



APPRAISER CERTIFICATION

RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589

ACKNOWLEDGEMENTS

PREPARED BY:

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2018

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Department of Labor and Regulation

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State Records Manager



DEPARTMENT OF
EXECUTIVE MANAGEMENT
**BUREAU OF
ADMINISTRATION**

PMB 01234

RECORDS MANAGEMENT PROGRAM
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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: January 4, 2019

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that “No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value.”

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

PETITION FOR AUTHORITY TO DESTROY RECORDS

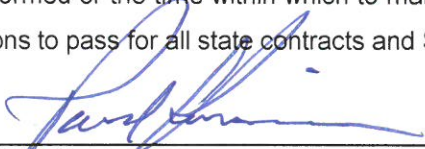
I, Paul Kinsman (name), acting in my position as Secretary of the Department of Revenue and Regulation (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Revenue and Regulation (department) consists of 79 pages and contains record series number(s) DRR-1 (consecutively re-numbered) through DRR-113.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the Revenue and Regulation (department) record series numbers(s) REV-2 thru REV-16, REV-18, REV-20 thru REV-30, REV-33 thru REV-36, REV-38 thru REV-43, REV-45 thru REV-47, REV-352, REV-48, REV-353, REV-50, REV-52, REV-53, REV-55, REV-351, REV-56 thru REV-74, COM-399, COM-402, COM-404, COM-406, REV-357, REV-76 thru REV-78, REV-80 thru REV-91, REV-358, REV-93 thru REV-102, REV-104 thru REV-106, REV-108 thru REV-140, REV-142 thru REV-144, REV-146, REV-148 thru REV-153, REV-340, REV-341, REV-344 thru REV-346, REV-154, REV-155, REV-176, REV-156, REV-158, REV-160 thru REV-163, REV-166, REV-167, REV-170, REV-171, REV-359, REV-178 thru REV-182, REV-186 thru REV-188, REV-191 thru REV-194, REV-196 thru REV-202, REV-204, REV-206, REV-207, REV-340, REV-208 thru REV-213, REV-215, REV-234, REV-238 thru REV-242, REV-244 thru REV-257, REV-259, REV-260, REV-263, REV-273, REV-275, REV-281, REV-282, REV-284, REV-286, REV-290, REV-298 thru REV-301, REV-216 thru REV-232, REV-303, REV-307 thru REV-309, REV-311, REV-313, REV-314, REV-315, REV-317, REV-319 thru REV-326, REV-329 thru REV-331, REV-334, REV-335, and REV-337.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.



Paul Kinsman, Secretary of the Dept. of Revenue and Regulation

12-1-08

Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.



Dana Hoffer, State Records Manager

12-11-08

Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 11th day of December, 2008, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.



Signature, Chairman of the Board

12-11-08

Date

PETITION FOR AUTHORITY TO DESTROY RECORDS

I, Marcia Hultman, acting in my position as the Secretary of the Department of Labor and Regulation, requests that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02. The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Appraiser Certification Program consists of 6 pages and contains record series number(s) DRR-14, DRR-17, DRR-18, DRR-20, DRR-24.1, DRR-24.2, and DRR-26.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.



Marcia Hultman, Secretary of the Department of Labor and Regulation

11-5-18

Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.



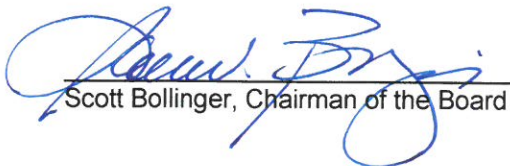
Dana Hoffer, State Records Manager

11-16-18

Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 6th day of December, 2018, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.



Scott Bollinger, Chairman of the Board

1-3-19

Date

South Dakota Codified Laws:

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

Definitions:

- **Superseded:** To take the place of; replace.
- **Obsolete:** No longer in use.

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APPRAISER CERTIFICATION PROGRAM:

- THIS MANUAL WAS CREATED AS A RESULT OF EXECUTIVE REORGANIZATION ORDER NO. 2011-01, THE APPRAISER CERTIFICATION PROGRAM UNDER THE DEPARTMENT OF REVENUE WAS TRANSFERRED TO THE DEPARTMENT OF LABOR AND REGULATION EFFECTIVE APRIL 12, 2011..... 1

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STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Labor and Regulation
DIVISION: Secretary
OFFICE: Boards and Commissions
PROGRAM: Appraiser Certification
RECORDS OFFICER: Jim Dornbusch
RM CUSTOMER #: 1207

RECORD **R.D.B.**
SERIES NO. **TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE** **AUTHORITY**
NUMBER

- **This manual was created as a result of Executive Reorganization Order No. 2011-01, The Appraiser Certification Program under the Department of Revenue was transferred to the Department of Labor and Regulation effective April 12, 2011.**

DRR-13. ADMINISTRATIVE REFERENCE FILES:

08-001

This series may be arranged by subject matter and contains information used in the daily administration of the program or office. Information may include, but is not limited to: budget, equipment, inventory, legislation, organization/association, and property management information; monthly reports; policies and procedures; reference manuals; logs; rules and regulations; mailing lists; general correspondence and any other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Cull files on a yearly basis to avoid build-up of superseded or obsolete materials.)

