



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9020, Olympia, Washington 9850-9020

**Washington Administrative Code
Notice of Permanent Rules for
WAC 308-124C-105 Required records.**

Adoption of: WAC 308-124C-105 Required records.

Effective date: These rule changes will become effective 31 days after filing or on July 14, 2024.

What are the agency's reasons for adopting this rule?

The Department is conducting rulemaking to provide clarity for real estate broker licensees concerning required documentation maintenance.

Summary of all public comments received on this rule proposal and the agency's response to those comments:

Comments	
Paraphrased Comment	Department Response
Would these rule changes require brokers who have referred a client to another brokerage to be responsible for maintaining a full transaction file? It seems privacy laws would prevent that broker from having a right to any copies of agreements, contracts, or other documents involving the client.	This would depend on the brokerage services provided, if any. If real estate brokerage services were provided to the client, then copies must be maintained in a transaction file with the referring broker, however the referral agreement will be maintained by both firms. The referring broker is the broker referring to another firm, and the referred firm is the firm receiving the referral.
Are CMA's considered BPO's? If so, what requirements are needed to save this as material correspondence?	Yes, CMAs are considered BPO's, and the same requirements apply to both.

Written comments were submitted regarding this rule change and there was oral testimony. Each of the questions or comments received by the department are included in the summary above.

Changes made to the proposed WAC as a result of public comment:

DOL accepted the language suggestions submitted by WA Realtors. This was not a substantive change, but simply altered the location of the language to improve readability.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Ellis Starrett, Agency Rules Coordinator, at (360) 902-3846 or email rulescoordinator@dol.wa.gov.