Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting - Request for Technical Changes
Attachments: 21 NCAC 58A .1807.docx; 21 NCAC 58A .1808.docx; 21 NCAC 58A .1809.docx; 21 NCAC 58A .1810.docx; 21 NCAC 58A .1811.docx; 21 NCAC 58A .1801.docx; 21 NCAC 58A .1802.docx; 21 NCAC 58A .1804.docx; 21 NCAC 58A .1806.docx

From: Melissa A. Vuotto <Melissa@NCREC.GOV>
Sent: Monday, November 16, 2026 1:22 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kristen Fetter <kristen@NCREC.GOV>
Subject: RE: [External] RE: November RRC Meeting - Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

All 9 revised rules are attached.

I will be attending the November 24th RRC meeting via WebEx.

Thank you!

Melissa Vuotto
Compliance Manager
Regulatory Affairs Division
North Carolina Real Estate Commission

21 NCAC 58A .1801 is amended with changes as published in 41:2 NCR 229 as follows:

SECTION .1800 - LIMITED ~~NONRESIDENT~~ COMMERCIAL ~~LICENSING~~ LICENSE

21 NCAC 58A .1801 GENERAL PROVISIONS

(a) Any person resident in a state or territory of the United States other than North Carolina may perform the acts or services of a real estate broker in North Carolina in transactions involving commercial real estate if ~~said~~ the person first applies for and obtains a limited ~~nonresident~~ commercial ~~real estate broker~~ license as provided in this Section.

(b) Corporations, business associations and entities shall be ineligible for licensure under this Section.

(c) Nothing in this Section shall be construed to limit the rights of any person duly licensed as a real estate broker in North Carolina under the provisions of G.S. 93A-4 or 93A-9(a).

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1802 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1802 DEFINITIONS

For the purposes of this Section:

(1) "Commercial Real Estate" means any real property or interest therein, whether freehold or non-freehold, which at the time the property or interest is made the subject of an agreement for brokerage services:

(a) is lawfully used primarily for sales, office, research, institutional, warehouse, manufacturing, industrial or mining purposes or for multifamily residential purposes involving five or more dwelling units;

(b) may lawfully be used for any of the purposes listed in Subitem (1)(a) of this Rule by a zoning ordinance adopted pursuant to the provisions of ~~G.S. 153A, Article 18~~ G.S. 160D, Article 2 ~~or G.S. 160A, Article 19~~ or which is the subject of an official application or petition to amend the applicable zoning ordinance to permit any of the uses listed in Subitem (1)(a) of this Rule which is under consideration by the government agency with authority to approve the amendment; or

(c) is ~~in good faith~~ intended to be ~~immediately~~ used for any of the purposes listed in Subitem (1)(a) of this Rule by the parties to any contract, lease, option, or offer to make any contract, lease, or option.

(2) "Qualifying state" means the state or territory of the United States where an applicant for, ~~and~~ or the holder of, a limited ~~nonresident~~ commercial license issued under this Section is licensed in good standing as a real estate broker or salesperson. The qualifying state must be the state or territory where the applicant or limited ~~nonresident~~ commercial ~~licensee~~ broker maintains his or her primary place of business as a real estate broker or salesperson. Under no circumstances may North Carolina be a qualifying state.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1804 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1804 ACTIVE STATUS

~~Broker licenses~~ A license issued under this Section shall be issued on ~~active status and~~ inactive [~~status.~~] status pursuant to Rule .0504 of this Subchapter. To change the license to active status, a broker shall submit [~~an~~] a license activation and broker affiliation form designating a [~~broker-in-charge~~.] broker-in-charge to the Commission pursuant to Rule .0504 of this Subchapter. The license activation and broker affiliation form is available on the Commission's website at https://www.ncrec.gov/licenseeactivation. The license shall remain ~~valid~~ active only so long as the ~~licensee's~~ broker's license in the qualifying state remains ~~valid and~~ on active status. If a broker licensed under this Section fails to affiliate or loses their affiliation with a broker-in-charge at any time during licensure, the license shall be placed on inactive status. ~~In addition, a license issued to a salesperson under this Section shall remain valid only while the salesperson is acting under the supervision of a real estate broker in accordance with the applicable laws and rules in the qualifying state. Individuals~~ Brokers licensed under this Section shall ~~immediately~~ notify the Commission within 10 days if his or her license in the qualifying state lapses or expires, is suspended or revoked, made inactive, or is placed in abeyance for any reason.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1806 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1806 LIMITATIONS

(a) A person licensed under this Section may act as a real estate broker in this ~~state~~ State only if:

(1) he or she does not reside in North Carolina;

(2) the real property interest which is the subject of any transaction in connection with which he or she acts as a broker in this ~~state~~ State is commercial real estate as that term is defined in Rule .1802 of this Section; and

(3) he or she is affiliated with a resident North Carolina ~~real estate broker~~ broker-in-charge as required in Rule .1807 of this Section.

(b) A ~~nonresident~~ limited commercial ~~real estate~~ broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~ May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1807 is amended with changes as published in 41:2 NCAC 230 as follows:

21 NCAC 58A .1807 AFFILIATION WITH RESIDENT BROKER

(a) ~~No person licensed under G.S. 93A-9(b) shall enter North Carolina to perform any act or service for which licensure as a real broker is required unless he or she has first entered into a brokerage cooperation agreement and declaration of affiliation with an individual who is a resident in North Carolina licensed as a North Carolina real estate broker.~~ [~~broker and designated as a broker-in-charge.~~] An individual seeking to engage in any act or service for which licensure as a real estate broker is required in North Carolina pursuant to G.S. 93A-1 and obtain licensure as a limited commercial broker under G.S. 93A-9(b) shall:

(1) complete the following prior to engaging in brokerage activities:

(a) a brokerage cooperation agreement pursuant to Paragraph (b) of this Rule; and

(b) a declaration of affiliation form with a resident North Carolina designated broker-in-charge pursuant to Paragraph (c) of this Rule.

(2) submit a license activation and broker affiliation form pursuant to 21 NCAC 58A .0504.

(b) A brokerage cooperation agreement as contemplated by this Rule shall be in writing and signed by the resident North Carolina ~~broker~~ broker-in-charge and the ~~non-resident~~ limited commercial ~~licensee. It shall contain:~~ broker and shall include:

(1) the material terms of the ~~agreement between the signatory licenses;~~ agreement;

(2) a description of the agency relationships, if any, which are created by the agreement among the ~~nonresident~~ limited commercial ~~licensee,~~ broker, the resident North Carolina ~~broker,~~ broker-in-charge, and the parties each represents;

(3) a description of the property or the identity of the parties and other information sufficient to identify the transaction which is the subject of the affiliation agreement; and

(4) a definite expiration date.

