

## NORTH CAROLINA

### A. Actions Requiring Licensure

Determination for whether licensure is required for acts typically performed by land or right-of-way agents in North Carolina is governed generally by North Carolina General Statutes (“N.C. Gen. Stat.”) § 93-A, *et seq.* North Carolina is a “broker-only” state, so, although there are different levels of brokerage license, there is only one designation. Specifically, N.C. Gen. Stat. § 93A-1, provides that “it shall be unlawful for any person, partnership, corporation, limited liability company, association, or other business entity in this State to act as a real estate broker, or directly or indirectly to engage or assume to engage in the business of real estate broker or to advertise or hold himself or herself or themselves out as engaging in or conducting such business without first obtaining a license issued by the North Carolina Real Estate Commission . . .” A “broker” is one who “for a compensation or valuable consideration or promise thereof lists or offers to list, sells or offers to sell, buys or offers to buy, auctions or offers to auction (specifically not including a mere crier of sales), or negotiates the purchase or sale or exchange of real estate, or who leases or offers to lease, or who sells or offers to sell leases of whatever character, or rents or offers to rent any real estate or the improvement thereon, for others.”

### B. Exceptions

Pursuant to N.C. Gen. Stat. § 93A-2, excepted from the provisions of the statute are those who act “with reference to property owned or leased by them, where the acts are performed in the regular course of or as incident to the management of that property and the investment therein. The exemption from licensure under this subsection shall extend to **officers and employees of an exempt corporation**, the general partners of an exempt partnership, and the **managers of an exempt limited liability company** when said persons are engaged in acts or services for which the corporation, partnership, or limited liability company would be exempt . . .”

Presumably, as there is no apparent provision to the contrary, in North Carolina, typical duties for clients would likely be covered by the exception if they are an “exempt entity”, defined as a “natural person owners of an exempt closely held business entity. For purposes of this subdivision, a closely held business entity

is a limited liability company or a corporation, neither having more than two legal owners, at least one of whom is a natural person.” There are other examples, but “Global Project Solutions, LLC”, with a single member would be exempt from the requirement in North Carolina.

The closely held business entity acting as an agent under this sub-subdivision must file an annual written notice with the Secretary of State, including its legal name and physical address. There are a few other requirements, but this exception is a novelty among the states reviewed.