

1 21 NCAC 58A .1709 is amended with changes as published in 28:15 NCR 1744 as follows:

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3 **21 NCAC 58A .1709 EXTENSIONS OF TIME TO COMPLETE CONTINUING EDUCATION**

4 (a) A licensee broker on active status may request and be granted an extension of time to satisfy the continuing
5 education requirement for a particular license period if the licensee broker provides evidence satisfactory to the
6 Commission that he or she was unable to obtain the necessary education due to an incapacitating illness, military
7 deployment, or other circumstance which that existed for a substantial portion of the license period and which that
8 constituted a severe and verifiable hardship evidenced by supporting documentation, such as a written physician's
9 statement, deployment orders, or other corroborative evidence, such that to comply compliance with the continuing
10 education requirement would have been impossible or unreasonably burdensome.

11 (b) The Commission shall in no case not grant an extension of time to satisfy the continuing education requirement for
12 reasons of business or personal conflicts.

13 (c) The Commission also shall not grant such an extension of time when when, in the opinion of the Commission, the
14 principal reason for the licensee's broker's inability to obtain the required education in a timely manner was
15 unreasonable delay on the part of the licensee broker in obtaining such education.

16 (d) If an extension of time is granted, the licensee broker shall be permitted to renew his or her license on active status
17 but the license shall be automatically changed to inactive status at the end of the extension period unless the licensee
18 broker satisfies the continuing education requirement prior to that time.

19 (e) If an extension of time is not granted, the licensee broker may either satisfy the continuing education requirement
20 prior to expiration of the license period or renew his or her license on inactive status.

21 (f) The length of any extension of time granted and the determination of the specific courses which shall be accepted by
22 the Commission as equivalent to the continuing education the licensee [broker] would have been required to have
23 completed had the licensee [broker] not been granted the extension is wholly discretionary on the part of the
24 Commission. In no event shall an extension of time be granted that extends the continuing education deadline beyond
25 June 10 of the license year following the license year in which the request is made.

26 (g) The licensee's broker's request for an extension of time must shall be submitted on a form prescribed by the
27 Commission. Commission and must be received by the Commission on or before June 10 of the license year for which
28 the extension is sought. The form for requesting an extension of time to satisfy the continuing education requirement
29 shall include the broker's name, mailing address, license number, telephone number, email address, and a description of
30 the incapacitating illness or other circumstance upon which the request for extension of time is based. The form can be
31 obtained on the Commission's website at www.ncrec.gov, or upon request to the Commission.

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

34 *Eff. July 1, 1994;*

35 *Amended Eff. August 1, 2014; [July 1, 2014;] October 1, 2000.*



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June 19, 2014

Curtis E. Aldendifer
North Carolina Real Estate Commission
Sent via email to Curtis@ncrec.gov

Re: Objection to Rule 21 NCAC 58A .1709

Dear Mr. Aldendifer:

At its meeting yesterday, the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to the Rule, finding it was ambiguous. Specifically, in the language on lines 17 through 20 of the Rule, it states that the length of any extension granted and the requirements for education would be "wholly discretionary" on the behalf of the agency. The language gives no guidance to the regulated public regarding the possible lengths of time or requirements.

Further, the Commission determined the language stating that the decisions will be made outside of rulemaking is beyond the statutory authority of the agency.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

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6 he or she was unable to obtain the necessary education due to an incapacitating illness or other circumstance which
7 existed for a substantial portion of the license period and which constituted a severe and verifiable hardship such that to
8 comply with the continuing education requirement would have been impossible or unreasonably burdensome. The
9 Commission shall in no case grant an extension of time to satisfy the continuing education requirement for reasons of
10 business or personal conflicts. The Commission also shall not grant such an extension of time when, in the opinion of
11 the Commission, the principal reason for the licensee's broker's inability to obtain the required education in a timely
12 manner was unreasonable delay on the part of the licensee broker in obtaining such education. If an extension of time is
13 granted, the licensee broker shall be permitted to renew his or her license on active status but the license shall be
14 automatically changed to inactive status at the end of the extension period unless the licensee broker satisfies the
15 continuing education requirement prior to that time. If an extension of time is not granted, the licensee broker may either
16 satisfy the continuing education requirement prior to expiration of the license period or renew his or her license on
17 inactive status. The length of any extension of time granted and the determination of the specific courses which shall be
18 accepted by the Commission as equivalent to the continuing education the licensee broker would have been required to
19 have completed had the licensee broker not been granted the extension is wholly discretionary on the part of the
20 Commission. The licensee's broker's request for an extension of time ~~must~~ shall be submitted on a form prescribed by
21 the ~~Commission.~~ Commission and must be received by the Commission on or before June 10 of the license year for
22 which the extension is sought.

23
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