

NORTH CAROLINA REAL ESTATE COMMISSION

PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

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do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The Department of Natural and Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. The agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Electronic records will be destroyed so that the data and metadata are overwritten, deleted, or unlinked in such a way that the records may not be practicably reconstructed. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

The North Carolina Real Estate Commission and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow them to be destroyed when “*administrative/reference value ends.*” The North Carolina Real Estate Commission hereby agrees that it will establish and enforce internal policies setting minimum retention periods for records with this disposition instruction. Without the establishment of internal policies, the agency is not authorized by the Department of Natural and Cultural Resources to destroy these records. For those record series scheduled to be microfilmed, the North Carolina Real Estate Commission will be responsible for cost of microfilm production.

The North Carolina Real Estate Commission and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. The North Carolina Real Estate Commission agrees to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records and to make electronic records accessible for the period of time prescribed in this schedule. Where the method of recording information changes (for example, to an electronic system), the retention periods governing the records listed herein still apply, provided the records document the same agency function.

E-mail messages sent or received by Executive Branch agencies shall be retained for 5 years pursuant to Executive Order No. 12 (issued May 21, 2013 by Governor Pat McCrory). Any e-mail messages requiring retention longer than 5 years, including those with permanent historical value, shall be designated with specific retention periods in this schedule. Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed.

The North Carolina Real Estate Commission agrees to destroy, transfer or dispose of records in the manner and the times specified herein. This schedule is to remain in effect until superseded.

APPROVAL RECOMMENDED



Miriam J. Baer
Executive Director

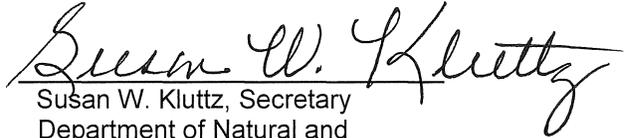


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED



George Bell, Chairman
North Carolina Real Estate Commission



Susan W. Kluttz, Secretary
Department of Natural and
Cultural Resources

NORTH CAROLINA REAL ESTATE COMMISSION ADMINISTRATION

ITEM 3343. BROKER AND FIRM LICENSEE RENEWAL FILE

Records in paper and electronic formats concerning the renewal of broker and firm licenses. File includes license renewal notices, consisting of each licensee's name and address and license number; records generated by the Real Estate Commission's online renewal system; and other related records. (Comply with applicable provisions of G.S. § 93A-4 regarding confidentiality of real estate license applicant records.)

DISPOSITION INSTRUCTIONS: Destroy in office after 2 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

ITEM 3344. BROKER AND FIRM LICENSEE FILE

Records in paper, microfilm, and electronic formats, including e-mail, concerning the licensing of individuals and firms. File includes applications and supporting documentation, changes of brokers-in-charge, requests for duplicate or revised licenses, consents to service, returned licenses, correspondence, and other related records. Information is entered into Openinsight – Licensees and Onbase NC Real Estate Documents – Licensees. (Comply with applicable provisions of G.S. § 93A-4 regarding confidentiality of real estate license applicant records.)

DISPOSITION INSTRUCTIONS: Scan paper and microfilm records in office. Destroy in office original copies of scanned records after all quality control procedures have been completed. Retain electronic records in office permanently.

ITEM 3345. COMMISSION MINUTES FILE

Official minutes and supporting documentation of the North Carolina Real Estate Commission.

DISPOSITION INSTRUCTIONS: Transfer a duplicate copy of the official signed governing board minutes to the State Records Center after 1 year to be imaged. Agency will be responsible for cost of microfilm production. After completion of imaging and production of the microfilm, the silver-halide original microfilm will be transferred to the custody of the Archives. Paper records will be destroyed in the State Records Center after imaging. Retain signed (original) governing board minutes in office permanently.

ITEM 20152. PERSONNEL FILE

Records concerning Commission personnel. File includes applications, resumes, job descriptions, personnel action forms, and other related records. (Comply with applicable provisions of G.S. § 126-22, § 126-23, and § 126-24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Destroy in office 30 years after employee terminates service.

