

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 58 - REAL ESTATE COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Real Estate Commission intends to adopt the rule cited as 21 NCAC 58A .0305.

Codifier of Rules received for publication the following notice and proposed temporary rule on: August 14, 2019

Public Hearing:

Date: September 11, 2019

Time: 9:00 a.m.

Location: 1313 Navaho Drive, Raleigh, NC 27609-7460

Reason for Proposed Temporary Action: The proposed adoption of 21 NCAC 58A .0305 would establish a process for individuals who wish to file a petition for a predetermination of whether the individual's criminal history will likely disqualify them from obtaining a real estate license. 21 NCAC 58A .0305 is in response to the recently approved S.L. 2019-91, specifically Section 4, that is effective October 1, 2019.

Comment Procedures: Comments from the public shall be directed to: Melissa Vuotto, NC Real Estate Commission, PO BOX 17100, Raleigh, NC 27619-7100; email public.comment@ncrec.gov. The comment period begins August 22, 2019 and ends September 23, 2019.

SUBCHAPTER 58A – REAL ESTATE BROKERS

SECTION .0300 – APPLICATION FOR LICENSE

21 NCAC 58A .0305 PETITION FOR PREDETERMINATION

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

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

- (1) legal name;**
- (2) mailing, physical, and email addresses;**
- (3) social security number;**
- (4) date of birth;**
- (5) telephone number;**
- (6) places of residence for the past seven years;**
- (7) employment history since the date the crime was committed;**
- (8) criminal record report prepared no more than 60 days prior to the date of petition;**
- (9) written statement describing the circumstances surrounding the commission of the crime(s);**
- (10) written statement of any rehabilitation efforts, if applicable;**
- (11) rehabilitative drug or alcohol treatments, if applicable;**
- (12) Certificate of Relief granted pursuant to G.S. 15A-173.2, if applicable;**
- (13) affidavits or other written documents, including character references, that the petitioner intends to submit for review;**
- (14) certification; and**
- (15) signature.**

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

Authority G.S. 93A-4; 93B-8.1.