

## TITLE 100 – DEPARTMENT OF STATE

### CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

#### SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

##### PART 6 – DEPARTMENT OF BUSINESS REGULATION RECORDS (DBR, BCC, BOA, CPP, FB)

### 6.1 Purpose, Authority, Severability, and Destruction

#### 6.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

#### 6.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

#### 6.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

#### 6.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

**DBR            Department of Business Regulation**

**DBR1           Securities Division**

**DBR1.1        Broker-Dealer Documents**

Registrations/Applications submitted to division by those applying to be a broker-dealer in Rhode Island.

**DBR1.1A      Hard Copy-Forms 301 and 301A**

Application forms submitted to DBR prior to 1983 when registration was a state function.

Retention:        Shred now.

Note:              Function ceased in 1983.

**DBR1.1B      Current Registration Record**

Beginning in 1983, these registrations are submitted through the Central Registration Depository (CRD) computer system and maintained by the National Association of Securities Dealers (NASD). DBR has only approval function which is accomplished electronically.

Retention:        Record held by NASD.

**DBR1.2        CRD Conversion Books**

Alphabetical list of securities dealers and individuals which were not converted to the CRD computer system that was implemented in 1983, due to their leaving the securities business prior to the conversion. Records have not been created since 1983 and include the individual's name, corporate name, social security number, CRD number and firm identification.

Retention:        Destroy in 2034.

**DBR1.3        Broker (Salesperson) Registration Cards**

This record of registration includes individual's name and address, employing broker and registration and renewal date.

**DBR1.3A      Hard Copy-Yellow Card**

Retention:        Destroy in 2034.

Note: Superseded by CRD record below since 1983.

**DBR1.3B Current Registration Record**

Contained as part of the CRD computer system.

Retention: Record held by NASD.

**DBR1.4 License Receipts**

Receipt of securities registration cards.

Retention: Retain one (1) year after audit.

**DBR1.5 NASD Registered Brokers**

Hard copy listing of brokers registered with the NASD.

Retention: Retain until superseded.

**DBR1.6 Registered Securities Cards**

DBR form 305-1M. Registration Card for securities (not mutual funds) registered in Rhode Island prior to computerization. Includes, issuer, security, date registered, broker-dealer and party to whom notice of effectiveness was sent.

Retention: Permanent.

Note: Card has been superseded by DBR1.7 (Registered Securities Files-Coordination (Qualification/Regulation D Filings)) and DBR1.13 (Unix Computer Database).

**DBR1.7 Registered Securities Files-Coordination (Qualification/Regulation D Filings)**

Hardcopy registration application filed with DBR to register security offerings (not including mutual funds) in Rhode Island. May include Uniform Forms U-1 Application and U-2 Consent to Service of Process.

**DBR1.7A Original Application**

Retention: Retain five (5) years from expiration, if full and complete application received for renewal. Retain five (5) years from expiration if not renewed.

**DBR1.7B Renewals**

Retention: Retain five (5) years from renewal or expiration if not renewed.

**DBR1.8 No Action Exemption Requests**

Hard copy letter requesting exemption for sales of securities where no registration is required because the issuer is exempt under R.I. Gen. Laws § 7-11-401.11(iv).

Retention: Retain five years from date of expiration.

**DBR1.9 Financial Statements**

Financial statements of investment advisers and broker-dealers. (R.I. Gen. Laws § 7-11-209(d))

**DBR1.9A Broker-Dealer**

Retention: Retain one (1) year.

**DBR1.9B Investment Advisors**

Retention: Retain one (1) year.

**DBR1.10 Investment Advisors Application & Related Documents**

Application and registration files of investment advisers and investment advisor representatives. File may include application (ADV for firms and U-4 for individual advisors), financial statements, and other documents relating to registration.

**DBR1.10A Application and Supporting Documents**

Retention: Retain five (5) years from expiration, if full and complete application received for renewal. Retain five (5) years from expiration if not renewed.

**DBR1.10B Renewal Application**

Retention: Retain five (5) years from renewal or expiration if not renewed.

**DBR1.10C Financial Statement**

Retention: Retain five (5) years.

See Also: DBR1.9 (Financial Statements).

### **DBR1.11 Mutual Fund Registration Cards**

DBR form 305-1M. Registration Card for mutual funds registered in Rhode Island prior to computerization. Includes, issuer, security, date registered, broker-dealer and party to whom notice of effectiveness was sent.

Retention: Permanent.

Note: Card has been superseded by DBR1.12 (Mutual Fund Files) & DBR1.13 (Unix Computer Database).

### **DBR1.12 Mutual Fund Files**

Hardcopy registration application filed with DBR to register mutual funds in Rhode Island. May include Uniform Forms U-1 Application and other supporting data relating to mutual fund.

#### **DBR1.12A Original Application**

Retention: Retain five (5) years from expiration, if full and complete application received for renewal. Retain five (5) years from expiration if not renewed.

#### **DBR1.12B Renewals**

Retention: Retain five (5) years from renewal or expiration if not renewed.

#### **DBR1.12C Exemptions**

Requests for sale of mutual funds where no registration is required because the issuer is exempt under R.I. Gen. Laws § 7-11-401.11(iv).

Retention: Retain five (5) years from date of expiration.

### **DBR1.13 Unix Computer Database**

Information extracted from Registered Securities Files (DBR1.7 (Registered Securities Files-Coordination (Qualification/Regulation D Filings))), no action/exemptions (DBR1.8 (No Action Exemption Requests)), mutual fund files (DBR1.12 (Mutual Fund Files)) and entered into DBR Unix System. Information entered may include issuer, log number, transaction type, security type, date first registered, effective

date, expiration date, date of last update, amount, section of law, fee, and comments.

Retention: Permanent.

Note: Ensure migration of records to successive generations of technology and systems, and other necessary maintenance to enable retention of and access to accurate reliable and complete records throughout their authorized lifecycle.

#### **DBR1.14 Charities Files**

Applications of charitable organizations, professional fundraisers, fundraising counsel and solicitors for purpose of registration in Rhode Island. In addition to application, files may include list of board of directors and auditor's report. (R.I. Gen. Laws § 5-53-2)

Note: Prior to records disposal, verify with relevant agencies and personnel that there are no pending investigations involving a particular charity.

##### **DBR1.14A Original Application**

Retention: Retain three (3) years.

##### **DBR1.14B Renewals**

Retention: Retain three (3) years.

##### **DBR1.14C Exemptions**

Annual filing by charitable organizations claiming exemption under R.I. Gen. Laws § 5-53-3.13(b).

Retention: Retain five (5) years from expiration.

#### **DBR1.15 Franchise Files**

Application and registration file of franchises in the state of Rhode Island. File may include but is not limited to application, uniform franchise offering circular and exhibits. (R.I. Gen. Laws § 19-28.1-13)

##### **DBR1.15A Original Application**

Retention: Retain five (5) years from expiration if full and complete application received for renewal. Retain five (5) years from expiration if not renewed.

