

PROPOSED TEMPORARY RULEMAKING

The Real Estate Commission (“Commission”) hereby gives notice that it has submitted to the Office of Administrative Hearings - Rules Review Commission the proposed temporary rule adoption under consideration. No federal certifications or fiscal notes are required for any of these proposed changes.

A public hearing on the proposed temporary rule will be held at the Commission’s office on Wednesday, September 11, 2019, at 9:00 a.m. Members of the public may submit oral or written comments on the proposed rule during the comment period that will be open until September 23, 2019, by contacting the Commission’s Rulemaking Coordinator as follows:

Melissa A. Vuotto
Rulemaking Coordinator
North Carolina Real Estate Commission
P.O. Box 17100
Raleigh, NC 27619
(919) 875-3700 (telephone)
(919) 981-5023 (facsimile)
public.comment@nrec.gov

1 21 NCAC 58A .0305 is proposed for adoption under temporary procedures as follows:

2
3 **21 NCAC 58A .0305 PETITION FOR PREDETERMINATION**

4 (a) An individual who wishes to file a petition for a predetermination of whether the individual's criminal history will
5 likely disqualify the individual from obtaining a real estate license shall submit a petition on the Commission's
6 website.

7 (b) The petition shall include the petitioner's:

8 (1) legal name;

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

10 (3) social security number;

11 (4) date of birth;

12 (5) telephone number;

13 (6) places of residence for the past seven years;

14 (7) employment history since the date the crime was committed;

15 (8) criminal record report prepared no more than 60 days prior to the date of petition;

16 (9) written statement describing the circumstances surrounding the commission of the crime(s);

17 (10) written statement of any rehabilitation efforts, if applicable;

18 (11) rehabilitative drug or alcohol treatments, if applicable;

19 (12) Certificate of Relief granted pursuant to G.S. 15A-173.2, if applicable;

20 (13) affidavits or other written documents, including character references, that the petitioner intends to
21 submit for review;

22 (14) certification; and

23 (15) signature.

24 (c) The fee for a petition for predetermination shall be forty-five dollars (\$45.00).

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26 History Note: Authority G.S. 93A-4; 93B-8.1;

27 Temporary Adoption Eff.



**PROPOSED TEMPORARY RULE FOR
PUBLICATION ON THE OAH WEBSITE**

OFFICE USE ONLY

Published on the OAH
website:

CHECK APPROPRIATE BOX:

- Proposed Temporary Rule [G.S. 150B-21.1(a3)]
 Proposed Temporary Rule simultaneously adopted as an emergency rule [G.S. 150B-21.1A(a)]

1. Rule-Making Agency:

2. Proposed Action -- Mark the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION:

 AMENDMENT:

 REPEAL:

3. Public Hearing:

Date:
Time:
Location:

4. Reason for agency adopting rule(s) under temporary action:

- A serious and unforeseen threat to the public health, safety or welfare.
 The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
 A recent change in federal or state budgetary policy.
Effective date of change:
 A recent federal regulation.
Cite:
Effective date:
 A recent court order.
Cite order:
 Other:

Explain:

5. Comments from the public shall be directed to: Name: Address: Phone (optional): Fax (optional): E-Mail (optional):	
6. Comment Period Starts:	Comment Period Ends:
7. Rule-making Coordinator: Address: Phone: E-Mail: Agency contact, if any: Phone: E-mail:	8. The Agency formally proposed the text of this rule(s) on Date:
	9. Signature of Agency* Head or Rule-making Coordinator: <hr/> *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: Title: