

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .0113

**DEADLINE FOR RECEIPT: May 12, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*How is “a notarial commission sanction” (lines 14 and 26) different from a “disciplinary action” (lines 11 and 26)?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58A .0113 is amended with changes as published in 37:16 NCR 1107 as follows:

2  
3 **21 NCAC 58A .0113 REPORTING CRIMINAL CONVICTIONS AND DISCIPLINARY ACTIONS**

4 ~~(a) Any broker who is convicted of any felony or misdemeanor, or who is disciplined by or enters into a conciliation~~  
5 ~~agreement or consent order with any governmental agency in connection with any occupational license, or whose~~  
6 ~~notarial commission is restricted, suspended, or revoked, shall file with the Commission a Criminal Conviction~~  
7 ~~Disciplinary Action Reporting Form of such conviction or action within 60 days of the final judgment, order, or~~  
8 ~~disposition in the case. A broker shall file with the Commission a Criminal Conviction Disciplinary Action Reporting~~  
9 ~~Form within 60 days of:~~

10 (1) a final judgment, order, or disposition of any felony or misdemeanor conviction;

11 (2) a disciplinary action or entering into a conciliation agreement or consent order with a governmental  
12 agency or occupational licensing agency;

13 (3) a final judgment, order, or disposition of a military court-martial conviction; or

14 (4) a notarial commission sanction pursuant to G.S. 10B-60.

15 (b) The Criminal Conviction Disciplinary Action Reporting Form is available on the Commission's website at  
16 www.ncrec.gov or upon request to the Commission. In the Form, the broker Commission and shall set forth the  
17 broker's:

18 (1) full legal name;

19 (2) physical and mailing address;

20 (3) real estate license number;

21 (4) telephone number;

22 (5) email address;

23 (6) social security number;

24 (7) date of birth; and

25 (8) description of the criminal conviction and disciplinary conviction, military court-martial conviction,  
26 notarial commission sanction, or professional license disciplinary action, including the jurisdiction  
27 and file number.

28  
29 *History Note: Authority G.S. 93A-3(c); 93A-6(a); 93A-6(a)(10); 93A-6(b)(2);*

30 *Eff. August 1, 1996;*

31 *Amended Eff. July 1, 2016; July 1, 2009; January 1, 2008; April 1, 2006; July 1, 2003; July 1, 2000;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

33 *May 1, 2018;*

34 *Amended Eff. July 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .0301

**DEADLINE FOR RECEIPT: May 12, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 28, you are missing a word. Consider, "In addition to the application required by Paragraph(a)"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

21 NCAC 58A .0301 is amended with changes as published in 37:16 NCAC 1108 as follows:

**SECTION .0300 – APPLICATION FOR LICENSE**

**21 NCAC 58A .0301      FORM LICENSE APPLICATION**

~~An individual or business entity who wishes to file an application for a broker license shall make application on a form prescribed by the Commission and may obtain the required form upon request to the Commission. The application form for an individual calls for the applicant's name and address, the applicant's social security number, proof of the applicant's identity, places of residence, education, prior real estate licenses, and other information necessary to identify the applicant and determine the applicant's qualifications and fitness for licensure. The application form for a business entity is described in Rule .0502 of this Section.~~

(a) An individual seeking licensure as a real estate broker shall submit a license application that is available on the Commission's website and shall include the applicant's:

- (1) legal name;
- (2) mailing, physical, and email address;
- (3) telephone number;
- (4) social security number and date of birth;
- (5) qualification for license application;
- (6) real estate license history;
- (7) places of residence for the past seven years;
- (8) employment history for the past three years;
- (9) criminal offenses, military courts-martial convictions, professional license disciplinary actions, including the jurisdiction, file number, and explanation of each offense;
- (10) liens or unpaid judgments;
- (11) certification the applicant has read the Real Estate Licensing in North Carolina brochure that is available on the Commission's website; and
- (12) declaration and signature.

(b) In addition to Paragraph (a) of this Rule, the applicant shall submit:

- (1) the license application fee pursuant to Rule .0302 of this Section; and
- (2) a criminal records report from a [designated] Commission-designated criminal reporting service obtained within six months prior to application submission.

*History Note: Authority G.S. 93A-3(c); 93A-4(a),(b),(d);-93A-4;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. April 1, 2006; July 1, 2000; February 1, 1991; February 1, 1989; August 1, 1988;  
December 1, 1985;*

1  
2  
3  
4

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~  
May 1, 2018;  
Amended Eff. July 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .0505

**DEADLINE FOR RECEIPT: May 12, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On lines 21 and 22, what is the difference between a “notarial commission sanction” and a “disciplinary action”? See comment on 21 NCAC 58A .0113.*

*G.S. 93A-4.1 was repealed in 2020, so this should not be in your history note. Does this change the board’s authority regarding this rule?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58A .0505 is amended with changes as published in 37:16 NCAC 1108 as follows:

2  
3 **21 NCAC 58A .0505 REINSTATEMENT OF A LICENSE**

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

6 (b) The reinstatement application form is available on the Commission's website and shall include the applicant's:

- 7 (1) legal name;
- 8 (2) mailing, physical, and email address;
- 9 (3) telephone number;
- 10 (4) previous license number;
- 11 (5) Secretary of State identification number, if applicable;
- 12 (6) social security number and date of birth, if applicable;
- 13 (7) qualifying broker and broker-in-charge's legal name and license number, if applicable;
- 14 (8) criminal record report from a designated criminal reporting service obtained prepared within six  
15 months ~~of prior to~~ application;
- 16 (9) certification; and
- 17 (10) signature.

18 (c) An individual seeking reinstatement of a license that has been expired for less than six months shall:

- 19 (1) submit the reinstatement fee pursuant to Paragraph (a) of this Rule;
- 20 (2) disclose any criminal ~~conviction or conviction~~, court-martial conviction, notarial commission  
21 sanction, or disciplinary action pursuant to Rule .0113 of this Section, including any conviction or  
22 disciplinary action incurred while the individual's license was expired; and
- 23 (3) satisfy the license activation requirements of Rule .1703 of this Subchapter, if applicable.

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

- 26 (1) submit a complete reinstatement application pursuant to Paragraph (b) of this Rule;
- 27 (2) submit the reinstatement fee pursuant to Paragraph (a) of this Rule; and
- 28 (3) pass:
  - 29 (A) one Postlicensing course within six months prior to submitting ~~his or her a~~ reinstatement  
30 application;
  - 31 (B) the "National" and "State" sections of the current license examination within 180 days after  
32 submitting ~~his or her a~~ reinstatement application; or
  - 33 (C) the "State" section of the current license examination within 180 days after submitting ~~his~~  
34 ~~or her a~~ reinstatement application if the individual possesses an active broker license in  
35 another state.

1 (e) An individual seeking reinstatement of a license that has been expired, revoked, or surrendered for more than two  
2 years shall submit ~~an original a~~ license application and application fee pursuant to G.S. 93A-4 and ~~Rules .0301 and~~  
3 ~~.0302~~ Rules .0301, .0302, and .0511 of this Subchapter.

4 (f) A reinstated license ~~shall be reinstated with the same license number and status, either full or provisional, it held~~  
5 ~~before expiration, revocation, or surrender if reinstated within three years from the expiration, revocation, or surrender~~  
6 ~~and~~ shall be effective as of the date of reinstatement, not the date of ~~original~~ initial licensure. If a license is reinstated  
7 after three years from the expiration, revocation, or surrender, the license shall be on provisional broker status pursuant  
8 to G.S. 93A-4(a1).

9 (g) A business entity seeking reinstatement of a license shall submit:

10 (1) the reinstatement fee pursuant to Paragraph (a) of this Rule if the license has been expired for less  
11 than six months;

12 (2) the reinstatement fee and a complete reinstatement application pursuant to Paragraphs (a) and (b) of  
13 this Rule if the license has been expired for six months but no more than two years or revoked or  
14 surrendered for no more than two years; or

15 (3) ~~an original a~~ firm license application pursuant to G.S. 93A-4 and Rules .0301, .0302, and .0502 of  
16 this Subchapter if the license has been expired, revoked, or surrendered for more than two years.

17 (h) A broker seeking reinstatement of a license shall satisfy to the Commission that ~~he or she~~ the broker possesses the  
18 character requisites pursuant to G.S. 93A-4(b).

19  
20 *History Note: Authority G.S. 93A-3(c); 93A-4; 93A-4.1;*  
21 *Eff. February 1, 1976;*  
22 *Readopted Eff. September 30, 1977;*  
23 *Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule*  
24 *becomes effective, whichever is sooner;*  
25 *Amended Eff. July 1, 2017; January 1, 2012; July 1, 2009; January 1, 2008; April 1, 2004; July 1,*  
26 *2000; August 1, 1998; July 1, 1996; August 1, 1995; July 1, 1995;*  
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*  
28 *Amended Eff. July 1, 2023; July 1, 2018.*

29  
30



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1705

**DEADLINE FOR RECEIPT: May 12, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*G.S. 93A-4.1 was repealed in 2020, so this should not be in your history note. How does this change the board's authority regarding this rule?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58A .1705 is amended as published in 37:16 NCR 1109 as follows:

2

3 **21 NCAC 58A .1705 ATTENDANCE AND PARTICIPATION REQUIREMENTS**

4 (a) In order to receive credit for completing an approved continuing education course, a broker shall:

5 (1) attend at least 90 percent of the scheduled instructional hours for the course;

6 (2) provide ~~his or her~~ the broker's legal name and license number to the ~~course sponsor~~; education  
7 provider;

8 (3) present ~~his or her~~ the broker's pocket card or photo identification card, if necessary; and

9 (4) personally perform all work required to complete the course.

10 (b) With the instructor or the ~~sponsor's~~ education provider's permission, a 10 percent absence allowance may be  
11 permitted at any time during the course, except that it may not be used to skip the last 10 percent of the course unless  
12 the absence is:

13 (1) approved by the instructor; and

14 (2) for circumstances beyond the broker's control that could not have been reasonably foreseen by the  
15 broker, such as:

16 (A) an illness;

17 (B) a family emergency; or

18 (C) acts of God.

19

20 *History Note: Authority G.S. 93A-3(c); 93A-4.1;*

21 *Eff. July 1, 1994;*

22 *Amended Eff. July 1, 2017; July 1, 2010;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*

24 *Amended Eff. July 1, 2023; January 1, 2020.*

25

26

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1708

**DEADLINE FOR RECEIPT: May 12, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On page 2, line 20, consider adding a time zone, i.e. "5:00 p.m. **Eastern Time** on".*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58A .1708 is amended as published in 37:16 NCR 1109 as follows:

2  
3 **21 NCAC 58A .1708 EQUIVALENT CREDIT**

4 (a) The Commission shall award ~~a broker~~ an approved instructor continuing education credit for teaching a  
5 Commission Update Course. ~~A broker~~ An approved instructor seeking continuing education credit for teaching a  
6 Commission Update Course shall submit a form, available on the Commission's website, that requires the ~~broker~~  
7 approved instructor to set forth the:

- 8 (1) ~~broker's~~ approved instructor's name, license number, instructor number, address, telephone number,  
9 and email address;
- 10 (2) Update Course number;
- 11 (3) education provider's name and number;
- 12 (4) education provider's address; and
- 13 (5) date the course was taught.