**DBR1.15B Renewals**

Retention: Retain five (5) years from renewal or expiration if not renewed.

**DBR1.15C Exemptions**

Letters filed by franchises to be exempt from registration under R.I. Gen. Laws § 19-28.1-6.4.

Retention: Retain five (5) years from expiration.

**DBR1.16 Time Share Files**

Application and registration of Time Shares in Rhode Island. May include application, registration statement and exhibits.

**DBR1.16A Original Application**

File may include but is not limited to a verified statement of all costs and time involved in completing the time share property and other documents pursuant to R.I. Gen. Laws § 34-41-05.

Retention: Retain five (5) years from expiration, if full and complete application received for renewal. Retain five (5) years if not renewed.

**DBR1.16B Annual Reports & Amendments**

Required within thirty (30) days of anniversary date of the order of registration to bring up to date the material contained in application for registration and public offering. (R.I. Gen. Laws § 34-41-5.05)

Retention: Retain five (5) years from expiration.

**DBR1.17 Complaint Files**

Complaints received and investigated by the Division. File may include but is not limited to allegations of abusive sales practices and unsuitability.

**DBR1.17A Investigated Complaints, No Further Action**

Retention: Retain five (5) years from final resolution.

**DBR1.17B Investigated Complaints Resulting in Enforcement**

Retention:      Move to enforcement files.

## **DBR1.18      Enforcement Files**

Includes all investigatory material relating to a complaint or routine investigation that has resulted in further action by the Division and Department. May include but is not limited to consent orders and agreements regarding enforcement actions against licensees, registrants and others carried out by the division. It may also contain any documents relating to hearing, notice of hearings and appeals.

Retention:      Retain ten (10) years from final resolution.

See Also:      For all decisions and orders relating to enforcement files, see DBR1.19.3 (Decisions and Orders).

## **DBR1.19      Administration**

### **DBR1.19A      General Office Administrative Records: Fiscal Records, Reference Records [SUPERSEDED]**

See Also:      For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

### **DBR1.19B      Personnel Records, Payroll Records [SUPERSEDED]**

See Also:      For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

### **DBR1.19.1      Division Annual Report**

Retention:      Permanent.

### **DBR1.19.2      Correspondence**

#### **DBR1.19.2A      General Correspondence**

Correspondence to and from the Superintendent of Securities.

Retention:      Retain four (4) years.

#### **DBR1.19.2B      Routine Correspondence**

Retention:      Retain four (4) years.

**DBR1.19.2C Correspondence of a Legal, Advisory or Policy Nature**

Retention: Permanent.

**DBR1.19.3 Decisions and Orders**

**DBR1.19.3A All Decisions and Orders Issued by the Director**

Retention: Record Copy - Permanent.  
Duplicates - Retain until no longer of administrative value.

**DBR1.19.3B All Approvals or Denials of Requests Issued by the Director Which Do Not Require the Issuance of a Decision of Order**

Retention: Record Copy - Permanent.  
Duplicates - Retain until no longer of administrative value.

**DBR1.19.4 Policy and Procedures**

Documents relating to the activities of the Division of Securities. Included are procedures governing operation of the division of securities.

Retention: Record Copy - Permanent. Duplicates - Retain until of no administrative value.

**DBR1.19.5 Rules and Regulations**

Rules and Regulations relating to the regulation of securities.

Retention: Retain until superseded or repealed.

Note: Permanent copy maintained by the legal division.

**DBR1.19.6 Access to Public Records Requests [SUPERSEDED]**

Forms completed by members of the public requesting access to a particular record.

Retention: Retain one (1) year from final resolution.

See Also: For associated retention, GRS6.10  
(Access to Public Records Documents).

**DBR1.19.7 Certificates of Records Destruction [LEGACY –  
DUPLICATE]**

Certification of Records Destruction forms signed by the  
authorized agency official and submitted to, and signed  
by, the State Archivist/Public Records Administrator.  
Certificates authorize the disposal of records listed in this  
and other applicable schedules. (R.I. Gen. Laws §§ 38-1-  
10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only,  
see GRS6.8B (Certificates of Records  
Destruction).

**DBR2 Banking Division**

**DBR2.1 Applications to Board of Bank Incorporation and the Director of  
Department of Business Regulation**

Applications and requests to Board of Bank Incorporation and the  
Director for new bank or credit union charter, charter amendments, by-  
law amendments, establishment of branches, branch relocations,  
mergers and acquisitions, purchase of assets and assumption of  
liabilities, change of control, automated teller machines, and voluntary  
liquidations. Files contain documentation to support decisions rendered  
(decisions can be found in active charter file).

Retention: Permanent.

**DBR2.2 Active Charters - Regulated Institutions**

Records provide documented evidence of a regulated bank or credit  
union's authority to conduct business. File includes but is not limited to  
original charter with related decision and orders and copies of approvals  
and/or decisions and orders relative to requests for branches, ATM's,  
charter amendments, by-law amendments, change in control, and  
mergers and acquisition, bond, and by-laws for active regulated banks  
and credit unions.

Retention: Maintain until charter surrendered, then transfer to  
surrendered or revoked charter file.

### **DBR2.3 Surrendered or Revoked Charters - Regulated Institutions**

Records provide documented evidence of a regulated bank or credit union's authority to conduct business. File includes but is not limited to original charter with related decision and orders and copies of approvals and/or decisions and orders relative to requests for branches, ATM's, charter amendments, by-law amendments change in control, and mergers and acquisition, bond, and by-laws for regulated banks and credit unions that have either closed, converted to a federal charter, merged with another institution, surrendered their charter or liquidated.

Retention: Permanent.

### **DBR2.4 Receivership Records**

Copies of all documents filed or created as a result of a regulated institution entering receivership. Original Documents held by attorney overseeing receivership who acts on behalf of director.

Retention: Retain ten (10) years from final resolution.

See Also: For all decisions and orders relating to receivership, see DBR2.27.4 (Decisions and Orders).

### **DBR2.5 Active Licenses**

License applications for lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers. File may include but is not limited to bonds; copies of licenses; related administrative orders and decisions; confidential information on principal officers, stockholders, and managers; and correspondence. Records are used when making a decision to approve or deny a license application.

Retention: Retain until license surrendered or revoked, then transfer to surrendered or revoked license file (DBR2.7 (Surrendered or Revoked Licenses)). Bonds should be transferred to bonds for surrendered or revoked licenses (DBR2.8 (Bonds for Surrendered or Revoked Licenses)).

### **DBR2.6 Active License Card File**

Index card file for all active lenders, loan brokers, sellers of check, electronic money transmitters, and check cashers licensees. Cards include name, address, phone number license issue date and number of licensees.