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<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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DRR-14. ADMINISTRATIVE RULES PROMULGATION FILES:

18-016

This series contains notices of public hearings, affidavits of publication of notices, written comments from the public, and transcripts of hearings. These are also filed with the Code Counsel and Secretary of State. Files have little reference activity once the hearing has been held unless someone requests a copy of the transcript. Information serves to document the proper promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: ELECTRONIC IMAGES/MICROFILM: Retain for as long as rules are in effect, then destroy.

(NOTE: SDCL 1-26-7 states in part that “each agency shall keep the original records, documents, and instruments required by this chapter.” There is no time frame included for these records. Since SDCL 1-26-6.8 provides that “No rule is enforceable in the Courts unless properly adopted,” the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26A-2, which cures all defects in the adoption of rules appearing in the 1974 printed ARSD.)

(NOTE: Scan paper and convert electronic images to microfilm when volume warrants.)

(Note: Previous record series number was COM-395.)

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<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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DRR-15. APPLICATION UPGRADE:

08-001

This series is arranged by type (upgrade pending, agreed disposition, upgrade denied, upgrade issued, upgrade after denial, and upgrade withdrawn) and contains application upgrades. Information may include: upgrade application, review forms, proof of education and experience, correspondence from reviewers, conclusions, and disposition of case. This record series is used during the review process of granting or denying a licensee an upgrade to their existing license.

RETENTION: APPROVED APPLICATIONS: Transfer upgrade approval/denial data to the respective "Licensee Files".

ALL OTHER INFORMATION: Retain in office 1 year after final disposition, then transfer to storage for 4 years. Destroy after 5 years provided no litigation or claims involving the records are pending.

(Note: Previous record series number was COM-396.)

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RECORDS OFFICER: Jim Dornbusch
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DRR-16. APPRAISALS:

08-001

This series is arranged by type (upgrade, complaint, initial application, and licensee investigations) and contains appraisals submitted for review. This record series is used during the review process of granting or denying an upgrade or initial application; and for complaint and licensee investigations.

RETENTION: Retain 5 years, then destroy provided no litigation or claims involving the records are pending.

DRR-17. COMPLAINT FILES:

18-016

This series is arranged by stage within the investigation and contains complaint files filed against appraisers and appraisal management companies. Information may include: complaint, response, investigation, legal documentation, and final disposition. This record series is maintained to enforce laws and rules regarding appraisers and appraisal management companies.

RETENTION: Retain 3 years in office after final disposition, then transfer to storage for 2 years. Destroy after 5 years provided no litigation or claims involving the records are pending.

(Note: Previous record series number was COM-397.)

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RM CUSTOMER #: 1207

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DRR-18. COMPLAINTS-DISMISSED OR NO ACTION:

18-016

This series is arranged alphabetically by appraiser or appraisal management company name and contains dismissed or no action complaint files filed against appraisers and appraisal management companies. Information may include: complaint, response, investigation, legal documentation, and final disposition. This record series is maintained to enforce laws and rules regarding appraisers and appraisal management companies.

RETENTION: Retain 6 months in office after final disposition, then transfer to storage for 4 1/2 years. Destroy after 5 years provided no litigation or claims involving the records are pending.

DRR-19. CONTINUING EDUCATION:

08-001

This paper series is arranged alphabetically by provider, has a corresponding database, and contains continuing education approved by the program. Information may include: request for approval from the educational provider, course materials, schedules, table of contents, and official approval or denial letter. The continuing education approval is valid for three years, at which time the educational provider must have the continuing education reviewed and approved.

RETENTION: PROVIDER INFORMATION: Retain 3 years in office after no file activity, then destroy.

COURSE INFORMATION: Retain current in office. Once expired, retain 1 year, then destroy.

DATABASE: Retain permanently.

(Note: Previous record series number was COM-398.)

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RM CUSTOMER #: 1207

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DRR-20. HEARING FILES:

18-016

This series documents the enforcement by the program to resolve new application denials; renewal denials; complaints filed against appraisers and appraisal management companies; and documents the appeals. Information may include, but is not limited to: complaint, applications, appeal, review reports, appraisals, working papers, disciplinary actions, and final decisions. This record series is maintained as documentation for possible legal action.

RETENTION: Retain in office 2 years after final decision, then transfer to storage for 3 years. Destroy after 5 years provided no litigation or claims are pending.