(c) ~~A declaration of affiliation shall be written and on the form provided by the Commission and shall identify the nonresident commercial licensee and the affiliated resident North Carolina licensee. It shall also contain a description of the duties and obligations of each as required by the North Carolina Real Estate License Law and rules adopted by the Commission. The declaration of affiliation may be a part of the brokerage cooperation agreement or separate from it.~~ The Declaration of Affiliation form shall be in writing on a form available on the Commission's website at https://www.ncrec.gov/Forms/Applications/DeclarationOfAffiliationOfLtdCommLic.pdf and shall be retained by the resident North Carolina broker-in-charge and limited commercial broker pursuant to 21 NCAC 58A .0108. The Declaration of Affiliation form shall include the limited commercial broker and resident North Carolina broker-in-charge's:

(1) legal name;

(2) residence and electronic mail address;

(3) phone number;

(4) North Carolina real estate license number;

(5) firm's name and address;

(6) declaration statement; and

(7) signature.

(d) A ~~nonresident~~ limited commercial ~~licensee~~ broker may affiliate with more than one resident North Carolina ~~broker~~ broker-in-charge at any time. However, a ~~nonresident~~ limited commercial ~~licensee~~ broker may be affiliated with only one resident North Carolina ~~broker~~ broker-in-charge in a single transaction.

(e) A resident North Carolina ~~broker~~ broker-in-charge who enters into a brokerage cooperation agreement and declaration of affiliation with a ~~nonresident~~ limited commercial ~~licensee~~ broker shall:

(1) verify that the ~~nonresident~~ limited commercial ~~licensee~~ broker is licensed in North Carolina;

(2) ~~actively and directly~~ supervise the ~~nonresident~~ limited commercial ~~licensee~~ broker in a manner which ~~reasonably~~ ~~insures~~ ensures that the ~~nonresident~~ limited commercial ~~licensee~~ broker complies with the North Carolina Real Estate License Law and rules adopted by the Commission;

(3) promptly notify the Commission if the ~~nonresident~~ limited commercial ~~licensee~~ broker violates the Real Estate License Law or rules adopted by the Commission;

(4) ~~insure~~ ensures that records are retained in accordance with the requirements of the Real Estate License Law and rules adopted by the Commission; and

(5) maintain his or her license on active status continuously for the duration of the brokerage cooperation agreement and the declaration of affiliation.

~~(f) The nonresident [limited] commercial licensee [broker] and the affiliated resident North Carolina broker [broker-in-charge] shall each retain in his or her records a copy of brokerage cooperation agreements and declarations of affiliation from the time of their creation and for at least three years following their expiration. Such records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.~~

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006; July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~ May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1808 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1808 TRUST MONIES

A ~~nonresident~~ limited commercial broker acting as real estate broker in North Carolina shall deliver to the North Carolina resident ~~broker~~ broker-in-charge with whom he or she is affiliated all money belonging to others received in connection with the ~~nonresident~~ limited commercial broker's acts or services as a broker. Upon receipt of the funds, the resident North Carolina ~~broker~~ broker-in-charge shall ~~cause the funds to be deposited~~ deposit the funds in a trust account in accordance with the provisions of Rule .0116 of this Subchapter.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-6(d); 93A-6(g); 93A-9;*
Eff. July 1, 2004;
Amended Eff. July 1, 2014; April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
Amended Eff. January 1, 2027.

21 NCAC 58A .1809 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1809 ADVERTISING

In all advertising involving a ~~nonresident~~ limited commercial ~~licensee's~~ broker's conduct as a North Carolina real estate broker and in any representation of ~~such person's~~ their licensure in North Carolina, the advertising or representation shall conspicuously identify the ~~nonresident~~ limited commercial ~~licensee~~ broker as a "Limited ~~Nonresident~~ Commercial Real Estate Broker".

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1810 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1810 PAYMENT OF FEES

Commissions, fees, or other compensation earned by a ~~nonresident~~ limited commercial ~~licensee~~ broker shall not be paid directly to the ~~licensee~~ broker if ~~said~~ ~~licensee~~ the broker is employed by or working for a real estate broker or firm. Instead, ~~such~~ the fees or compensation shall be paid to the ~~licensee's~~ broker's employing broker or firm.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1811 is adopted with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1811 CONTINUING EDUCATION REQUIRED OF LIMITED COMMERCIAL BROKERS

(a) A limited commercial broker shall complete eight credit hours of real estate continuing education courses pursuant to Rule .1702 of this Section and approved pursuant to 21 NCAC 58H within one year prior to the expiration of the license as follows:

(1) Four credit hours of elective courses; and

(2) Four credit hours of the "General Update Course."

(b) Continuing education courses shall be completed upon the second renewal following the initial licensure and upon each subsequent annual renewal.

(c) The limited commercial broker shall provide the course completion certificate upon request of the Commission.

History Note: *Authority G.S. 93A-3(c); 93A-38.5;*
Eff. January 1, 2027.

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting - Request for Technical Changes

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From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Monday, November 16, 2026 1:10 PM
To: Melissa A. Vuotto <Melissa@NCREC.GOV>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kristen Fetter <kristen@NCREC.GOV>
Subject: Re: [External] RE: November RRC Meeting - Request for Technical Changes

Melissa,

Thank you so much for your work on these rules. I am comfortable with the rules as revised. Please send the full set of final revised rules to oah.rules@oah.nc.gov and cc Mr. Burgos and I (or just reply all). These rules are final for review and can be placed on November's agenda. Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx. Thank you.

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

From: Melissa A. Vuotto <Melissa@NCREC.GOV>
Sent: Monday, November 16, 2026 12:29 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kristen Fetter <kristen@NCREC.GOV>
Subject: RE: [External] RE: November RRC Meeting - Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Attached are the revised rules with the form links included.

Please let me know if you need anything further.

Thank you for all your assistance!