14 (b) The Commission shall award a broker continuing education elective credit ~~for teaching a Commission approved~~  
15 ~~continuing education elective for the first time any given continuing education elective is taught.~~ the first time an  
16 approved continuing education elective course is taught by the broker. A broker seeking continuing education credit  
17 under this Paragraph shall submit a form, available on the Commission's website, that requires the broker to set forth  
18 the:

- 19 (1) broker's name, license number, address, telephone number, and email address;
- 20 (2) course title;
- 21 (3) course number;
- 22 (4) education provider's name and number;
- 23 (5) education provider's address; and
- 24 (6) date the course was taught.

25 ~~(c) The Commission may award continuing education elective credit for completion of an unapproved course that the~~  
26 ~~Commission finds equivalent to the elective course component of the continuing education requirement set forth in~~  
27 ~~21 NCAC 58H .0402. The broker shall submit a course completion certificate issued by the education provider, a copy~~  
28 ~~of the course description or course outline, and a fifty dollar (\$50.00) fee for each course for which the broker seeks~~  
29 ~~credit. A broker seeking continuing education credit for a course that is not approved by the Commission shall submit~~  
30 ~~a form, available on the Commission's website, that requires the broker to set forth the:~~

- 31 ~~(1) broker's name, license number, address, telephone number, and email address;~~
- 32 ~~(2) course title;~~
- 33 ~~(3) number of instructional hours;~~
- 34 ~~(4) course instructor's name; and~~
- 35 ~~(5) education provider's name, address, telephone number, and email address.~~

36 ~~(d)~~(c) The Commission may award continuing education elective credit for developing a continuing education elective  
37 course the first time that it is approved by the Commission pursuant to 21 NCAC 58H .0401. However, a broker shall

1 only receive credit for the year in which the continuing education elective course is approved. A broker seeking  
2 continuing education credit under this Paragraph shall submit a form, available on the Commission's website, that  
3 requires the broker to set forth the broker's name, license number, address, telephone number, and email address.  
4 Along with the form, the broker shall submit the course title, the course number, the date of the course approval, and  
5 a fifty dollar (\$50.00) fee for each course for which the broker seeks credit.

6 ~~(e) The Commission may award continuing education elective credit for authoring a real estate textbook. However, a  
7 broker shall receive credit for any single textbook only once. A broker seeking continuing education credit under this  
8 Paragraph shall submit a form, available on the Commission's website, that requires the broker to set forth the broker's  
9 name, license number, address, telephone number, and email address. Along with the form, the broker shall submit  
10 the title page of the textbook, showing the title, publisher, and publication date, the table of contents, and a fifty dollar  
11 (\$50.00) fee for each textbook for which the licensee seeks credit.~~

12 ~~(f) The Commission may award continuing education elective credit for authoring of a scholarly article on a real  
13 estate topic published in a professional journal or periodical. A broker shall receive credit for any single article only  
14 once. A broker seeking continuing education credit under this Paragraph shall submit a form, available on the  
15 Commission's website, that requires the broker to set forth the broker's name, license number, address, telephone  
16 number, and email address. Along with the form, the broker shall submit a copy of the article, proof of publication,  
17 and a fifty dollar (\$50.00) fee for each article for which the broker seeks credit.~~

18 ~~(g)~~(d) In order for any application for equivalent credit to be considered and credits applied to the current licensing  
19 period, a complete application, the appropriate fee, and all supporting documents shall be received by the Commission  
20 no later than 5:00 p.m. on June 17.

21 ~~(h) Any equivalent continuing education credit awarded under this Rule shall be applied first to make up any  
22 continuing education deficiency for the previous license period and then to satisfy the continuing education  
23 requirement for the current license period; however, credit for an unapproved course or educational activity, other  
24 than teaching an approved elective course, that was completed during a previous license period shall not be applied to  
25 a subsequent license period.~~

26  
27 *History Note: Authority G.S. 93A-3(c); 93A-38.5;*

28 *Eff. July 1, 1994;*

29 *Amended Eff. July 1, 2017; April 1, 2006; July 1, 2001; July 1, 2000; March 1, 1996; July 1, 1995;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*

31 *Amended Eff. July 1, 2023; July 1, 2020.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1711