(Note: Previous record series number was COM-400.)

DRR-21. INITIAL APPLICATION REVIEW:

08-001

This series is arranged by review process stage (pending, approved, denied, withdrawn, and expired) and contains the initial application review. Information may include: application, review forms, and final disposition. This record series is used to either grant or deny an individual their license.

RETENTION: APPROVED APPLICATION: Transfer supporting documentation to the respective "Licensee Files".

ALL OTHER INFORMATION: Retain in office 1 year after final disposition, then transfer to storage for 4 years. Destroy after 5 years provided no litigation or claims involving the records are pending.

(Note: Previous record series number was COM-401.)

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DRR-22. LICENSEE FILES:

08-001

This paper series is arranged by classification, then alphabetically by name, has a corresponding database, and contains active, inactive, denied, and deceased appraiser license files. License types may include: certified general, state licensed, certified residential, registered, and temporary permit. Information may include: application, education documentation, testing results, renewal applications, continuing education verification, upgrade information, and disciplinary actions. This record series is used to issue appraiser licenses, which allow the appraisers to work within the state; to verify appraisers qualifications; and to document the history of the appraiser. Appraisers must renew their licenses yearly.

RETENTION: LICENSEE FILES: Retain in office 6 months after the license has not been renewed, then transfer to storage for 4 1/2 years. Destroy 5 years after the license has not been renewed.

TEMPORARY LICENSEE FILES: Retain 1 year in office, then transfer to storage for 4 years. Destroy 5 years after issued.

DATABASE: Retain permanently.

(Note: Previous record series number was COM-403.)

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DRR-23. LICENSEE INVESTIGATION FILES:

08-001

This series is arranged by type and contains investigation files for unlicensed appraisal activity, fraudulent renewals, and incorrect signature block. Information may include: correspondence, renewal applications, investigation, legal documentation, and disposition of case. This record series is maintained to enforce uniform standards.

RETENTION: Retain 1 year in office after final disposition, then transfer to storage for 4 years. Destroy after 5 years provided no litigation or claims involving the records are pending.

DRR-24. QUALIFYING EDUCATION PROVIDER:

08-001

This paper series is arranged alphabetically by provider, has a corresponding database, and contains qualifying education courses approved or disapproved by the program. Information may include: request for approval, course outline, schedules, course materials, and approval or denial letter. The approval is valid for three years, at which time the educational provider must have the qualifying course reviewed and approved. The database is maintained permanently for education verification.

RETENTION: PROVIDER INFORMATION: Retain 3 years in office after no file activity, then destroy.

COURSE INFORMATION: Retain current on office. Once expired retain 1 year, then destroy.

DATABASE: Retain permanently.

(Note: Previous record series number was COM-405.)

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DRR-24.1. REGISTRATION FILES:

18-016

This series is arranged alphabetically by company name, has a corresponding database, and contains active and inactive appraisal management company files. Information may include, but is not limited to: application, surety or irrevocable letter of credit, proof of Secretary of State Registration, renewal applications and disciplinary actions. This record series is used to issue registration to appraisal management companies which allows the company to operate in the state; to verify registration; and to document the history of the company.

RETENTION: APPRAISAL MANAGEMENT COMPANY FILES: Retain in office 6 months after the registration has not been renewed, then transfer to storage for 4 ½ years. Destroy 5 years after the registration has not been renewed.

DATABASE: Retain permanently.

DRR-24.2. REGISTRATION INVESTIGATION FILES

18-016

This series contains investigation files for unlicensed appraisal management company activity and fraudulent initial or renewal applications. Information may include, but is not limited to: correspondence, application, investigation, legal documentation, and disposition of case. This record series is maintained to enforce laws and rules regarding appraisal management companies.

RETENTION: Retain 1 year in office after final disposition, then transfer to storage for 4 years. Destroy after 5 years provided no litigation or claims involving the records are pending.

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DRR-25. TESTING FILES:

08-001

This series contains information regarding the companies contracted with to give the national appraiser exams. Information may include: reference copies of contracts with the testing company (terms and conditions of the contract, effective dates, costs, and funding source); and test results. This record series is maintained for testing purposes.

RETENTION: Retain current in office, then transfer to storage for 5 years. Destroy 5 years after the testing company is no longer being utilized.

(Note: Previous record series number was COM-407.)

DRR-26. UNIFORM STANDARDS:

18-016

This series is arranged chronologically by year and contains the original standard forms used in approval of licensees. The Uniform Standards are revised and adopted on a 2 year basis. This record series is maintained for reference purposes to the standards for a particular year, which the program may be called upon to compile the standards at any given point in time.

RETENTION: Retain permanently in office.

(Note: Previous record series number was COM-408.)