Melissa Vuotto
Compliance Manager
Regulatory Affairs Division
North Carolina Real Estate Commission

21 NCAC 58A .1804 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1804 ACTIVE STATUS

~~Broker licenses~~ A license issued under this Section shall be issued on ~~active status and~~ inactive [~~status.~~] status pursuant to Rule .0504 of this Subchapter. To change the license to active status, a broker shall submit [~~an~~] a license activation and broker affiliation form designating a [~~broker-in-charge~~.] broker-in-charge to the Commission pursuant to Rule .0504 of this Subchapter. The license activation and broker affiliation form is available on the Commission's website at https://www.ncrec.gov/licenseeactivation. The license shall remain ~~valid~~ active only so long as the ~~licensee's~~ broker's license in the qualifying state remains ~~valid and~~ on active status. If a broker licensed under this Section fails to affiliate or loses their affiliation with a broker-in-charge at any time during licensure, the license shall be placed on inactive status. ~~In addition, a license issued to a salesperson under this Section shall remain valid only while the salesperson is acting under the supervision of a real estate broker in accordance with the applicable laws and rules in the qualifying state. Individuals~~ Brokers licensed under this Section shall ~~immediately~~ notify the Commission within 10 days if his or her license in the qualifying state lapses or expires, is suspended or revoked, made inactive, or is placed in abeyance for any reason.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1807 is amended with changes as published in 41:2 NCAC 230 as follows:

21 NCAC 58A .1807 AFFILIATION WITH RESIDENT BROKER

(a) ~~No person licensed under G.S. 93A-9(b) shall enter North Carolina to perform any act or service for which licensure as a real broker is required unless he or she has first entered into a brokerage cooperation agreement and declaration of affiliation with an individual who is a resident in North Carolina licensed as a North Carolina real estate broker.~~ [~~broker and designated as a broker-in-charge.~~] An individual seeking to engage in any act or service for which licensure as a real estate broker is required in North Carolina pursuant to G.S. 93A-1 and obtain licensure as a limited commercial broker under G.S. 93A-9(b) shall:

(1) complete the following prior to engaging in brokerage activities:

(a) a brokerage cooperation agreement pursuant to Paragraph (b) of this Rule; and

(b) a declaration of affiliation form with a resident North Carolina designated broker-in-charge pursuant to Paragraph (c) of this Rule.

(2) submit a license activation and broker affiliation form pursuant to 21 NCAC 58A .0504.

(b) A brokerage cooperation agreement as contemplated by this Rule shall be in writing and signed by the resident North Carolina ~~broker~~ broker-in-charge and the ~~non-resident~~ limited commercial ~~licensee. It shall contain:~~ broker and shall include:

(1) the material terms of the ~~agreement between the signatory licenses;~~ agreement;

(2) a description of the agency relationships, if any, which are created by the agreement among the ~~nonresident~~ limited commercial ~~licensee,~~ broker, the resident North Carolina ~~broker,~~ broker-in-charge, and the parties each represents;

(3) a description of the property or the identity of the parties and other information sufficient to identify the transaction which is the subject of the affiliation agreement; and

(4) a definite expiration date.

(c) ~~A declaration of affiliation shall be written and on the form provided by the Commission and shall identify the nonresident commercial licensee and the affiliated resident North Carolina licensee. It shall also contain a description of the duties and obligations of each as required by the North Carolina Real Estate License Law and rules adopted by the Commission. The declaration of affiliation may be a part of the brokerage cooperation agreement or separate from it.~~ The Declaration of Affiliation form shall be in writing on a form available on the Commission's website at https://www.ncrec.gov/Forms/Applications/DeclarationOfAffiliationOfLtdCommLic.pdf and shall be retained by the resident North Carolina broker-in-charge and limited commercial broker pursuant to 21 NCAC 58A .0108. The Declaration of Affiliation form shall include the limited commercial broker and resident North Carolina broker-in-charge's:

(1) legal name;

(2) residence and electronic mail address;

(3) phone number;

(4) North Carolina real estate license number;

(5) firm's name and address;

(6) declaration statement; and

(7) signature.

(d) A ~~nonresident~~ limited commercial ~~licensee~~ broker may affiliate with more than one resident North Carolina ~~broker~~ broker-in-charge at any time. However, a ~~nonresident~~ limited commercial ~~licensee~~ broker may be affiliated with only one resident North Carolina ~~broker~~ broker-in-charge in a single transaction.

(e) A resident North Carolina ~~broker~~ broker-in-charge who enters into a brokerage cooperation agreement and declaration of affiliation with a ~~nonresident~~ limited commercial ~~licensee~~ broker shall:

(1) verify that the ~~nonresident~~ limited commercial ~~licensee~~ broker is licensed in North Carolina;

(2) ~~actively and directly~~ supervise the ~~nonresident~~ limited commercial ~~licensee~~ broker in a manner which ~~reasonably~~ ~~insures~~ ensures that the ~~nonresident~~ limited commercial ~~licensee~~ broker complies with the North Carolina Real Estate License Law and rules adopted by the Commission;

(3) promptly notify the Commission if the ~~nonresident~~ limited commercial ~~licensee~~ broker violates the Real Estate License Law or rules adopted by the Commission;

(4) ~~insure~~ ensures that records are retained in accordance with the requirements of the Real Estate License Law and rules adopted by the Commission; and

(5) maintain his or her license on active status continuously for the duration of the brokerage cooperation agreement and the declaration of affiliation.

~~(f) The nonresident [limited] commercial licensee [broker] and the affiliated resident North Carolina broker [broker-in-charge] shall each retain in his or her records a copy of brokerage cooperation agreements and declarations of affiliation from the time of their creation and for at least three years following their expiration. Such records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.~~

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
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Amended Eff. January 1, 2027.

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting - Request for Technical Changes

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From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Monday, November 16, 2026 11:04 AM
To: Melissa A. Vuotto <Melissa@NCREC.GOV>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kristen Fetter <kristen@NCREC.GOV>
Subject: Re: [External] RE: November RRC Meeting - Request for Technical Changes

Melissa,
Thank you so much I am definitely understanding the difference between the two forms now. I also appreciate the edits based on my suggestions. The final change that I think would help with clarity significantly is providing links to the form when you reference them as being available on the website. This will provide direct guidance for the regulated public to locate the forms and will help readers understand that although they both mention affiliation forms, they are two different things.

Rule .1807 (c) Line 29, "The Declaration of Affiliation form shall be in writing on a form available on the Commission's website" then please add a link to the form on the site.

Rule .1804 Line 7, "The license activation and broker affiliation form is available on the Commission's website" then please add a link to the form on the site.

Thank you so much for helping me understand this.

