

PUBLIC RECORDS ACCESS GUIDELINES

RE 103 (Rev.4/06)

Public records maintained by the Department of Real Estate (DRE) are available for inspection and/or copying pursuant to the following procedures:

- ✓ Requests for public records may be made orally or in writing. The DRE may refuse to disclose any records that are exempt from disclosure under the Public Records Act, or other State or federal law.
- ✓ Public records will be made available for inspection on reasonable notice during the regular business hours of the DRE. Department functions shall not be suspended to permit inspection of records where the records are reasonably required by DRE personnel in the performance of their duties. If a request requires review of numerous records, a mutually agreeable time will normally be established for their inspection.
- ✓ Requests for public records must be sufficiently descriptive to enable the DRE to identify, locate and retrieve the records. The DRE is entitled to a reasonable period of time to locate the records, if not readily accessible, and to determine whether they must first be reviewed, and possibly redacted, in order to protect confidential or exempt material from improper disclosure.
- ✓ In order to preserve the integrity of the public records, inspection is permitted only in DRE offices and in the presence of DRE personnel. Upon completion of the inspection, the requested records shall be returned to the DRE in the same condition as they were received. Persons inspecting public records shall not destroy, deface or alter the records, and shall not remove them from the DRE office.
- ✓ Copies of the requested public records will be provided at a charge not to exceed the DRE's direct costs of duplication. Payment of the duplication charge shall be required to the DRE before the DRE copies the records.

Public records include any written communication containing information pertaining to the conduct of the DRE's business that is prepared, owned or retained by the DRE, regardless of physical form or characteristic. As an example, the following records maintained by the DRE are *public records* and will be made available for inspection as described above:

Formal action files — All documents in formal action files including Orders and Decisions by or in the name of the Real Estate Commissioner, the Proposed Decision of the Administrative Law Judge, pleadings, and all exhibits received into evidence or marked for identification.

In-state subdivided lands — All forms and documents required to be furnished by the applicant for the issuance of a Public Report for the offering of in-state subdivided lands.

Out-of-state subdivided lands — All forms and documents required to be furnished by the applicant for the issuance of a Permit for the offering of out-of-state subdivided lands, except those documents which contain information on the price and terms under which the land in question was acquired or is to be acquired by the applicant.

Recovery fund — All forms and documents required to be furnished by a person claiming to be aggrieved in connection with a claim against the Real Estate Recovery Fund.

Licensee & license applicants — The name and fictitious business name, if any, of a licensee, the business address of a licensee, the license identification number of the license currently held by a licensee, the names of all licensed officers of a corporate licensee, and the name and business address of the employing broker or corporation of a real estate salesperson.

Electronic records

Unless prohibited by law, if the DRE has information that constitutes an identifiable public record that is not exempt from disclosure and is in an electronic format, it shall make that information available in an electronic format upon request pursuant to Section 6253.9 of the Government Code. When the DRE must compile records or extract information from an electronic record or undertake programming to satisfy a request, the requestor may be required to bear the cost.

DRE Website

A variety of consumer and licensee information (i.e., licensee status, downloadable forms) is available on the DRE website at www.dre.ca.gov.

Guidelines

A copy of these guidelines will be posted in a conspicuous place in each office of the DRE, and will be available free of charge to any person requesting such.

Legal Reference

The California Public Records Act is contained in Government Code Section 6250 et seq.