ITEM 20155. COMMISSION SCRAPBOOK FILE

Records concerning the history of the North Carolina Real Estate Commission and its activities. File includes newspaper clippings, photographs, and other related records.

DISPOSITION INSTRUCTIONS: Retain in office permanently.

ITEM 49706. LEGISLATIVE FILE

Records in paper and electronic formats, including email, concerning the Commission's work to affect proposed state legislation and implement enacted state legislation concerning Commission operations, including updates to the General Statutes. File includes correspondence, legislative bill drafts, legislative reports, and other related records.

DISPOSITION INSTRUCTIONS: Retain in office permanently.

NORTH CAROLINA REAL ESTATE COMMISSION EDUCATION

ITEM 3342. BROKER AND FIRM LICENSEE REGISTER FILE

Records in paper and electronic formats listing names of individuals and firms that have been issued real estate licenses. File includes cumulative register, which lists each licensee's name and address, license number, license type, date of issuance of license, and other related information. File also includes register index. Information is entered into Openinsight – Licensees and Onbase NC Real Estate Documents – Licensees. (One copy of register is sent to the Department of Secretary of State, Publications Division, Annual Report of Licensing Boards File (Item 2923) annually.) (Comply with applicable provisions of G.S. § 93A-4 regarding confidentiality of real estate license applicant records.)

DISPOSITION INSTRUCTIONS: Scan records in office. Transfer paper copies of scanned records after 1 year to the State Records Center for immediate transfer to the custody of the Archives. Transfer paper records currently held in the State Records Center to the custody of the Archives immediately. Retain in office electronic records permanently.

ITEM 20145. CANCELED BROKER AND FIRM LICENSE APPLICATIONS FILE

Records concerning individuals and firms whose applications for real estate licenses have been canceled. File includes applications, supporting documentation, and other related records. (Comply with applicable provisions of G.S. § 93A-4 regarding confidentiality of real estate license applicant records.)

DISPOSITION INSTRUCTIONS: Destroy in office when released from annual audit.

ITEM 20146. BROKER AND FIRM APPLICANT REGISTER FILE

Records listing individuals and firms applying for licensure. File includes register, which lists each applicant's name and type of license applied for, disposition of application, and date of disposition. (Comply with applicable provisions of G.S. § 93A-4 regarding confidentiality of real estate license applicant records.)

DISPOSITION INSTRUCTIONS: Scan records in office. Destroy in office paper copies of scanned records after all quality control procedures have been completed. Retain electronic records in office permanently.

ITEM 20148. PRIVATE REAL ESTATE SCHOOLS FILE

Records concerning private real estate schools licensed by the Commission. File includes applications, supporting documentation, and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office 5 years after denial or expiration of license.

ITEM 20149. GENERAL SCHOOLS FILE

Records concerning non-private real estate schools approved by the Commission. File includes names and addresses of schools offering course, schools' code number, names of contact persons for school, type of course, course description, date course approved, license examination performance of students, and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office 5 years after disapproval or termination of approval.

ITEM 20150. COURSE INSTRUCTORS FILE

Records concerning course instructors approved by the Commission. File includes applications, supporting documentation, and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office 5 years after disapproval or termination of approval.

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EDUCATION**

ITEM 20151. REAL ESTATE EXAMINATIONS FILE

Records concerning the development and administration of licensing examinations. File includes copies of examinations, analyses of examination questions, information concerning examinees' performance, numerical examination scores of examinees, and other related records.

DISPOSITION INSTRUCTIONS: Retain in office examinations permanently. Destroy in office remaining records when reference value ends.

**NORTH CAROLINA REAL ESTATE COMMISSION
REGULATORY AFFAIRS**

ITEM 3546. DISCIPLINARY ACTIONS FILE

Records in paper and electronic formats concerning complaints and inquiries against individuals and firms. File includes summaries of complaints and inquiries; investigative reports; hearing records; disposition of complaints; license applications of individuals or firms whose licenses have been revoked, suspended, or denied; and other related records. Information is entered into Openinsight Complaint Tracking and Onbase Complaint System.