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

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21 NCAC 58A .1804 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1804 ACTIVE STATUS

~~Broker licenses~~ A license issued under this Section shall be issued on ~~active status and~~ inactive [~~status.~~] status pursuant to Rule .0504 of this Subchapter. To change the license to active status, a broker shall submit [~~an~~] a license activation and broker affiliation form designating a [~~broker-in-charge~~.] broker-in-charge to the Commission pursuant to Rule .0504 of this Subchapter. The license activation and broker affiliation form is available on the Commission's website. The license shall remain ~~valid~~ active only so long as the ~~licensee's~~ broker's license in the qualifying state remains ~~valid and~~ on active status. If a broker licensed under this Section fails to affiliate or loses their affiliation with a broker-in-charge at any time during licensure, the license shall be placed on inactive status. ~~In addition, a license issued to a salesperson under this Section shall remain valid only while the salesperson is acting under the supervision of a real estate broker in accordance with the applicable laws and rules in the qualifying state. Individuals~~ Brokers licensed under this Section shall ~~immediately~~ notify the Commission within 10 days if his or her license in the qualifying state lapses or expires, is suspended or revoked, made inactive, or is placed in abeyance for any reason.

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May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1807 is amended with changes as published in 41:2 NCAC 230 as follows:

21 NCAC 58A .1807 AFFILIATION WITH RESIDENT BROKER

(a) ~~No person licensed under G.S. 93A-9(b) shall enter North Carolina to perform any act or service for which licensure as a real broker is required unless he or she has first entered into a brokerage cooperation agreement and declaration of affiliation with an individual who is a resident in North Carolina licensed as a North Carolina real estate broker.~~ [~~broker and designated as a broker-in-charge.~~] An individual seeking to engage in any act or service for which licensure as a real estate broker is required in North Carolina pursuant to G.S. 93A-1 and obtain licensure as a limited commercial broker under G.S. 93A-9(b) shall:

(1) complete the following prior to engaging in brokerage activities:

(a) a brokerage cooperation agreement pursuant to Paragraph (b) of this Rule; and

(b) a declaration of affiliation form with a resident North Carolina designated broker-in-charge pursuant to Paragraph (c) of this Rule.

(2) submit a license activation and broker affiliation form pursuant to 21 NCAC 58A .0504.

(b) A brokerage cooperation agreement as contemplated by this Rule shall be in writing and signed by the resident North Carolina ~~broker~~ broker-in-charge and the ~~non-resident~~ limited commercial ~~licensee. It shall contain:~~ broker and shall include:

(1) the material terms of the ~~agreement between the signatory licenses;~~ agreement;

(2) a description of the agency relationships, if any, which are created by the agreement among the ~~nonresident~~ limited commercial ~~licensee,~~ broker, the resident North Carolina ~~broker,~~ broker-in-charge, and the parties each represents;

(3) a description of the property or the identity of the parties and other information sufficient to identify the transaction which is the subject of the affiliation agreement; and

(4) a definite expiration date.

(c) ~~A declaration of affiliation shall be written and on the form provided by the Commission and shall identify the nonresident commercial licensee and the affiliated resident North Carolina licensee. It shall also contain a description of the duties and obligations of each as required by the North Carolina Real Estate License Law and rules adopted by the Commission. The declaration of affiliation may be a part of the brokerage cooperation agreement or separate from it.~~ The Declaration of Affiliation form shall be in writing on a form available on the Commission's website and shall be retained by the resident North Carolina broker-in-charge and limited commercial broker pursuant to 21 NCAC 58A .0108. The Declaration of Affiliation form shall include the limited commercial broker and resident North Carolina broker-in-charge's:

(1) legal name;

(2) residence and electronic mail address;

(3) phone number;

(4) North Carolina real estate license number;

(5) firm's name and address;

(6) declaration statement; and

(7) signature.

(d) A ~~nonresident~~ limited commercial ~~licensee~~ broker may affiliate with more than one resident North Carolina ~~broker~~ broker-in-charge at any time. However, a ~~nonresident~~ limited commercial ~~licensee~~ broker may be affiliated with only one resident North Carolina ~~broker~~ broker-in-charge in a single transaction.

(e) A resident North Carolina ~~broker~~ broker-in-charge who enters into a brokerage cooperation agreement and declaration of affiliation with a ~~nonresident~~ limited commercial ~~licensee~~ broker shall:

(1) verify that the ~~nonresident~~ limited commercial ~~licensee~~ broker is licensed in North Carolina;

(2) ~~actively and directly~~ supervise the ~~nonresident~~ limited commercial ~~licensee~~ broker in a manner which ~~reasonably~~ ~~insures~~ ensures that the ~~nonresident~~ limited commercial ~~licensee~~ broker complies with the North Carolina Real Estate License Law and rules adopted by the Commission;

(3) promptly notify the Commission if the ~~nonresident~~ limited commercial ~~licensee~~ broker violates the Real Estate License Law or rules adopted by the Commission;

(4) ~~insure~~ ensures that records are retained in accordance with the requirements of the Real Estate License Law and rules adopted by the Commission; and

(5) maintain his or her license on active status continuously for the duration of the brokerage cooperation agreement and the declaration of affiliation.

~~(f) The nonresident~~ [~~limited~~] ~~commercial licensee~~ [~~broker~~] ~~and the affiliated resident North Carolina broker~~ [~~broker-in-charge~~] ~~shall each retain in his or her records a copy of brokerage cooperation agreements and declarations of affiliation from the time of their creation and for at least three years following their expiration. Such records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.~~

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006; July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
May 1, 2018;
Amended Eff. January 1, 2027.

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting - Request for Technical Changes
Attachments: 21 NCAC 58A .1804.docx; 21 NCAC 58A .1807.docx

From: Melissa A. Vuotto <Melissa@NCREC.GOV>
Sent: Monday, November 16, 2026 9:14 AM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kristen Fetter <kristen@NCREC.GOV>
Subject: RE: [External] RE: November RRC Meeting - Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning, Meghan.

My apologies for the confusion. During the revisions, the Commission corrected the rule citation in .1804 from 58A .1807 to 58A .0504 and failed to make the same correction in the written response. The attached rules, 21 NCAC 58A .1804 and .1807 contain the changes requested in your below email. Please let me know if you have any further concerns with the rule language.

