A-4(e),(d)~~; 93A-4; 93A-4.1;*  
12 *Eff. February 1, 1976;*  
13 *Readopted Eff. September 30, 1977;*  
14 *Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule*  
15 *becomes effective, whichever is sooner;*  
16 *Amended Eff. July 1, 2017; January 1, 2012; July 1, 2009; January 1, 2008; April 1, 2004; July 1,*  
17 *2000; August 1, 1998; July 1, 1996; August 1, 1995; July 1, 1995.*



1 21 NCAC 58A .1905 is proposed for adoption as follows:

2  
3 **21 NCAC 58A .1905 WAIVER OF 90-HOUR POSTLICENSING EDUCATION REQUIREMENT**

4 (a) A provisional North Carolina real estate broker may apply for a waiver of one or more of the three 30-hour  
5 Postlicensing courses described in Rule A .1902 of this Section. For each course for which waiver is sought, the  
6 provisional broker shall submit evidence of one or more of the following:

7 (1) equivalent education obtained in another jurisdiction, which shall include the course(s):

8 (A) jurisdiction of delivery;

9 (B) title;

10 (C) credit hours earned;

11 (D) beginning and end dates; and

12 (E) detailed subject matter description.

13 (2) full-time experience as a licensed broker in another state for at least five of the seven years  
14 immediately prior to application for waiver, which shall include the applicant's:

15 (A) employer;

16 (B) title at employer;

17 (C) dates of employment;

18 (D) hours per week devoted to brokerage;

19 (E) approximate number of transactions;

20 (F) areas of practice;

21 (G) approximate percentage of time devoted to each area of practice;

22 (H) detailed description of applicant's role and duties;

23 (I) managing broker's name, telephone number, and email address; and

24 (J) official certification of licensure issued within the six months preceding application from  
25 a jurisdiction within a state, territory, or possession of the United States or Canada in which the applicant holds a  
26 current real estate license that has been active within the three years prior to application.

27 (3) full-time experience as a licensed North Carolina attorney practicing primarily in real estate  
28 matters for the two years immediately preceding application, which shall include the applicant's:

29 (A) firm or practice name;

30 (B) law license number;

31 (C) dates of employment;

32 (D) hours per week devoted to real estate law practice;

33 (E) approximate number of closings conducted;

34 (F) detailed description of practice; and

35 (G) manager or supervising attorney's name, telephone number, and email address.

36 (b) The Commission will not consider education or experience obtained in violation of any law or rule as fulfilling  
37 the requirements for waiver of the 90-hour postlicensing education requirement.

1

2 History Note: Authority G.S. 93A-4(a1);

3 Eff. July 1, 2017.



**NOTICE OF TEXT**  
[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing  
 Notice without a scheduled hearing  
 Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.  
Previous publication of text was published in Volume:            Issue:

<b>1. Rule-Making Agency:</b> NORTH CAROLINA REAL ESTATE COMMISSION
<b>2. Link to agency website pursuant to G.S. 150B-19.1(c):</b> WWW.NCREC.GOV
<b>3. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action:</b> <input checked="" type="checkbox"/> <b>ADOPTION:</b> 21 NCAC 58A .0512  <input type="checkbox"/> <b>READOPTION <u>with</u> substantive changes:</b>  <input type="checkbox"/> <b>READOPTION <u>without</u> substantive changes:</b>  <input checked="" type="checkbox"/> <b>AMENDMENT:</b> 21 NCAC 58A .0511  <input type="checkbox"/> <b>REPEAL:</b>
<b>4. Proposed effective date:</b> July 1, 2018
<b>5. Is a public hearing planned?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If yes: <b>Public Hearing date:</b> December 14, 2016 <b>Public Hearing time:</b> 9:00 a.m. <b>Public Hearing Location:</b> NC Real Estate Commission 1313 Navaho Drive Raleigh, NC 27609
<b>6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:</b>

**7. Explain Reason For Proposed Rule(s):**

21 NCAC 58A .0511 – Licensing of Persons Licensed in Another Jurisdiction  
The amendments are proposed to create a temporary practice permit for military spouses pursuant to N.C.G.S. § 93B-15.1.

21 NCAC 58A .0512 – Death or Incapacity of Sole Proprietor  
The adoption of a rule is proposed to create a succession plan if a broker were to become deceased or become incapacitated while serving as a broker-in-charge of a sole proprietorship.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

**9. The person to whom written comments may be submitted on the proposed rule(s):**

**Name:** Melissa A. Vuotto

**Address:**

P.O. Box 17100  
Raleigh, NC 27619-7100

**Phone (optional):** 919-875-3700

**Fax (optional):**

**E-Mail (optional):**

**10. Comment Period Ends:** January 17, 2017

**11. Fiscal impact (check all that apply).**

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected  
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