DISPOSITION INSTRUCTIONS: Return to agency immediately records currently being stored in the State Records Center. Destroy in office returned records 15 years from date of record. Destroy in office remaining records 15 years after case is closed.

ITEM 20141. TRUST ACCOUNT AUDITS FILE

Records in paper and electronic formats, including e-mail, concerning routine audits of real estate trust accounts. File includes reconciliation and liability worksheets, inspection summaries, correspondence, and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office after 2 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

ITEM 20143. TIME SHARE PROJECTS FILE

Records in paper and electronic formats concerning time share projects registered with Commission. File includes applications, exhibits, amendments, renewal applications, consents to service, and other related information. Information is entered into Openinsight – Licensees and Onbase NC Real Estate Documents – Licensees.

DISPOSITION INSTRUCTIONS: Scan records in office. Destroy in office paper copies of scanned records after all quality control procedures have been completed. Destroy in office electronic records 5 years after project is closed.

ITEM 49710. RECOVERY FUND FILE

Records in paper and electronic formats, including e-mail, concerning applications for payment from the North Carolina Real Estate Recovery Fund. File includes notifications of possible claims for payment from the Fund, applications for payment from the Fund, affidavits, reference copies of court records, licensee records, respondent statements, applicant statements, correspondence, dispositions of claim, and other related records. Information is entered into Openinsight – Licensees and Onbase NC Real Estate Documents – Licensees.

DISPOSITION INSTRUCTIONS: Destroy in office 15 years after case is closed.

ITEM 49712. APPLICATION CASE FILE

Records in paper and electronic formats concerning licensure applications for which the Commission has ordered a hearing. File includes license applications of individuals and firms, supporting documentation for applications, dispositions of cases, and other related records. Information is entered into Openinsight – Licensees and Onbase NC Real Estate Documents – Licensees if applicant is licensed.

DISPOSITION INSTRUCTIONS: Destroy in office 15 years after case is closed.

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ITEM 49714. CHILD SUPPORT FILE

Records in paper and electronic formats, including e-mail, concerning licensees who have been reported to the Real Estate Commission as delinquent in their child support obligations. File includes reports from Child Support Enforcement Office, licensee records, correspondence, notices from the Commission, final dispositions of cases, and other related records. (Comply with applicable provisions of § G.S. 110-142.1(o) concerning the confidentiality of records of applicants and licensees who have had licenses denied or revoked.) Information is entered into Openinsight – Licensees and Onbase NC Real Estate Documents – Licensees.

DISPOSITION INSTRUCTIONS: Destroy in office 15 years after case is closed.

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The following items will be discontinued and deleted from the next version of the schedule.

ADMINISTRATION

ITEM 20135. BROKER, SALESMAN, AND CORPORATION LICENSEE ROSTER FILE

Printout listing each broker, salesman, or corporation licensed by the North Carolina Real Estate Commission. File includes name of each licensee, license number, business name and address, type of license, and other related information.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Broker and Firm Licensee Register File (Item 3342).

ITEM 20142. BROKER-IN-CHARGE FILE

Signed "Broker-In-Charge" cards for active and inactive brokers-in-charge of real estate offices. File includes each individual's name, license number, business name and address, and date of declaration.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Broker and Firm Licensee File (Item 3344).

ITEM 20153. FINANCIAL FILE

Records concerning receipts and disbursements of Commission funds and the Real Estate Recovery Fund. File includes invoices, cancelled checks, contracts, ledgers, annual reports and audits, prepaid renewal printouts, and other related information.

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records.

ITEM 20154. REAL ESTATE BULLETINS AND PUBLICATIONS FILE

Copies of the Commission textbook, the "Real Estate Bulletin", and brochures published by the Commission.

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records.

ITEM 20157. CORRESPONDENCE FILE

Records in paper and electronic formats, including e-mail, of correspondence to or from Commission members, licensees, and the public.

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records.