Retention: Retain until license surrendered or revoked, then transfer to surrendered or revoked license card file (DBR2.9 (Surrendered or Revoked License Card File)).

#### **DBR2.7 Surrendered or Revoked Licenses**

License applications for lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers. File may include but is not limited to bonds; copies of licenses; related administrative orders; and decisions; confidential information on principal officers, stockholders, and managers; and correspondence; and final financial report of license with information on custodian of records.

Retention: Retain ten (10) years.

Note: Prior to records disposal, verify with relevant agencies and personnel that there are no pending investigations.

#### **DBR2.8 Bonds for Surrendered or Revoked Licenses**

Bonds for lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers licenses that have been surrendered or revoked. (R.I. Gen. Laws § 9-1-17)

Retention: Retain twenty (20) years.

#### **DBR2.9 Surrendered or Revoked License Card File**

Index card files for all lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers licenses which have been surrendered or revoked. Cards include name, address, phone number, license issue date, license number, successor if any, custodian of records, bond company and bond number.

Retention: Permanent.

#### **DBR2.10 Financial Reports of Regulated Banks, Credit Unions and Licensees**

Financial statements of regulated banks, credit unions, licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers, used as an interim means of measuring financial strength of regulated entities. (Submitted on voluntary basis throughout year, but not required by law. Submission of Annual Financial reports (DBR2.11 (Director's Oaths of Office for Regulated Banks and Credit Unions)) required by law.)

Retention: Retain one (1) year.

**DBR2.11 Director's Oaths of Office for Regulated Banks and Credit Unions**

Oaths of Office, which are filed with the Division of Banking for officers, directors, and committee members of regulated banks and credit unions pursuant to R.I. Gen. Laws §§ 19-2-7 and 19-5-11. Records may be maintained in either paper or electronic form.

Retention: Retain five (5) years after retirement from office.

**DBR2.12 Community Reinvestment Act (CRA) Filings Regulated Banks and Credit Unions**

Annual reports filed with the Division of Banking pursuant to R.I. Gen. Laws § 19-9-4 which detail actions taken by regulated banks and credit unions in helping to meet the credit needs of the communities they serve. (12 U.S.C. §§ 2901-2905)

Retention: Retain last two (2) CRA filings.

**DBR2.13 Examination Workpapers for Regulated Banks, Credit Unions, and Licensees**

Documentation to support findings in examination reports for regulated institutions and licensees (including without limitation) licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers.) Records may be maintained in either paper or electronic form.

Retention: Retain for same period as related Financial Examination Reports (DBR2.14 (Financial Examination Reports)) which is the last five (5) examination report workpapers.

**DBR2.14 Financial Examination Reports**

Hard copy and electronic copy of examination reports and CPA and institutional audit reports containing findings of on-site and desk examinations of regulated banks, credit unions, licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers, in addition to the bank's or licensee's response to the report and related administrative orders. These records are used to measure financial strength and compliance of entities regulated by the Division of Banking. Title 19 requires that examinations be performed at least once every twelve (12) months for banks and credit unions and once every eighteen (18) months for lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers. Banks – 12 U.S.C. §§ 324 and 1817 Credit Unions – NCUA Reg. Records may be maintained in either paper or electronic form.

Retention: Retain the last five (5) examination reports.

**DBR2.15 Correspondence with Regulated Banks, Credit Unions and Licensees**

Routine correspondence with regulated banks, credit unions, and licensees (licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers) not of a policy or legal advisory nature.

Retention: Retain one (1) year.

**DBR2.16 Suspicious Activity Reports for Regulated Banks and Credit Unions**

Reports of suspicious transactions involving regulated banks and credit unions. Copies of records are forwarded to the Department of the Attorney General with originals being maintained by the Division of Banking for further review at the next scheduled examination. (Banks – 12 U.S.C. § 1818 and Credit Unions – NCUA 12 C.F.R. Chapter VII Subchapter A § 748.1(c))

Retention: Retain until removed to workpapers at the conclusion of an examination.

**DBR2.17 Examination Workpapers for Regulated Banks, Credit Unions and Licensees**

Documentation to support findings in examination reports for regulated institutions and licensees (licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers.)

Note: Retain for whichever period is the longer of the two.

**DBR2.17A For Administrative Purposes**

Retention: Retain five (5) years.

**DBR2.17B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR2.18 Financial Examination Reports**

Hard copy and electronic copy of examination reports and CPA and institutional audit reports containing findings of on-site and desk examinations of regulated banks, credit unions, licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers, in addition to the bank's or licensee's response to the report and related administrative orders. These records are used to measure financial strength and compliance of entities regulated by the Division of

Banking. Title 19 requires that examinations be performed at least once every twelve (12) months for banks and credit unions and once every eighteen months for lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers. (Banks – 12 U.S.C. §§ 324 and 1817 and Credit Unions – NCUA 12 C.F.R. § 741.1)

Note: Retain for whichever period is the longer of the two.

**DBR2.18A For Administrative Purposes**

Retention: Retain five (5) examination reports.

**DBR2.18B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR2.19 Examinations of Bank Holding Companies**

Examination reports and responses to examination reports, as well as related administrative orders, CPA and audit reports, financial statements, for Rhode Island bank holding companies. Records are used to measure the financial strength and compliance of Rhode Island bank holding companies. Exams are conducted by the Federal Reserve and DBR may or may not participate. (12 U.S.C. § 1817 and 12 C.F.R. § 225.5)

**DBR2.19A Reports, Responses to Reports, and Orders**

Retention: Retain last five (5) examinations.

**DBR2.19B Financial Statements**

Retention: Retain three (3) years.

**DBR2.20 Electronic Licensing Database System**

The licensing database system consists of a series of related sets of data from which reports, mailing lists, examinations and billing information are produced. The system consists of the following data elements and related databases: License number, license year, license type, name in use, name of licensee, principals attorney for service, site of financial records, bonding company, branch number, old license number, license issue date, licensee street, city, state, zip, country, note pad, manager, date canceled or revoked, annual report loans processed, annual reports year to date, annual report filing date, annual reports fees, final annual report, renewal fees, total assets, total loans, complaint date, complaint note, examination date, date of next examination,

examiners assigned, examiner billing fees, report issue date, report response received.

Note: Formerly DBR2.24 (Electronic Licensing Database System).

**DBR2.20A Data**

Retention: Permanent.

**DBR2.20B System Documentation**

Retention: Retain one (1) year after upgrades verified and tested.

**DBR2.21 Foreign Bank Agent for Service Appointments**

Appointment of the Director of Business Regulation as the agent for service for qualifying non-Rhode Island chartered banks and trust companies. Appointments are made pursuant to R.I. Gen. Laws §§ 19-3.1-6, 19-7-4 and 19-7-6. Service upon such banks and trust companies is made upon the Director, who forwards same to subject bank or trust company.

