

21 NCAC 58H .0303 LIMITATION, DENIAL, OR WITHDRAWAL OF INSTRUCTOR APPROVAL

(a) The Commission may limit, deny, or withdraw approval of any instructor applicant or approved instructor upon finding that the instructor or instructor applicant:

- (1) has failed to meet the criteria for approval described in Rule .0302 of this Section or the criteria for renewal of approval described in Rule .0306 of this Section at the time of application or at any time during an approval period;
- (2) made any false statements or presented any false, incomplete, or incorrect information in connection with an application for approval or renewal of approval or any report that is required to be submitted to the Commission;
- (3) has failed to submit to the Commission any report, course examination, or video recording required by these Rules;
- (4) has failed to demonstrate the ability to teach a Prelicensing, Postlicensing, or Update course in a manner consistent with the course materials;
- (5) taught a Prelicensing course and failed to provide to the Commission, within 30 days of the Commission's request during an investigation or application process, a written plan describing the changes the instructor has made or intends to make in his or her instructional program to improve the performance of the instructor's students on the license examination;
- (6) has been convicted of, pleaded guilty to, or pleaded no contest to, a misdemeanor or felony violation of state or federal law by a court of competent jurisdiction;
- (7) has been found by a court or government agency of competent jurisdiction to have violated any state or federal regulation prohibiting discrimination;
- (8) has obtained, used, or attempted to obtain or use, in any manner or form, North Carolina real estate license examination questions except that the instructor or instructor applicant may sit for their own initial examination for licensure;
- (9) has failed to take steps to protect the security of end-of-course examinations;
- (10) failed to take any corrective action set out in the plan described in Subparagraph (a)(5) of this Rule or as otherwise requested by the Commission;
- (11) engaged in any other improper, fraudulent, or dishonest conduct;
- (12) failed to utilize course materials pursuant to Rule .0205 of this Subchapter;
- (13) has taught or conducted a course in any manner that discriminated against any person on the basis of age, sex, race, color, national origin, familial status, handicap status, or religion; or
- (14) failed to comply with any other provisions of this Subchapter.

(b) If an instructor's annual License Examination Performance Record fails to exceed 40 percent in each of the previous two license years and the instructor was approved by the Commission during the entire previous two years, the Commission shall limit the instructor's approval such that the instructor shall not teach prelicensing or postlicensing courses. Said limitation shall be effective July 1st of the calendar year following the Commission's determination.

The instructor shall be eligible to have the limitation removed one year after the limitation is imposed provided that the instructor has:

- (1) provided a written plan describing the changes the instructor has made or intends to make in his or her instructional program to improve the performance of the students on the license examination;
- (2) consulted with a designated Commission staff member to review the written plan and needs for improvement; and
- (3) attended the Commission's New Instructor Seminar.

(c) A limited instructor is eligible to renew an instructor approval; however, a renewal shall not remove the limitations provided under Paragraph (b) of this Rule.

History Note: *Authority G.S. 93A-4; 93A-33; 93A-34;*
Eff. July 1, 2017;
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