Explanation of the activation process for Limited Commercial Brokers:
To activate a Limited Commercial Broker license, the broker must complete the Brokerage Cooperation Agreement and Declaration of Affiliation and submit the License Activation and Broker Affiliation Form to the Commission.

The Brokerage Cooperation Agreement and Declaration of Affiliation are not submitted to the Commission. However, both documents must be completed and retained by the brokers before engaging in brokerage activities. Only the License Activation and Broker Affiliation Form are submitted to the Commission, pursuant to 21 NCAC 58A .0504. License activation is governed by 21 NCAC 58A .0504.

Here's a link to the license activation form on our website:
https://www.ncrec.gov/licenseeactivation

Here's a link to the declaration of affiliation form on our website:
https://www.ncrec.gov/Forms/Applications/DeclarationOfAffiliationOfLtdCommLic.pdf

Thank you,

Melissa Vuotto
Compliance Manager
Regulatory Affairs Division
North Carolina Real Estate Commission

21 NCAC 58A .1804 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1804 ACTIVE STATUS

~~Broker licenses~~ A license issued under this Section shall be issued on ~~active status and~~ inactive [~~status.~~] status pursuant to Rule .0504 of this Subchapter. To change the license to active status, a broker shall submit [~~an~~] a license activation and broker affiliation form designating a [~~broker-in-charge~~.] broker-in-charge to the Commission pursuant to Rule .0504 of this Subchapter. The license activation and broker affiliation form is available on the Commission's website. The license shall remain ~~valid~~ active only so long as the ~~licensee's~~ broker's license in the qualifying state remains ~~valid and~~ on active status. If a broker licensed under this Section fails to affiliate or loses their affiliation with a broker-in-charge at any time during licensure, the license shall be placed on inactive status. ~~In addition, a license issued to a salesperson under this Section shall remain valid only while the salesperson is acting under the supervision of a real estate broker in accordance with the applicable laws and rules in the qualifying state. Individuals~~ Brokers licensed under this Section shall ~~immediately~~ notify the Commission within 10 days if his or her license in the qualifying state lapses or expires, is suspended or revoked, made inactive, or is placed in abeyance for any reason.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1807 is amended with changes as published in 41:2 NCAC 230 as follows:

21 NCAC 58A .1807 AFFILIATION WITH RESIDENT BROKER

(a) ~~No person licensed under G.S. 93A-9(b) shall enter North Carolina to perform any act or service for which licensure as a real broker is required unless he or she has first entered into a brokerage cooperation agreement and declaration of affiliation with an individual who is a resident in North Carolina licensed as a North Carolina real estate broker.~~ [~~broker and designated as a broker-in-charge.~~] An individual seeking to engage in any act or service for which licensure as a real estate broker is required in North Carolina pursuant to G.S. 93A-1 and obtain licensure as a limited commercial broker under G.S. 93A-9(b) shall:

(1) complete the following prior to engaging in brokerage activities:

(a) a brokerage cooperation agreement pursuant to Paragraph (b) of this Rule; and

(b) a declaration of affiliation form with a resident North Carolina designated broker-in-charge pursuant to Paragraph (c) of this Rule.

(2) submit a license activation and broker affiliation form pursuant to 21 NCAC 58A .0504.

(b) A brokerage cooperation agreement as contemplated by this Rule shall be in writing and signed by the resident North Carolina ~~broker~~ broker-in-charge and the ~~non-resident~~ limited commercial ~~licensee. It shall contain:~~ broker and shall include:

(1) the material terms of the ~~agreement between the signatory licenses;~~ agreement;

(2) a description of the agency relationships, if any, which are created by the agreement among the ~~nonresident~~ limited commercial ~~licensee,~~ broker, the resident North Carolina ~~broker,~~ broker-in-charge, and the parties each represents;

(3) a description of the property or the identity of the parties and other information sufficient to identify the transaction which is the subject of the affiliation agreement; and

(4) a definite expiration date.

(c) ~~A declaration of affiliation shall be written and on the form provided by the Commission and shall identify the nonresident commercial licensee and the affiliated resident North Carolina licensee. It shall also contain a description of the duties and obligations of each as required by the North Carolina Real Estate License Law and rules adopted by the Commission. The declaration of affiliation may be a part of the brokerage cooperation agreement or separate from it.~~ The Declaration of Affiliation form shall be in writing on a form available on the Commission's website and shall be retained by the resident North Carolina broker-in-charge and limited commercial broker pursuant to 21 NCAC 58A .0108. The Declaration of Affiliation form shall include the limited commercial broker and resident North Carolina broker-in-charge's:

(1) legal name;

(2) residence and electronic mail address;

(3) phone number;

(4) North Carolina real estate license number;

(5) firm's name and address;

(6) declaration statement; and

(7) signature.

(d) A ~~nonresident~~ limited commercial ~~licensee~~ broker may affiliate with more than one resident North Carolina ~~broker~~ broker-in-charge at any time. However, a ~~nonresident~~ limited commercial ~~licensee~~ broker may be affiliated with only one resident North Carolina ~~broker~~ broker-in-charge in a single transaction.

(e) A resident North Carolina ~~broker~~ broker-in-charge who enters into a brokerage cooperation agreement and declaration of affiliation with a ~~nonresident~~ limited commercial ~~licensee~~ broker shall:

(1) verify that the ~~nonresident~~ limited commercial ~~licensee~~ broker is licensed in North Carolina;

(2) ~~actively and directly~~ supervise the ~~nonresident~~ limited commercial ~~licensee~~ broker in a manner which ~~reasonably~~ ~~insures~~ ensures that the ~~nonresident~~ limited commercial ~~licensee~~ broker complies with the North Carolina Real Estate License Law and rules adopted by the Commission;

(3) promptly notify the Commission if the ~~nonresident~~ limited commercial ~~licensee~~ broker violates the Real Estate License Law or rules adopted by the Commission;

(4) ~~insure~~ ensures that records are retained in accordance with the requirements of the Real Estate License Law and rules adopted by the Commission; and

(5) maintain his or her license on active status continuously for the duration of the brokerage cooperation agreement and the declaration of affiliation.

~~(f) The nonresident~~ [~~limited~~] ~~commercial licensee~~ [~~broker~~] ~~and the affiliated resident North Carolina broker~~ [~~broker-in-charge~~] ~~shall each retain in his or her records a copy of brokerage cooperation agreements and declarations of affiliation from the time of their creation and for at least three years following their expiration. Such records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.~~

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006; July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
May 1, 2018;
Amended Eff. January 1, 2027.