Retention: Retain until appointment replaced or withdrawn by foreign bank or trust company.

**DBR2.22 Complaints**

Written complaints involving regulated banks, credit unions, licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers. Files also contain Division's correspondence sent and responses received.

Retention: Retain five (5) years from final resolution.

**DBR2.23 Index for Alternative Usury Rate**

Schedule of indexes used to track alternative usury rate pursuant to R.I. Gen. Laws § 6-26-2.

Retention: Retain two (2) years.

**DBR2.24 Electronic Licensing Database System [SUPERSEDED]**

The licensing database system consists of a series of related databases from which reports, mailing lists, examinations and billing information are produced. The system consists of the following data elements and related databases: License number, license year, license type, name in use, name of licensee, principals attorney for service, site of financial

records, bonding company, branch number, old license number, license issue date, licensee street, city, state, zip, country, note pad, manager, date canceled or revoked, annual report loans processed, annual reports year to date, annual report filing date, annual reports fees, final annual report, renewal fees, total assets, total loans, complaint date, complaint note, examination date, date of next examination, examiners assigned, examiner billing fees, report issue date, report response received.

See Also: For associated retention, see DBR2.20 (Electronic Licensing Database System).

#### **DBR2.25 Listing of Licensees**

List of all persons or entities (licensed lender, loan brokers, sellers of checks, electronic money transmitters, and check cashers) licensed by the Division of Banking. (List is printout from database and available for public review or sale.)

Retention: Retain until superseded, or of no longer of administrative value.

#### **DBR2.26 Historical List of Banks and Credit Unions**

Historical listing of regulated institutions indicating successor where applicable.

Retention: Permanent.

#### **DBR2.27 Administration**

##### **DBR2.27A General Office Administrative Records, Fiscal Records, Reference Records [SUPERSEDED]**

See Also: For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

##### **DBR2.27B Personnel Records, Payroll Records [SUPERSEDED]**

See Also: For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

##### **DBR2.27.1 Division Annual Report**

Annual report of the Division of Banking to the General Assembly which contains information on actions taken by the Director of Business Regulation, the Board of Bank

Incorporation, Division of Banking staff, banks and credit unions operating in Rhode Island and licensed companies.

Retention: Retain one (1) copy permanently. Retain copies available to public for sale one (1) year.

#### **DBR2.27.2 Budget Monitor**

Internal monthly report with schedules tracking revenue and expenses.

Retain three (3) years.

#### **DBR2.27.3 General Correspondence**

Correspondence to and from the Superintendent of Banking, Chief Bank Examiner, and/or Supervisor of Examinations.

##### **DBR2.27.3A Routine Correspondence**

Retention: Retain four (4) years.

##### **DBR2.27.3B Correspondence of a Legal Advisory or Policy Nature**

Retention: Permanent.

#### **DBR2.27.4 Decisions and Orders**

##### **DBR2.27.4A All Decisions and Orders Issued by the Director**

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

##### **DBR2.27.4B All Approvals or Denials of Requests, Issued by the Director Which Do Not Require the Issuance of a Decision of Order**

Retention: Record Copy – Permanent. Duplicates –

Retain until no longer of administrative value.

#### **DBR2.27.5 Policy and Procedures**

Documents relating to the activities of the Division of Banking. Included are procedures governing operation of the division of banking.

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

#### **DBR2.27.6 Rules and Regulations**

Rules and Regulations relating to the regulation of banks, credit unions, licensed lenders, loan brokers, sellers of checks, electronic money transmitters, and check cashers.

Retention: Retain until superseded or repealed.

Note: Permanent copy maintained by the legal division.

#### **DBR2.27.7 Access to Public Records Requests [SUPERSEDED]**

Written requests to inspect or obtain copies of public records pursuant to R.I. Gen. Laws Chapter 38-2.

Retention: Retain one (1) year from final resolution.

See Also: For associated retention, see GRS6.10 (Access to Public Records Documents).

#### **DBR2.27.8 Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

**DBR3            Racing and Athletics Division**

**DBR3.1        Jai Alai**

**DBR3.1.1     Playing Dates Requests**

Yearly letter from Jai Alai Fronton requesting playing dates for the following year. File may include but is not limited to request letter, hearing transcripts and all documents entered into evidence, including Fronton's annual audit report and the decision/order issued by the director approving the proposed schedule.

Retention: Retain seven (7) years.

**DBR3.1.2     Active Occupation Licenses**

License applications for all employees of the Fronton, including but not limited to vendors, inactive judges, players and managers. File includes original application, BCI cards and BCI reports, all annual renewal applications, subsequent BCI reports, correspondence, copies of licenses, badge information, and related administrative decisions and orders (most often related to player suspensions and/or fines).

Retention: Retain until license surrendered or revoked, then transfer to occupation licenses.

**DBR3.1.3     Inactive Occupation Licenses**

License applications for all employees of the Fronton, including but not limited to vendors, inactive judges, players and managers. File includes original application, BCI cards and BCI reports, all annual renewal applications, subsequent BCI reports, correspondence, copies of licenses, badge information, and related administrative decisions and orders (most often related to player suspensions and/or fines).

Retention: Retain ten (10) years.

**DBR3.1.4     Workpapers-Pari-Mutuel Payouts**

Forms created by state employees to confirm Fronton's intake of funds (from Jai Alai and simulcast performances) and to calculate state's tax percentage.

Note: Retain for whichever period is the longer of the two.

**DBR3.1.4A For Administrative Purposes**

Retention: Retain seven (7) years from final resolution.

**DBR3.1.4B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR3.1.5 Tax Information Report**

Report prepared from workpapers for each performance which shows the percentage of taxes due. From this report a check is cut from management of Fronton directly to Division of Taxation, with a photocopy to DBR.

Note: Retain for whichever period is the longer of the two.

**DBR3.1.5A For Administrative Purposes**

Retention: Retain seven (7) years from final resolution.

**DBR3.1.5B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR3.1.6 Judges Reports**

Reports by judges for each performance which include but are not limited to score sheets for games and comments about individuals' performances. Reports are the confirmation of the athletic results written on racing programs.

Retention: Retain five (5) years.

**DBR3.1.7 Rulings and Fines**

Rulings and fines issued by supervisor of jai alai, division judge, chief judge, and player manager, as a result of complaints or objections. (RI Rule 02 070 002 sect. 19)

Retention: Retain ten (10) years.

Note: Please see Title 230 of this Code (Department of Business Regulation) for currently active Rules and Regulations. As of July 2021, the above regulation was superseded and then repealed on 06/27/2005.

## **DBR3.2 Dog Racing**

### **DBR3.2.1 Playing Dates Requests**

Yearly letter from Dog Racing Facilities requesting playing dates for the following year. File may include but is not limited to request letter, hearing transcripts and all documents entered into evidence, and the decision/order issued by the director approving the proposed schedule.