**DEADLINE FOR RECEIPT: May 12, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*No changes.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58A .1711 is repealed as published in 37:16 NCR 1106 as follows:

2

3 **21 NCAC 58A .1711 CONTINUING EDUCATION REQUIRED OF NONRESIDENT BROKERS**

4

5 *History Note: Authority G.S. 93A-3(c); 93A-38.5;*

6 *Eff. July 1, 1994;*

7 *Amended Eff. July 1, 2017; July 1, 2015; January 1, 2008; April 1, 2006; October 1, 2000; March*  
8 *1, 1996; July 1, 1995;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*

10 *Amended Eff. July 1, 2020; ~~July 1, 2018.~~ July 1, 2018.*

11 *Repealed Eff. July 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58B .0202

**DEADLINE FOR RECEIPT: May 12, 2023**

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In reviewing this Rule, the staff recommends the following changes be made:

*No changes.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023



1 21 NCAC 58B .0202 is amended as published in 37:16 NCR 1110 as follows:

2

3 **21 NCAC 58B .0202 PUBLIC OFFERING STATEMENT SUMMARY**

4 In addition to the requirements in G.S. 93A-44, a public offering statement shall contain a page prescribed by the  
5 Commission and completed by the developer entitled Public Offering Statement Summary in conspicuous type. The  
6 Public Offering Statement Summary shall read as follows:

7

8 **PUBLIC OFFERING STATEMENT SUMMARY**

9

10 **NAME OF PROJECT:**

11

12 **NAME AND REAL ESTATE LICENSE NUMBER OF BROKER (IF ANY):**

13

14 Please study this Public Offering Statement carefully. Satisfy yourself that any questions you may have are answered  
15 before you decide to purchase. If a salesperson or other representative of the developer has made a representation  
16 which concerns you, and you cannot find that representation in writing, ask that it be pointed out to you.

17

18 **NOTICE**

19

20 **UNDER NORTH CAROLINA LAW, YOU MAY CANCEL YOUR TIMESHARE PURCHASE WITHOUT**  
21 **PENALTY WITHIN FIVE DAYS AFTER SIGNING YOUR CONTRACT. TO CANCEL YOUR**  
22 **TIMESHARE PURCHASE, YOU MUST ~~MAIL OR MAIL, ELECTRONICALLY MAIL, OR HAND~~**  
23 **DELIVER WRITTEN NOTICE OF YOUR DESIRE TO CANCEL YOUR PURCHASE TO (name and**  
24 **address of project). IF YOU CHOOSE TO MAIL YOUR CANCELLATION NOTICE, THE NORTH**  
25 **CAROLINA REAL ESTATE COMMISSION RECOMMENDS THAT YOU USE REGISTERED OR**  
26 **CERTIFIED MAIL AND THAT YOU RETAIN YOUR POSTAL RECEIPT AS PROOF OF THE DATE**  
27 **YOUR NOTICE WAS MAILED. UPON CANCELLATION, ALL PAYMENTS WILL BE REFUNDED TO**  
28 **YOU.**

29

30 *History Note: Authority G.S. 93A-44; 93A-51;*  
31 *Eff. March 1, 1984;*  
32 *Amended Eff. April 1, 2006; October 1, 2000; February 1, 1989; April 1, 1987;*  
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*  
34 *Amended Eff. July 1, 2023; July 1, 2022.*

35

36

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58H .0202

**DEADLINE FOR RECEIPT: May 12, 2023**

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In reviewing this Rule, the staff recommends the following changes be made:

*On p. 2, line 7, I'm not sure "shall be prohibited from filing an application" is consistent with your authority. As written, the filing of the application would be a new violation of the rule. Do you mean that the agency would "deny issuance" of a license in these circumstances under G.S. 93A-38?*

*How will the agency determine whether someone has "an ownership interest of 10 percent or greater"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel

Date submitted to agency: May 1, 2023

1 21 NCAC 58H .0202 is amended as published in 37:16 NCR 1111 as follows:

2  
3 **21 NCAC 58H .0202 APPLICATION FOR EDUCATION PROVIDER CERTIFICATION**

4 (a) Any community college, junior college, or university located in this State and accredited by the Southern  
5 Association of Colleges and Schools seeking education provider certification shall apply to the Commission on a form  
6 available on the Commission's website and shall set forth the:

- 7 (1) education provider's name;
- 8 (2) education director's name and contact information;
- 9 (3) education director's email address;
- 10 (4) education provider's address;
- 11 (5) education provider's telephone number;
- 12 (6) education provider's website address;
- 13 (7) type of public institution;
- 14 (8) Prelicensing, Postlicensing, and Continuing Education courses to be offered by the applicant; and
- 15 (9) a signed certification by the education director that courses shall be conducted in compliance with  
16 the rules of this Subchapter.

17 (b) Any other person or entity seeking education provider certification shall apply to the Commission on a form  
18 available on the Commission's website and shall set forth the following criteria in addition to the requirements in G.S.  
19 93A-34(b1):

- 20 (1) the website, physical and mailing address, and telephone number of the principal office of the  
21 education provider;
- 22 (2) the education director's license number, if applicable, email and mailing address, and telephone  
23 number;
- 24 (3) the North Carolina Secretary of State Identification Number, if applicable;
- 25 (4) the physical address of each proposed branch location, if applicable;
- 26 (5) the type of ownership entity;
- 27 (6) a signed Consent to Service of Process and Pleadings form available on the Commission's website,  
28 if a foreign entity;
- 29 (7) the Prelicensing, Postlicensing, and Continuing Education courses to be offered by the applicant;  
30 and
- 31 (8) a signed certification by the education director that courses shall be conducted in compliance with  
32 the rules of this Subchapter.

33 (c) The certification application fee for an education provider applying under Paragraph (b) of this Rule shall be two  
34 hundred dollars (\$200.00) for each proposed education provider location. Provided however, education providers shall  
35 not be required to obtain a certification for every location a Continuing Education course is offered.

36 (d) If any education provider relocates any location or opens additional branch locations during any licensing period,  
37 the education director shall submit an original application for certification of that location pursuant to this Rule.

1 (e) In the event that any education provider advertises or operates in any manner using a name different from the  
2 name under which the education provider is certified, the education provider shall first file an assumed name certificate  
3 in compliance with G.S. 66-71.4 and shall notify the Commission in writing of the use of such an assumed name. An  
4 education provider shall not advertise or operate in any manner that would mislead a consumer as to the education  
5 provider's actual identity.

6 (f) An individual or entity with an ownership interest of 10 percent or greater in a certified education provider that  
7 has been limited, denied, withdrawn, or terminated pursuant to Rule .0210 of this Section shall be prohibited from  
8 filing an application pursuant to this Rule for one year from the effective date of the limitation, denial, withdrawal, or  
9 termination.

10

11 *History Note: Authority G.S. 93A-4; 93A-34; 93A-35;*

12 *Eff. July 1, 2017;*

13 *Amended Eff. July 1, 2023; July 1, 2020.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58H .0216

**DEADLINE FOR RECEIPT: May 12, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*What happens when a written petition is submitted? Does another rule establish how the decision can be revisited?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58H .0216 is adopted as published in 37:16 NCR 1111 as follows:

2

3 **21 NCAC 58H .0216 LIMITED EDUCATION PROVIDER PETITION FOR RECONSIDERATION**

4 (a) An education provider may submit a written petition to reconsider the determination made pursuant to Rule  
5 .0210(c) of this Section. The petition shall be accompanied by any documentary evidence that contradicts the  
6 Commission’s determination pursuant to Rule .0210(c) of this Section.

7 (b) The petition pursuant to Paragraph (a) of this Rule shall be submitted to the Commission within 60 days from the  
8 date of receipt of notification of the certification limitation or the Commission’s determination shall be final.