ITEM 28224. APPRAISER COMMITTEE MINUTES FILE

Minutes of the North Carolina Real Estate Commission Appraiser Committee with supporting documents.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to the North Carolina Appraisal Board, North Carolina Appraisal Board Minutes File (Item 37823).

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ITEM 28225. APPRAISER LICENSEE AND CERTIFICATION-HOLDER RENEWAL FILE

Licensee and/or certification-holder renewal applications. Information includes each licensee's and/or certification-holder's name and address, license and/or certification number, date of renewal, and other related information.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to the North Carolina Appraisal Board, Renewal Forms File (Item 37829).

ITEM 28226. APPRAISER LICENSEE/CERTIFICATION-HOLDER FILE

Records concerning licensing or certification of individuals. File includes applications with photographs and other identification information, changes of managing appraisers, requests for duplicate or revised licenses or certifications, returned licenses, correspondence, and other related information.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to the North Carolina Appraisal Board, Licensed and Certified Appraisers File (Item 37821).

ITEM 28227. APPRAISER LICENSE OR CERTIFICATION-HOLDER ROSTER FILE

Printout listing appraisers licensed or certified by the N.C. Real Estate Commission. Information includes name of each licensee/certification-holder, license/certification number, business name and address, and other related data.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to the North Carolina Appraisal Board, Licensed and Certified Appraisers Roster (Electronic) File (Item 37820).

ITEM 49704. LICENSEE DATABASE (ELECTRONIC) FILE

Electronic records concerning licensed brokers. Electronic file includes brokers' names, addresses, firm affiliations, renewal dates, license dates, and other related information.

DISPOSITION INSTRUCTIONS: Item discontinued. Information in database scheduled in Broker and Firm Licensee Register File (Item 3342), Broker and Firm Licensee File (Item 3344), Time Share Projects File (Item 20143), Recovery Fund File (Item 49710), Application Case File (Item 49712), and Child Support File (Item 49714).

EDUCATION

ITEM 20144. PENDING BROKER AND FIRM LICENSE APPLICATIONS FILE

Pending applications for licensure by Commission with supporting documents.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Broker and Firm Licensee File (Item 3344) and Cancelled Broker and Firm License Applications File (Item 20145).

ITEM 20147. "GRANDFATHER" ELIGIBILITY FILE

Card file listing names of all individuals eligible for licensure under the grandfather provision (G.S. 93A-4(b)) of the Real Estate License Law.

DISPOSITION INSTRUCTIONS: Item discontinued. All records destroyed.

ITEM 28223. APPRAISER APPLICANTS REGISTER FILE

Listing of applicants for licensure or certification. Information includes each applicant's name and type of license or certification applied for, disposition of application, and date of disposition.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to the North Carolina Appraisal Board, Cancelled Applications File (Item 37816) and Licensed and Certified Appraisers Roster (Electronic) File (Item 37821).

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ITEM 28228. CANCELLED APPRAISER LICENSE/CERTIFICATION APPLICATIONS FILE

License/Certification application forms and supporting documents for individuals whose applications have been cancelled.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to the North Carolina Appraisal Board, Cancelled Applications File (Item 37816).

ITEM 28229. REAL ESTATE APPRAISER AND CERTIFICATION-HOLDER LICENSEE REGISTER FILE

Cumulative listings of names of individuals who have been issued real estate appraiser licenses or real estate appraiser certifications. File includes each licensee's or certification-holder's name and address, license/certification number, date of issuance of license or certification, and other related information.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to the North Carolina Appraisal Board, Licensed and Certified Appraisers Database (Electronic) File (Item 37822).

REGULATORY AFFAIRS

ITEM 20139. PENDING DISCIPLINARY ACTIONS FILE

Records concerning complaints against licensed real estate brokers, registered time share projects, and complaints related to unlicensed activity. File includes each respondent's name and license number, type of license, business name and address, date complaint filed, date of assignment of complaint to investigator, date of referral of complaint to Commission, hearing date, disposition of complaint, name of complainant, summary of complaint, and other related information.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Disciplinary Actions File (Item 3546).