Retention: Retain seven (7) years.

### **DBR3.2.2 Active Occupation Licenses**

License applications for all employees of the Dog Racing Facility, including but not limited to vendors, judges, trainers and managers, and dog registrations. File includes original application, BCI cards and BCI reports, all annual renewal applications, subsequent BCI reports, correspondence, copies of licenses badge information, related administrative decisions and orders.

Retention: Retain until license surrendered or revoked, then transfer to inactive occupation licenses.

### **DBR3.2.3 Inactive Occupation Licenses**

License applications for all employees of the Dog Racing Facility, including but not limited to vendors, judges, trainers and managers, and dog registrations. File includes original application, BCI cards and BCI reports, all annual renewal applications, subsequent BCI reports, correspondence, copies of licenses, badge information, related administrative decisions and orders.

Retention: Retain ten (10) years.

#### **DBR3.2.4 Urine Test Results**

File contains transmittal correspondence to the Department of Health requesting urine tests for dogs and correspondence from Department of Health with specific results for those dogs that test positive or memo that indicates which tests have been completed with no positive results. Copy of positive test results maintained in occupational license file.

Retention: Retain one (1) year.

#### **DBR3.2.5 Trainer List**

List of the dog trainers which enables the Division to match dogs with trainers and identify the trainer of a dog that tests positive.

Retention: Retain one (1) year.

#### **DBR3.2.6 Workpapers-Pari-Mutuel Payouts**

Forms created by state employees to confirm facility's intake of funds (from Dog Racing and simulcast performances) and to calculate state's tax percentage.

Note: Retain for whichever period is the longer of the two.

##### **DBR3.2.6A For Administrative Purposes**

Retention: Retain seven (7) years from final resolution.

##### **DBR3.2.6B For Audit Purposes**

Retention: Retain one (1) year after audit.

#### **DBR3.2.7 Tax Information Report**

Report prepared from workpapers for each performance which shows the percentage of taxes due. From this report a check is cut from management of Dog Racing Facility directly to Division of Taxation, with a photocopy to DBR.

Note: Retain for whichever period is the longer of the two.

**DBR3.2.7A For Administrative Purposes**

Retention: Retain seven (7) years from final resolution.

**DBR3.2.7B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR3.2.8 Judges Reports**

Reports by judges for each performance which include but are not limited to performance program with comments on dog's weigh-ins, behavior of dogs, and notes relating to pay-outs for winners and list of scratches.

Retention: Retain five (5) years.

**DBR3.2.9 Board of Judges Rulings**

Reports and decisions of the Board of Judges relating to incidents involving occupational licensees, including incident and resulting ruling.

Retention: Retain ten (10) years.

**DBR3.3 Simulcast**

**DBR3.3.1 Simulcast Permit**

Permit on file at each Jai Alai and Dog Racing Facility that permits simulcast racing. File also includes original hearing transcripts relating to granting of permit. This is a perpetual permit granted for the life of the facility.

Retention: Permanent.

**DBR3.3.2 Simulcast Letter File**

Letters issued from non Rhode Island track and/or state licensing agency where a simulcast race originates indicating that they have been licensed by the state where the event occurs.

Retention:      Retain one (1) year.

**DBR3.4      Athletics (Boxing, Wrestling, and Kickboxing)**

**DBR3.4.1      Event Application File**

Application for event license, expires at end the specific event. File includes all documents related to a specific scheduled event, including correspondence, application, license, bout sheets/list participants, worksheets (fighter records), result sheets, individual scoresheets, evidence of insurance, contracts, waiver forms, report of inspections, and bonds.

Retention:      Retain five (5) years from expiration.

**DBR3.4.2      Contestant Application File**

Application for contestant license, expires at the end of year license issued in. File includes all documents related to a specific contestant including correspondence, application, license and fighter record, and fines or suspensions issued. (Contestant licenses filed with event applications. If contestant has been previously licensed within same year for another event, subsequent contestant application files for that year will contain questionnaire and updated fighter record.)

Retention:      Retain five (5) years from expiration.

**DBR3.4.3      Seconds and Managers Application File**

Application for license which includes all documents related to seconds and managers for a specific event including all correspondence, application, and license.

Retention:      Retain five (5) years from expiration.

**DBR3.4.4      Officials Application File**

Application for license which includes all documents related to officials officiating at a specific event including all correspondence, application, and license. Officials include judges, doctors, referees, etc.

Retention:      Retain five (5) years from expiration.

**DBR3.4.5      Doctors Files**

Includes all documents generated by the doctors for a specific scheduled event including examination records, HIV test results, transmittal sheet for drug test to the Department of Health, and any post event examinations.

Retention: Retain five (5) years from conclusion of event.

#### **DBR3.4.6 License Card Files**

Internal system used to keep track of athletes. Separate system for wrestlers, kickboxers and boxers, which is now obsolete because information is outdated and obtained from other sources.

Retention: If identified, submit for destruction.

#### **DBR3.4.7 Boxer Registry**

Registry of professional boxers residing in state of Rhode Island. Boxers residing in foreign countries or in states with no Boxing Commission may also register with the Department. File may include, but is not limited to boxer i.d. card application, photocopies of two (2) forms of photo identification presented by the boxer to verify identity, a photocopy of the i.d. card issued to the boxer by the Division and an extra original passport type photograph. Identification card contain a recent passport style photograph, the individual's social security number, and personnel identification number assigned by the department. Card must be renewed every two (2) years. (RI Rule 02 070 008 sect. 19)

Retention: Retain one (1) year from when identification card expires or is not renewed.

Note: Please see Title 230 of this Code (Department of Business Regulation) for currently active Rules and Regulations. As of July 2021, this regulation was superseded by 230-RICR-30-30-1 as of 08/29/2018.

#### **DBR3.4.8 Closed Circuit Television License**

License application for a non-Rhode Island event to be shown on closed circuit television.

Retention: Retain one (1) year.

**DBR3.5 Complaints**

Written complaints from the public concerning athletic event, jai alai events or dog racing events.

Retention: Retain five (5) years from final resolution.

**DBR3.6 Administration**

**DBR3.6A General Office Administrative Records, Fiscal Records, Reference Records [SUPERSEDED]**

See Also: For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

**DBR3.6B Personnel Records, Payroll Records [SUPERSEDED]**

See Also: For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

**DBR3.6.1 Division Annual Report**

Annual report of the Division of Racing and Athletics to the General Assembly including information on the funds generated from Jai Alai, Dog Racing and Simulcast and operations of Division including results of events and any resulting suspensions or fines.

Retention: Permanent.

**DBR3.6.2 General Correspondence**

Correspondence to and from the Racing and Athletics Chief.

**DBR3.6.2A Routine Correspondence**

Retention: Retain four (4) years.