9

10 *History Note: Authority G.S. 93A-3(c); 93A-4(d); 93A-38;*

11 *Eff. July 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58H .0302

**DEADLINE FOR RECEIPT: May 12, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*No changes.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58H .0302 is amended as published in 37:16 NCR 1111 as follows:

2  
3 **21 NCAC 58H .0302 APPLICATION AND CRITERIA FOR INSTRUCTOR APPROVAL**

4 (a) An individual seeking original instructor approval shall submit an application on a form available on the  
5 Commission's website that shall require the instructor applicant to indicate the course(s) for which ~~he or she is seeking~~  
6 approval is being sought and set forth the instructor applicant's:

- 7 (1) legal name, address, email address, and telephone number;
- 8 (2) real estate license number and instructor number, if any, assigned by Commission;
- 9 (3) criminal and occupational licensing history, including any disciplinary actions;
- 10 (4) education background, including specific real estate education;
- 11 (5) experience in the real estate business;
- 12 (6) real estate teaching experience, if any;
- 13 (7) ~~a~~-signed Consent to Service of Process and Pleadings for nonresident applicants; and
- 14 (8) signature.

15 (b) An instructor applicant shall demonstrate that ~~he or she~~ the instructor applicant possesses good reputation and  
16 character pursuant to G.S. 93A-34(c)(9) and has:

- 17 (1) a North Carolina real estate broker license that is not on provisional status;
- 18 (2) completed continuing education sufficient to activate a license under 21 NCAC 58A .1703;
- 19 (3) completed 60 semester hours of college-level education at an institution accredited by any college  
20 accrediting body recognized by the U.S. Department of Education;
- 21 (4) completed the New Instructor Seminar within the previous six months; and
- 22 (5) within the previous seven years has either:
  - 23 (A) two years full-time experience in real estate brokerage with at least one year in North  
24 Carolina;
  - 25 (B) three years of instructor experience at a secondary or post-secondary level;
  - 26 (C) real estate Prelicensing or Postlicensing instructor approval in another jurisdiction; or
  - 27 (D) qualifications found to be equivalent by the Commission, including a current North  
28 Carolina law license and three years' full time experience in commercial or residential real  
29 estate transactions or representation of real estate brokers or firms.

30 (c) In order to complete the New Instructor Seminar, a broker shall:

- 31 (1) attend at least ninety percent of all scheduled hours; and
- 32 (2) demonstrate the ability to teach a 15-minute block of a single Prelicensing topic in a manner  
33 consistent with the course materials.

34 (d) Prior to teaching any Update course, an approved instructor shall take the Commission's annual Update Instructor  
35 Seminar for the current license ~~period.~~ period and attend at least 90 percent of all scheduled hours. The Update  
36 Instructor Seminar shall not be used to meet the requirement in Rule .0306(b)(4) of this Section.



1 *History Note:* *Authority G.S. 93A-3(f); 93A-4; 93A-10; 93A-33; 93A-34;*  
2 *Eff. July 1, 2017;*  
3 *Amended Eff. July 1, 2023; July 1, 2020; July 1, 2019.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58H .0307

**DEADLINE FOR RECEIPT: May 12, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*What happens when a written petition is submitted? Does another rule establish how the decision can be revisited?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: May 1, 2023

1 21 NCAC 58H .0307 is adopted as published in 37:16 NCR 1112 as follows:

2

3 **21 NCAC 58H .0307 LIMITED INSTRUCTOR PETITION FOR RECONSIDERATION**

4 (a) An instructor may submit a written petition to reconsider the determination made pursuant to Rule .0303(b) of this  
5 Section. The petition shall be accompanied by any documentary evidence that contradicts the Commission's  
6 determination pursuant to Rule .0303(b) of this Section.

7 (b) The petition pursuant to Paragraph (a) of this Rule shall be submitted to the Commission within 60 days from the  
8 date of receipt of notification of the approval limitation or the Commission's determination shall be final.

9

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

11 *Eff. July 1, 2023.*