**12. Rule-making Coordinator:**

Melissa A. Vuotto

**Address:**

P.O. Box 17100  
Raleigh, NC 27619-7100

**Phone:** 919-875-3700 ext. 142

**E-Mail:** melissa@ncrec.gov

**Agency contact, if any:**

Robert A. Patchett

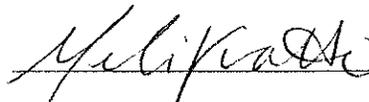
**Phone:** 919-875-3700 ext. 133

**E-mail:** rob@ncrec.gov

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** September 14, 2016

**14. Signature of Agency Head\* or Rule-making Coordinator:**



\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

**Typed Name:** Melissa A. Vuotto

**Title:** Rulemaking Coordinator

1 21 NCAC 58A .0511 is proposed for amendment as follows:

2  
3 **21 NCAC 58A .0511 LICENSING OF PERSONS LICENSED IN ANOTHER JURISDICTION**

4 ~~(a) Persons applying for a North Carolina broker license who hold a current real estate license that has been on~~  
5 ~~active status within the previous three years in another state of the United States, a United States territory or~~  
6 ~~possession or a Canadian jurisdiction shall meet the licensing requirements prescribed in G.S. 93A-4 except that~~  
7 ~~such persons shall be exempt from the "national" section of the North Carolina real estate license examination, but~~  
8 ~~shall pass the "state" section of that examination. A person qualifying for licensure under this provision shall be~~  
9 ~~issued a North Carolina broker license on a status comparable to the category of license held by the person in the~~  
10 ~~jurisdiction where the qualifying license is held.~~

11 (a) "Jurisdiction" shall mean a state, territory, or possession of the United States or Canada.

12 (b) An individual seeking a real estate license who, at the time of application, holds a current real estate license in  
13 another jurisdiction that has been on active status within the three years prior to application may request a waiver of  
14 the 75-hour education program required by G.S. § 93A-4(a) and the "National" section of the North Carolina real  
15 estate license examination, as defined in Rule .0402(b) of this Subchapter, by submitting an official certification of  
16 licensure issued within the six months preceding application to the Commission along with their application for  
17 licensure pursuant to Rule .0301 of this Subchapter.

18 ~~(b)(c) Brokers who were licensed in North Carolina by reciprocity shall be entitled to retain such license~~  
19 ~~indefinitely, unless suspended, revoked~~ ~~revoked~~, ~~or surrendered pursuant to G.S. 93A-6, so long as the license is~~  
20 ~~continuously renewed or is reinstated within six months of expiration pursuant to Rule .0505 of this Section. A~~  
21 ~~person who was previously licensed in North Carolina by reciprocity and who seeks reinstatement of that license~~  
22 ~~after the license has been expired for more than six months, suspended, revoked or surrendered shall satisfy the~~  
23 ~~requirements described in Rule .0505 of this Section.~~

24 (d) Military-trained applicants or military spouses applying for a North Carolina broker license may be issued a  
25 temporary practice permit if they satisfy all of the following:

26 (1) the military-trained applicant or military spouse shall be licensed, certified, or registered in  
27 another jurisdiction;

28 (2) the military-trained applicant or military spouse shall satisfy the requirements for licensure under  
29 G.S. § 93B-15.1 (a) or G.S. § 93B-15.1 (b);

30 (3) the jurisdiction where the military-trained applicant or military spouse holds licensure,  
31 certification, or registration has standards that are equivalent to that of G.S. § 93A-4; and

32 (4) the military-trained applicant or military spouse shall provide a copy of the official military orders  
33 or a written verification signed by the commanding officer of the military-trained spouse.

34 (d) The military-trained applicant or military spouse may engage in brokerage activity under the temporary practice  
35 permit until a license shall be granted or until a notice to deny a license shall be issued, whichever occurs sooner.

36 (e) A temporary practice permit shall automatically expire after 180 days from issuance. An applicant that is issued  
37 a temporary practice permit under this Subchapter shall remain a provisional broker for the duration of the permit.

1

2 *History Note:* Authority G.S. 93A-3(c); ~~93A-4(b),(c),(d)~~; 93A-4; 93A-4.1; 93A-9(a); 93B-15.1;

3 *Eff. January 1, 2012;*

4 *Amended Eff. July 1, 2018; April 1, 2013; February 1, 2012.*

1 21 NCAC 58A .0512 is proposed for adoption as follows:

2

3 **21 NCAC 58A .0512 DEATH OR INCAPACITY OF SOLE PROPRIETOR**

4 (a) If a licensed real estate broker engaged in business as a sole proprietor dies or becomes incapacitated, the  
5 Commission may issue a temporary license to the executor or administrator of the estate of the deceased sole  
6 proprietor broker or to the court-appointed fiduciary of the incapacitated sole proprietor broker.

7 (b) A temporary license shall be valid only for the purpose of distributing trust money held or paying commissions  
8 owed by the sole proprietor broker at the time of death or incapacity, but shall not otherwise entitle the holder to  
9 undertake any action for which a real estate license is required.

10 (c) The Commission shall issue the temporary license upon receipt of:

11 \_\_\_\_\_ (1) a written notification to the Commission of the date of the broker's death or disability; and

12 \_\_\_\_\_ (2) a certified copy of the court order appointing the executor, administer, or fiduciary.

13 (d) The temporary license shall be valid for one year from issuance.

14

15 *History Note: Authority G.S. 93A-2(c)(4);*

16 *Eff. July 1, 2018.*