**DBR3.6.2B Correspondence of a Legal Advisory or Policy Nature**

Retention: Permanent.

**DBR3.6.3 Decisions and Orders**

**DBR3.6.3A All Decisions and Orders Issued by the Director**

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

**DBR3.6.3B All Approvals or Denials of Requests Issued by the Director Which Do Not Require the Issuance of a Decision of Order**

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

**DBR3.6.4 Policy and Procedures**

Documents relating to the activities and operation of the Division of Racing and Athletics.

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

**DBR3.6.5 Rules and Regulations**

Rules and Regulations relating to the regulation of Jai Alai, Dog Racing, Simulcast and Athletics (boxing, kickboxing and wrestling).

Retention: Retain until superseded or repealed.

Note: Permanent copy retained by the legal division.

**DBR3.6.6 Access to Public Records Requests [SUPERSEDED]**

Written requests to inspect or obtain copies of public records pursuant to R.I. Gen. Laws Chapter 38-2.

Retention: Retain one (1) year from final resolution.

See Also: For associated retention, see GRS6.10 (Access to Public Records Documents).

**DBR3.6.7      Certificates of Records Destruction [LEGACY –  
DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention:      Permanent.

See Also:      This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

**DBR4            Division of Commercial Licensing and Regulation**

**DBR4.1        Real Estate**

**DBR4.1.1      Real Estate Brokers and Salespersons**

**DBR4.1.1.1   Applications-Licenses**

License applications for real estate brokers and salespersons. File may include but is not limited to application, BCI waiver form and report, examination results, insurance coverage information, license transfer form (when licensee changes agencies), continuing education reports, appointment of Director to receive service for process (for non-residents), general correspondence (i.e. address changes), copy of license and renewals. (R.I. Gen. Laws § 5-20.5-3)

**DBR4.1.1.1A   Original Application and Supporting Documentation**

Retention:      Retain ten (10) years from revocation or surrender.

**DBR4.1.1.1B   Renewals**

Retention:      Retain current, plus last two (2) renewals.

#### **DBR4.1.1.2 Real Estate Recovery Account-Claims**

File may include but is not limited to copy of verified claim filed with Superior Court, certified copy of Superior Court judgment proving claim, all other court documents including order from the court requiring payment out of the account, invoice voucher sent to General Treasurer for payment, copy of paid voucher and notice of revocation of license sent to licensee (copy of which is also placed in licensee's application file). (R.I. Gen. Laws § 5-20.5-5)

Note: Retain for whichever period is the longer of the two.

#### **DBR4.1.1.2A For Administrative Purposes**

Retention: Retain seven (7) years from final resolution.

#### **DBR4.1.1.2B For Audit Purposes**

Retention: Retain one (1) year after audit.

#### **DBR4.1.1.3 Complaints**

Written complaints from the public or resulting from DBR investigations concerning Real Estate agencies, brokers or salespersons.

Retention: Retain five (5) years from final resolution.

### **DBR4.1.2 Real Estate Commission**

(R.I. Gen. Laws § 5-20.5-12)

#### **DBR4.1.2.1 Minutes**

Retention: Permanent.

#### **DBR4.1.2.2 Continuing Education Approvals**

Approvals for continuing education courses for real estate brokers and salespersons. File may include but is not limited to approval and supplementary documentation outlining course and materials used.

Retention: Retain ten (10) years from date of approval. For courses approved after June 1, 2001, retain six (6) years from date of approval.

### **DBR4.1.3 Real Estate Appraisers**

#### **DBR4.1.3.1 Temporary License Permit**

Permit issued to non-residents conducting real estate appraisals. File may include but is not limited to license application, BCI waiver form and report, examination results, insurance coverage information, review sheets continuing education reports, appointment of Director to receive service of process, copy of license.

Retention: Retain three (3) years from expiration.

#### **DBR4.1.3.2 Temporary License**

Temporary licenses issued to apprentices or trainees to conduct real estate appraisals. File may include but is not limited to license application, BCI waiver form and report, examination results, insurance coverage information, review sheets, continuing education reports, appointment of Director to receive service for process (non-residents), general correspondence (i.e. address changes), copy of license and renewals.

Retention: Retain three (3) years from expiration.

#### **DBR4.1.3.3 Appraiser License**

License issued to individuals conducting real estate appraisals. File may include but is not limited to license application, BCI waiver form and report, examination results, insurance coverage information, review sheets, continuing education reports, appointment of Director to receive service for process (non-residents), general correspondence (i.e. address changes), copy of license and renewals. (R.I. Gen. Laws § 5-20.7-9(c))

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.1.3.4 Certified Residential Appraiser License**

License issued to individuals conducting residential real estate appraisals. File may include but is not limited to license application BCI waiver form and report, examination results, insurance coverage information, review sheets, continuing education reports, appointment of Director to receive service for process (non-residents), general correspondence (i.e. address changes), copy of license and renewals. (R.I. Gen. Laws § 5-20.7-9(a))

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.1.3.5 Certified General Appraiser License**

License issued to individuals certified as general Appraisers. File may include but is not limited to license application, BCI waiver form and report, examination results, insurance coverage information, review sheets, continuing education reports, appointment of Director to receive service for process (non-residents), general correspondence (i.e. address changes), copy of license and renewals. (R.I. Gen. Laws § 5-20.7-9(b))

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.1.3.6 Complaints**

Written complaints from the public or resulting from DBR investigation concerning Real Estate appraisers.

Retention: Retain five (5) years from final resolution.

### **DBR4.1.4 Real Estate Appraisers Commission**

(R.I. Gen. Laws § 5-20.7-4)

#### **DBR4.1.4.1 Minutes**

Retention: Permanent.

#### **DBR4.1.4.2 Continuing Education Approvals**

Approvals for continuing education courses, for real estate appraisers. File may include but is not limited to approval, and supplementary documentation outlining course and materials used.

Retention: Retain six (6) years from date of approval.

#### **DBR4.1.4.3 Appraisal Foundation Guidelines**

Guidelines issued by the Appraisal Foundation of Washington D.C. The foundation was established in Title XI § 1101 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) (Pub. L. No. 101-73) comprised of the Appraisal Qualifications Board, the Appraisal Standards Board and the Appraisal subcommittee who oversees the states licensing programs.

Retention: Retain until superseded or no longer of administrative value.

#### **DBR4.1.5 Business Broker Filings**

Letter and evidence of surety bond in sum of twenty thousand dollars (\$20,000.00) filed with DBR for any person, firm, or corporation acting as a broker for the sale of an existing business. (R.I. Gen. Laws § 42-14-12)

Retention: Retain two (2) years after canceled bond has been canceled or no longer in effect.