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting - Request for Technical Changes

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From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Friday, November 13, 2026 3:53 PM
To: Melissa A. Vuotto <Melissa@NCREC.GOV>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kristen Fetter <kristen@NCREC.GOV>
Subject: Re: [External] RE: November RRC Meeting - Request for Technical Changes

Melissa,
Thank you for your responses to my questions and the revisions you have made. I have a few follow up concerns:

Rule .1804: Line 6, is the broker affiliation form designating a broker-in-charge pursuant to Rule .0504 or Rule .1807? In your responses you said you made a reference to Rule .1807, but I don't see that reflected in the rule edits. Also, Line 5 still says they must "submit" the form but doesn't clarify how or to whom, while Rule .1807 still does not require any type of submission only completion and retention. Without some type of submission, I don't understand how the license would be changed from inactive to active.

Rule .1807: Line 9, the regulated public are required to "complete" the form but there is no clarity on submitting anything to anyone unlike Rule .1804 which says "submit" the form but does not clarify to who or how. These two need to be consistent and in order for the Commission to change the license from inactive to active I would think the form would have to be submitted in some manner.

Lines 10, 11, 13 need to start each item with an article "a"
Line 28 please include a link to the form or the closest website page that includes the form
Line 32 the comma after "name" needs to be replaced with a semi-colon.

Please respond to these follow-up concerns by Wednesday the 18th at 5:00pm. Thank you so much.

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting - Request for Technical Changes
Attachments: 21 NCAC 58A .1802.docx; 21 NCAC 58A .1804.docx; 21 NCAC 58A .1806.docx; 21 NCAC 58A .1807.docx; 21 NCAC 58A .1808.docx; 21 NCAC 58A .1809.docx; 21 NCAC 58A .1810.docx; 21 NCAC 58A .1811.docx; REC Response to Request for Changes November 2026.docx; 21 NCAC 58A .1801.docx

From: Melissa A. Vuotto <Melissa@NCREC.GOV>
Sent: Friday, November 13, 2026 11:52 AM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kristen Fetter <kristen@NCREC.GOV>
Subject: [External] RE: November RRC Meeting - Request for Technical Changes

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Good morning, Meghan.

Attached please find the Real Estate Commission's revised rules (9 rules) in response to the Request for Changes. If you have any further questions or concerns, please do not hesitate to contact me.

Thank you for all your assistance and work on these rules.

Best,

Melissa Vuotto
Rulemaking Coordinator
Regulatory Affairs Division
North Carolina Real Estate Commission
Phone 919-875-3700, ext. 142
Web www.ncrec.gov **Email** melissa@ncrec.gov
P.O. Box 17100, Raleigh, NC 27619-7100

North Carolina State Bar Certified Paralegal

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21 NCAC 58A .1801 is amended with changes as published in 41:2 NCR 229 as follows:

SECTION .1800 - LIMITED ~~NONRESIDENT~~ COMMERCIAL ~~LICENSING~~ LICENSE

21 NCAC 58A .1801 GENERAL PROVISIONS

(a) Any person resident in a state or territory of the United States other than North Carolina may perform the acts or services of a real estate broker in North Carolina in transactions involving commercial real estate if ~~said~~ the person first applies for and obtains a limited ~~nonresident~~ commercial ~~real estate broker~~ license as provided in this Section.

(b) Corporations, business associations and entities shall be ineligible for licensure under this Section.

(c) Nothing in this Section shall be construed to limit the rights of any person duly licensed as a real estate broker in North Carolina under the provisions of G.S. 93A-4 or 93A-9(a).

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1802 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1802 DEFINITIONS

For the purposes of this Section:

(1) "Commercial Real Estate" means any real property or interest therein, whether freehold or non-freehold, which at the time the property or interest is made the subject of an agreement for brokerage services:

(a) is lawfully used primarily for sales, office, research, institutional, warehouse, manufacturing, industrial or mining purposes or for multifamily residential purposes involving five or more dwelling units;

(b) may lawfully be used for any of the purposes listed in Subitem (1)(a) of this Rule by a zoning ordinance adopted pursuant to the provisions of ~~G.S. 153A, Article 18~~ G.S. 160D, Article 2 ~~or G.S. 160A, Article 19~~ or which is the subject of an official application or petition to amend the applicable zoning ordinance to permit any of the uses listed in Subitem (1)(a) of this Rule which is under consideration by the government agency with authority to approve the amendment; or

(c) is ~~in good faith~~ intended to be ~~immediately~~ used for any of the purposes listed in Subitem (1)(a) of this Rule by the parties to any contract, lease, option, or offer to make any contract, lease, or option.

(2) "Qualifying state" means the state or territory of the United States where an applicant for, ~~and~~ or the holder of, a limited ~~nonresident~~ commercial license issued under this Section is licensed in good standing as a real estate broker or salesperson. The qualifying state must be the state or territory where the applicant or limited ~~nonresident~~ commercial ~~licensee~~ broker maintains his or her primary place of business as a real estate broker or salesperson. Under no circumstances may North Carolina be a qualifying state.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1804 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1804 ACTIVE STATUS

~~Broker licenses~~ A license issued under this Section shall be issued on ~~active status and~~ inactive [~~status.~~] status pursuant to Rule .0504 of this Subchapter. To change the license to active status, a broker shall submit [~~an~~] a license activation and broker affiliation form designating a [~~broker-in-charge~~.] broker-in-charge pursuant to Rule .0504 of this Subchapter. The license shall remain ~~valid~~ active only so long as the ~~licensee's~~ broker's license in the qualifying state remains ~~valid and~~ on active status. If a broker licensed under this Section fails to affiliate or loses their affiliation with a broker-in-charge at any time during licensure, the license shall be placed on inactive status. ~~In addition, a license issued to a salesperson under this Section shall remain valid only while the salesperson is acting under the supervision of a real estate broker in accordance with the applicable laws and rules in the qualifying state. Individuals~~ Brokers licensed under this Section shall ~~immediately~~ notify the Commission within 10 days if his or her license in the qualifying state lapses or expires, is suspended or revoked, made inactive, or is placed in abeyance for any reason.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1806 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1806 LIMITATIONS

(a) A person licensed under this Section may act as a real estate broker in this ~~state~~ State only if:

(1) he or she does not reside in North Carolina;

(2) the real property interest which is the subject of any transaction in connection with which he or she acts as a broker in this ~~state~~ State is commercial real estate as that term is defined in Rule .1802 of this Section; and

(3) he or she is affiliated with a resident North Carolina ~~real estate broker~~ broker-in-charge as required in Rule .1807 of this Section.

