



APPRAISER CERTIFICATION

RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

**BUREAU OF
ADMINISTRATION**

PMB 01234

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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

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

DATE: January 12, 2012

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, original and copies, and supporting documents; warrants, original and copies, multiple copies of State publications stored in bulk; obsolete blank forms; photocopies of computer printouts; and original copies of records that have been legally reproduced under the provisions of SDCL 1-27-4.

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.

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- 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: Monica Harding
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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DRR-14. ADMINISTRATIVE RULES PROMULGATION FILES:

08-001

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: Retain in office 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. Consider maintaining on microfilm instead of paper and destroying the paper after microfilm has been inspected and verified to meet quality standards.)

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

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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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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:

08-001

This series is arranged by stage within the investigation and contains complaint files filed against appraisers. Information may include: complaint, response, investigation, legal documentation, and final disposition. This record series is maintained to enforce uniform standards.

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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DRR-18. COMPLAINTS-DISMISSED OR NO ACTION:

08-001

This series is arranged alphabetically by appraiser name and contains dismissed or no action complaint files filed against appraisers. Information may include: complaint, response, investigation, legal documentation, and final disposition. This record series is maintained to enforce uniform standards.

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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DRR-20. HEARING FILES:

08-001

This series documents the enforcement by the program to resolve new application denials; renewal denials; complaints filed against individual appraisers; and documents the appealed upgrade denials. Information may include, but is not limited to: complaint, applications, denial 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-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:

08-001

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 yearly 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.)