#### **DBR4.1.6 Out of State Real Estate Sales Filings**

Filings of out of state real estate developments advertised and sold to Rhode Island residents. File may include but is not limited to license application, DBR investigation report, approval or disapproval of filing, appointment for agent and service of process. (R.I. Gen. Laws §§ 34-38-2 through 34-38-5)

Retention: Retain five (5) years from approval.

Note: Previous record series title was "Interstate Land Filings."

### **DBR4.2 Autobody/Auto Salvage Section**

#### **DBR4.2.1 Automobile Body Repair Shops**

##### **DBR4.2.1.1 License Applications**

License applications to become an autobody repair shop. File may include but is not limited to application, BCI waiver and report, insurance coverage information, bond, zoning information, fire code information, general correspondence, copy of license and renewals. (R.I. Gen. Laws § 5-38-4)

Retention: Retain ten (10) years from revocation or surrender.

##### **DBR4.2.1.2 Complaints**

Written complaints from the public or resulting from DBR investigation concerning automobile body repair shops.

Retention: Retain five (5) years from final resolution.

## **DBR4.2.2 Automobile Salvage and Wrecking**

### **DBR4.2.2.1 License Applications**

License applications to become an automobile salvage and wrecking yard. File may include but is not limited to application, BCI waiver and report, insurance coverage information, bond, zoning information, fire code information, general correspondence, copy of license and renewals. (R.I. Gen. Laws § 42-14.2-3)

Retention: Retain ten (10) years from revocation or surrender.

### **DBR4.2.2.2 Complaints**

Written complaints from the public or resulting from DBR investigations concerning automobile salvage and wrecking yards.

Retention: Retain five (5) years from final resolution.

## **DBR4.2.3 Salvage Rebuilders**

### **DBR4.2.3.1 License Applications**

License Applications to become a salvage rebuilder. File includes but is not limited to application, evidence of experience to operate, proof of EPA number, copy of license, general correspondence and renewals. (R.I. Gen. Laws § 31-46-7)

Retention: Retain ten (10) years from revocation or surrender.

### **DBR4.2.3.2 Numbered Certificates of Salvage**

Department of Business Regulation Copy of Certificates of Salvage. (Books are

given to salvage rebuilders who complete the coupon in the book when a car has been salvaged.) One (1) copy of the coupon is given to Registry of Motor Vehicles and the duplicates of coupon are returned to DBR when all the coupons have been used.

Retention: Retain five (5) years from date book is returned to Department.

#### **DBR4.2.3.3 Complaints**

Written complaints from the public or resulting from DBR investigations concerning salvage rebuilders.

Retention: Retain five (5) years from final resolution.

#### **DBR4.3 Auto Collision Repair Licensing Advisory Board – Minutes**

Retention: Permanent.

#### **DBR4.4 Board of Wrecking and Automobile Salvage Regulation – Minutes**

Board no longer in existence, transfer minutes to State Archives.

Retention: Permanent.

#### **DBR4.5 Automobile Repair Shop Commission – Minutes**

Board no longer in existence, transfer minutes to State Archives.

Retention: Permanent.

#### **DBR4.6 Auctioneers**

##### **DBR4.6.1 Apprentice Auctioneer Permits**

Permit applications to become an apprentice auctioneer. File includes but is not limited to copy of bond, copy of license, and renewals.

Retention: Retain two (2) years from expiration.

##### **DBR4.6.2 Auctioneer License**

License applications to become an auctioneer. File includes but is not limited to application, BCI waiver form and report, examination results, copy of license, copy of i.d. card and renewals.

Retention: Retain ten (10) years from revocation or surrender.

### **DBR4.6.3 Complaints**

Written complaints from the public or resulting from DBR investigations concerning auctioneers.

Retention: Retain five (5) years from final resolution.

## **DBR4.7 Travel Agencies and Travel Agents**

### **DBR4.7.1 Travel Agency License**

License applications to become a travel agency. File includes but is not limited to application, BCI waiver form and report, bond, zoning information, general correspondence, copy of license and renewals. (R.I. Gen. Laws § 5-52-4)

Retention: Retain ten (10) years from revocation or surrender.

### **DBR4.7.2 Travel Manager License**

License Applications to become a travel manager. File may include but is not limited to application, BCI waiver form and report, examination results, general correspondence, copy of license and renewals. (R.I. Gen. Laws § 5-52-2.1)

Retention: Retain ten (10) years from revocation or surrender.

### **DBR4.7.3 Travel Agent License**

License Applications to become a travel agent. File may include but is not limited to application, BCI waiver form and report, examination results, general correspondence, copy of license and renewals. (R.I. Gen. Laws § 5-52-3)

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.7.4      Apprentice Permits**

Permit Applications to become an apprentice travel agent. File may include but is not limited to application, BCI waiver form and report, general correspondence, copy of license and renewals.

Retention:      Retain two (2) years from expiration.

#### **DBR4.7.5      Complaints**

Written complaints from the public or resulting from DBR investigations concerning travel agencies, managers, agents and apprentices.

Retention:      Retain five (5) years from final resolution.

#### **DBR4.8      Rhode Island Travel Commission – Minutes**

Retention:      Permanent.

#### **DBR4.9      Upholstery**

##### **DBR4.9.1      Manufacturer's License**

License applications to become a manufacturer. File includes but is not limited to application, copy of "law label" (tag to be placed on the upholstery), general correspondence, copy of license and renewals. (R.I. Gen. Laws § 23-26-30)

Retention:      Retain ten (10) years from revocation or surrender.

##### **DBR4.9.2      Supply Dealer's License**

License Applications to become a supply dealer. File may include but is not limited to application, general correspondence, copy of license and renewals. (R.I. Gen. Laws § 23-26-30)

Retention:      Retain ten (10) years from revocation or surrender.

##### **DBR4.9.3      Renovator's License**

License applications to become a renovator. File includes but is not limited to application, copy of "law label" (tag to be placed on the upholstery), general correspondence,

copy of license and renewals. (R.I. Gen. Laws § 23-26-30)

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.9.4 Second-Hand Dealer's License**

License Applications to become a second-hand dealer. File may include but is not limited to application, general correspondence, copy of license and renewals. (R.I. Gen. Laws § 23-26-30)

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.9.5 Furniture Sterilization Permits**

Permit applications submitted by licensed second-hand dealers. File includes but is not limited to application, general correspondence, copy of permit and renewal.

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.9.6 No Sale Reports**

Reports generated after an inspection that indicates that a manufacturer has not registered in Rhode Island. Items on no-sale report cannot be sold until the manufacturer complies with law and registers with the Department.

Retention: Retain two (2) years from compliance.

#### **DBR4.9.7 Complaints**

Written complaints from the public or resulting from DBR investigations concerning upholsterers.

Retention: Retain five (5) years from final resolution.