(b) A ~~nonresident~~ limited commercial ~~real estate~~ broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~ May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1807 is amended with changes as published in 41:2 NCAC 230 as follows:

21 NCAC 58A .1807 AFFILIATION WITH RESIDENT BROKER

(a) ~~No person licensed under G.S. 93A-9(b) shall enter North Carolina to perform any act or service for which licensure as a real broker is required unless he or she has first entered into a brokerage cooperation agreement and declaration of affiliation with an individual who is a resident in North Carolina licensed as a North Carolina real estate broker.~~ [~~broker and designated as a broker-in-charge.~~] An individual seeking to engage in any act or service for which licensure as a real estate broker is required in North Carolina pursuant to G.S. 93A-1 and obtain licensure as a limited commercial broker under G.S. 93A-9(b) shall complete the following prior to engaging in brokerage activities:

(1) brokerage cooperation agreement pursuant to Paragraph (b) of this Rule;

(2) declaration of affiliation form with a resident North Carolina designated broker-in-charge pursuant to Paragraph (c) of this Rule; and

(3) license activation and broker affiliation form pursuant to 21 NCAC 58A .0504.

(b) A brokerage cooperation agreement as contemplated by this Rule shall be in writing and signed by the resident North Carolina ~~broker~~ broker-in-charge and the ~~non-resident~~ limited commercial ~~licensee. It shall contain:~~ broker and shall include:

(1) the material terms of the ~~agreement between the signatory licenses;~~ agreement;

(2) a description of the agency relationships, if any, which are created by the agreement among the ~~nonresident~~ limited commercial ~~licensee,~~ broker, the resident North Carolina ~~broker,~~ broker-in-charge, and the parties each represents;

(3) a description of the property or the identity of the parties and other information sufficient to identify the transaction which is the subject of the affiliation agreement; and

(4) a definite expiration date.

(c) ~~A declaration of affiliation shall be written and on the form provided by the Commission and shall identify the nonresident commercial licensee and the affiliated resident North Carolina licensee. It shall also contain a description of the duties and obligations of each as required by the North Carolina Real Estate License Law and rules adopted by the Commission. The declaration of affiliation may be a part of the brokerage cooperation agreement or separate from it.~~ The Declaration of Affiliation form shall be in writing on a form available on the Commission's website and shall be retained by the resident North Carolina broker-in-charge and limited commercial broker pursuant to 21 NCAC 58A .0108. The Declaration of Affiliation form shall include the limited commercial broker and resident North Carolina broker-in-charge's:

(1) legal name,

(2) residence and electronic mail address;

(3) phone number;

(4) North Carolina real estate license number;

(5) firm's name and address;

(6) declaration statement; and

(7) signature.

(d) A ~~nonresident~~ limited commercial ~~licensee~~ broker may affiliate with more than one resident North Carolina ~~broker~~ broker-in-charge at any time. However, a ~~nonresident~~ limited commercial ~~licensee~~ broker may be affiliated with only one resident North Carolina ~~broker~~ broker-in-charge in a single transaction.

(e) A resident North Carolina ~~broker~~ broker-in-charge who enters into a brokerage cooperation agreement and declaration of affiliation with a ~~nonresident~~ limited commercial ~~licensee~~ broker shall:

(1) verify that the ~~nonresident~~ limited commercial ~~licensee~~ broker is licensed in North Carolina;

(2) ~~actively and directly~~ supervise the ~~nonresident~~ limited commercial ~~licensee~~ broker in a manner which ~~reasonably~~ ~~insures~~ ensures that the ~~nonresident~~ limited commercial ~~licensee~~ broker complies with the North Carolina Real Estate License Law and rules adopted by the Commission;

(3) promptly notify the Commission if the ~~nonresident~~ limited commercial ~~licensee~~ broker violates the Real Estate License Law or rules adopted by the Commission;

(4) ~~insure~~ ensures that records are retained in accordance with the requirements of the Real Estate License Law and rules adopted by the Commission; and

(5) maintain his or her license on active status continuously for the duration of the brokerage cooperation agreement and the declaration of affiliation.

~~(f) The nonresident [limited] commercial licensee [broker] and the affiliated resident North Carolina broker [broker-in-charge] shall each retain in his or her records a copy of brokerage cooperation agreements and declarations of affiliation from the time of their creation and for at least three years following their expiration. Such records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.~~

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006; July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1808 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1808 TRUST MONIES

A ~~nonresident~~ limited commercial broker acting as real estate broker in North Carolina shall deliver to the North Carolina resident ~~broker~~ broker-in-charge with whom he or she is affiliated all money belonging to others received in connection with the ~~nonresident~~ limited commercial broker's acts or services as a broker. Upon receipt of the funds, the resident North Carolina ~~broker~~ broker-in-charge shall ~~cause the funds to be deposited~~ deposit the funds in a trust account in accordance with the provisions of Rule .0116 of this Subchapter.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-6(d); 93A-6(g); 93A-9;*
Eff. July 1, 2004;
Amended Eff. July 1, 2014; April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
Amended Eff. January 1, 2027.

21 NCAC 58A .1809 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1809 ADVERTISING

In all advertising involving a ~~nonresident~~ limited commercial ~~licensee's~~ broker's conduct as a North Carolina real estate broker and in any representation of ~~such person's~~ their licensure in North Carolina, the advertising or representation shall conspicuously identify the ~~nonresident~~ limited commercial ~~licensee~~ broker as a "Limited ~~Nonresident~~ Commercial Real Estate Broker".

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1810 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1810 PAYMENT OF FEES

Commissions, fees, or other compensation earned by a ~~nonresident~~ limited commercial ~~licensee~~ broker shall not be paid directly to the ~~licensee~~ broker if ~~said~~ ~~licensee~~ the broker is employed by or working for a real estate broker or firm. Instead, ~~such~~ the fees or compensation shall be paid to the ~~licensee's~~ broker's employing broker or firm.

History Note: *Authority G.S. 93A-3(c); 93A-4; 93A-9;*
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

21 NCAC 58A .1811 is adopted with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1811 CONTINUING EDUCATION REQUIRED OF LIMITED COMMERCIAL BROKERS

(a) A limited commercial broker shall complete eight credit hours of real estate continuing education courses pursuant to Rule .1702 of this Section and approved pursuant to 21 NCAC 58H within one year prior to the expiration of the license as follows:

(1) Four credit hours of elective courses; and

(2) Four credit hours of the "General Update Course."

(b) Continuing education courses shall be completed upon the second renewal following the initial licensure and upon each subsequent annual renewal.

(c) The limited commercial broker shall provide the course completion certificate upon request of the Commission.

History Note: *Authority G.S. 93A-3(c); 93A-38.5;*
Eff. January 1, 2027.

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1801

DEADLINE FOR RECEIPT: Friday November 13, 2026 by 5:00p.m..

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

(a) Line 7, change "said" to "the"
REVISED TEXT.

History Note, G.S. 93A-4 and 93A-9 are relevant to the general provisions in this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.
INCLUDED CITATION.

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:

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

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1802

DEADLINE FOR RECEIPT:

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

(b) Lines 12-13, Both G.S. 153 A, Article 18 and G.S. 160A, Article 19 were repealed between 2019 and 2020. Please edit to clarify appropriate statutes.
REVISED.

(c) Line 17, what constitutes "good faith" and what qualifies as "immediately"?
REVISED.

(2) Line 20 change "and" to "or" as I don't think they are both an applicant and holder
REVISED.

History Note, G.S. 93A-4 and 93A-9 are relevant to this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.
INCLUDED CITATION.

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:

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

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1804

DEADLINE FOR RECEIPT:

***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:

Line 4, What does inactive or active status mean? What's the difference between the two? Suggest referencing 21 NCAC 58A .0504.
REFERENCE ADDED TO RULE.

Line 5, Reference Rule .1807 when you mention the affiliation form to aid clarity.
REVISED TEXT.

Line 5, Who shall they submit the form to? The Commission? This rule says it must be submitted but, .1807 does not speak to submission and only requires the parties to keep the form on record for three years past its expiration. This needs to be consistent.
REFERENCE TO .1807(C) ADDED TO RULE FOR CLARIFICATION.

Line 6 What does valid mean? What is the difference between inactive and not valid? If they are different things, can you be active but not valid? Please clarify.
REMOVED 'VALID' – REQUIREMENT IS TO BE ACTIVE IN QUALIFYING STATE.

Line 11 What is immediately? Same day? This needs to be clarified.
CLARIFIED TEXT TO SAY WITHIN 10 DAYS

History Note, G.S. 93A-4 and 93A-9 are relevant to this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.
INCLUDED CITATION.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

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

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1806

DEADLINE FOR RECEIPT:

***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:

> *History Note, G.S. 93A-4 and 93A-9 are relevant to this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.* ***INCLUDED CITATION.***

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

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1807

DEADLINE FOR RECEIPT:

***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:

CLARIFIED TEXT TO ADDRESS ALL CONCERNS BELOW.

(a) Line 4, How do you determine why someone entered North Carolina? If they "enter" for a different purpose and happen to do business while here, is that okay? Consider deleting "enter North Carolina to"

(a) Line 5, Is the requirement only to enter the agreement? Rule .1804 requires a broker to "submit" an affiliation form. You need to clarify this between rules.

(c) Line 18 If this a form provided by the board then G.S. 150B-2(8a)(d) requires the contents or substantive requirements to be included in a rule or statute. See the guidance document on Forms located on the OAH website. https://www.oah.nc.gov/rrc-final-guidance-forms/open.

All you require here is the name of each party and a "description of the duties and obligations" as required by the law and rules. It is unclear what the duties and obligations are. Are there any other contents on this form? 21 NCAC 58A .0110 outlines the form for BIC in other circumstances and requires names, license numbers, telephone numbers, email addresses, criminal and occupational license history and firm information. Please edit to include and clarify the contents for the affiliation form as well as where to locate it and whether it must be submitted or just retained.

(c) Line 21-22, how can this be part of the brokerage cooperation agreement if it has to be on a form provided by the board?

(e)(2) Line 29-30 What does actively and directly mean? Do they have to follow the limited broker and directly observe all work? Also, is reasonably defined if not who gets to decide what is reasonable?

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

History Note, G.S. 93A-4 and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included. ***INCLUDED CITATION.***

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1808

DEADLINE FOR RECEIPT:

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:

Line 7, change "to be deposited" into active tense. Suggest "broker-in-charge shall deposit the funds"
REVISED TEXT.

History Note, G.S. 93A-4 93A-6(d), 93A-6(g) and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.
INCLUDED CITATION.

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

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1809

DEADLINE FOR RECEIPT:

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:

Line 5 replace "such person's" with "their"
REVISED TEXT.

History Note, G.S. 93A-4 and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.
INCLUDED CITATION.

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

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1810

DEADLINE FOR RECEIPT:

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:

Line 5 change "said" to "the"
REVISED TEXT.

Line 6 change "such" to "the"
REVISED TEXT.

History Note, G.S. 93A-4 and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.
INCLUDED CITATION.

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

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

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

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1811

DEADLINE FOR RECEIPT:

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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:

The formatting is wrong. For an adoption all text must be underlined. See https://www.oah.nc.gov/rule-format-examples
FORMAT CORRECTED TO 'WITH CHANGES AFTER PUBLICATION.'

(a)(2) What is a "General Update Course"? Is it defined in another rule, if so please reference.
REVISED TEXT.

(b) To ensure I understand, they don't have to complete any courses within their first year in order to renew initially. Instead, they start courses in year two for the second renewal?
CORRECT.

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

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

Burgos, Alexander N

From: Melissa A. Vuotto <Melissa@NCREC.GOV>
Sent: Friday, October 30, 2026 2:04 PM
To: Barney, Meghan E
Cc: Burgos, Alexander N
Subject: [External] RE: November RRC Meeting - Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Received. Thank you.

Melissa Vuotto
Compliance Manager
Regulatory Affairs Division
North Carolina Real Estate Commission

From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Friday, October 30, 2026 12:32 PM
To: Melissa A. Vuotto <Melissa@NCREC.GOV>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: November RRC Meeting - Request for Technical Changes

Warning: Unusual sender <meghan.barney@oah.nc.gov>
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good afternoon,

I'm the attorney who reviewed the rules submitted by the North Carolina Real Estate Commission for the Novmeber 2026 RRC meeting. The RRC will formally review this rule at its meeting on Tuesday, November 24, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on November 13, 2026. Let me know if you have any questions.

Thanks,

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

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