### **DBR4.10 Alarm Businesses and Agents**

#### **DBR4.10.1 Alarm Agent License**

License applications to become an alarm agent. File includes, but is not limited to BCI waiver form and report, fingerprint card, copy of license, copy of i.d. badge,

general correspondence, and renewals. (R.I. Gen. Laws § 5-57-15)

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.10.2 Alarm Business License**

License applications to become an alarm business. File may include but is not limited to application, bond, copy of license, general correspondence, and renewals. (R.I. Gen. Laws § 5-57-14)

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.10.3 Complaints**

Written complaints from the public or resulting from DBR investigations concerning alarm businesses and agents.

Retention: Retain five (5) years from final resolution.

### **DBR4.11 Mobile and Manufactured Homes**

#### **DBR4.11.1 Park Operator License**

License applications to operate a mobile and manufactured home park. File may include but is not limited to application, BCI waiver form and report, local zoning information, DEM certification, Division of Taxation certification, fee schedule, leases, rules and regulations of the park, copy of license, and renewals. (R.I. Gen. Laws § 41-44-1.7)

Retention: Retain ten (10) years from revocation or surrender.

#### **DBR4.11.2 Complaints**

Written complaints from the public or resulting from DBR investigations concerning mobile and manufactured homes.

Retention: Retain five (5) years from final resolution.

### **DBR4.12 Mobile and Manufactured Home Commission**

Commission repealed 1996.

#### **DBR4.12.1 Minutes**

Transfer minutes to State Archives.

Retention: Permanent.

#### **DBR4.12.2 Enforcement Files**

Includes all investigatory material relating to a complaint or routine investigation that has resulted in further action by the Commission. File may include but is not limited to consent orders and agreements regarding enforcement actions. It may also contain any documents relating to hearing, notice of hearings and appeals.

Retention: Retain ten (10) years from final resolution.

#### **DBR4.13 Unit Pricing Complaints**

Written complaints from the public or resulting from DBR investigations concerning stores' unit pricing practices.

Retention: Retain five (5) years from final resolution.

#### **DBR4.14 Motor Fuel Advertising**

Inspection of gas stations to ensure proper advertising. File may include but is not limited to inspection report, letter of violations, station's response. (R.I. Gen. Laws § 31-37-21)

Retention: Retain five (5) years from final resolution.

#### **DBR4.15 Liquor**

##### **DBR4.15.1 Certificates of Compliance – Original Application**

Registration of a liquor label. Includes federal label approvals. (R.I. Gen. Laws § 3-6-14)

Note: Retain for whichever period is the longer of the two.

##### **DBR4.15.1A For Administrative Purposes**

Retention: Retain until no longer imported.

##### **DBR4.15.1B For Audit Purposes**

Retention: Retain one (1) year after audit.

#### **DBR4.15.2 Certificates of Compliance – Renewals**

Liquor label registration renewals. Includes federal label approvals and renewal billings. (R.I. Gen. Laws § 3-6-14)

Note: Retain for whichever period is the longer of the two.

##### **DBR4.15.2A For Administrative Purposes**

Retention: Retain most current two (2) renewals.

##### **DBR4.15.2B For Audit Purposes**

Retention: Retain one (1) year after audit.

#### **DBR4.15.3 Monthly Price List and Affirmation**

Liquor price sheets received from vendors with attached Affirmation statement. Documents current manufacturer prices of liquor products entering Rhode Island.

Retention: Retain current two (2) lists.

#### **DBR4.15.4 Vendor Invoices**

Manufacturer documentation of merchandise shipped to wholesalers. Invoices are received on a daily and weekly basis.

Retention: Retain two (2) years.

#### **DBR4.15.5 Liquor Cases – Appeals (Cities and Towns)**

Decisions of Liquor cases which have been appealed to the Department after decision by local municipality. A local license authority can fine a license holder or suspend or revoke a license for violations of local ordinances, serving underage drinkers, arrests at the premises for loud noises, fighting, etc. The Department can hear a de novo appeal on these types of cases and any other actions a city or town takes against a licensee. When an appeal is granted the department receives a

copy of the local government's records. File may include but is not limited to copies of records from the city or town regarding the cases, records created by DBR including any hearing records and the department's final decision or order.

**DBR4.15.5A Hearing files & Supporting Documents**

Retention: Retain seven (7) years from final resolution.

**DBR4.15.5B Final Decision or Order**

Retention: Permanent.

**DBR4.15.6 General Correspondence**

Correspondence relating to liquor control issues and matters, but not of a policy or legal advisory nature.

Retention: Retain one (1) year.

**DBR4.15.7 DWI Arrest Reports**

Reports received from police stations across the state concerning any DWI arrests.

Retention: Retain three (3) years.

**DBR4.15.8 License Applications – Wholesalers, Agents, Breweries, Brewpubs, Wineries/Vineyards and Brew on Premises**

Applications for wholesaler, brewery, brewpub, winery/vineyard, and/or brew on premises license. File includes but is not limited to applications, bondsheets, board of directors, and renewals.

**DBR4.15.8A Original Applications**

Retention: Retain ten (10) years from revocation or surrender.

**DBR4.15.8B Renewals**

Retention: Retain last two (2) renewals.

**DBR4.15.9 Class G License – Original License Applications**

Applications for a Class G liquor license (for business that are mobile, i.e. dinner trains, cruise ships).

Note:                      Retain for whichever period is the longer of the two.

**DBR4.15.9A    For Administrative Purposes**

Retention:              Retain ten (10) years from revocation or surrender.

**DBR4.15.9B    For Audit Purposes**

Retention:              Retain one (1) year after audit.

**DBR4.15.10    Class G License – License Renewals**

Renewals for a Class G liquor license (for businesses that are mobile, i.e. dinner trains, cruise ships).

Note:                      Retain for whichever period is the longer of the two.

**DBR4.15.10A   For Administrative Purposes**

Retention:              Retain last two (2) renewals.

**DBR4.15.10B   For Audit Purposes**

Retention:              Retain one (1) year after audit.

**DBR4.15.11    Wholesaler Salesman – Original License Application**

Applications for a Liquor Wholesaler salesman license.

Note:                      Retain for whichever period is the longer of the two.

**DBR4.15.11A   For Administrative Purposes**

Retention:              Retain ten (10) years from revocation or surrender.

**DBR4.15.11B   For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR4.15.12 Wholesaler Salesman – License Renewals**

Renewal applications for a Liquor Wholesaler salesman license.

Note: Retain for whichever period is the longer of the two.

**DBR4.15.12A For Administrative Purposes**

Retention: Retain last two (2) renewals.

**DBR4.15.12B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR4.15.13 Liquor Agent – Original License Applications**

Applications for a liquor agent license.

Note: Retain for whichever period is the longer of the two.

**DBR4.15.13A For Administrative Purposes**

Retention: Retain ten (10) years from revocation or surrender.

**DBR4.15.13B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR4.15.14 Liquor Agent – License Renewals**

Renewal applications for a liquor agent license.

Note: Retain for whichever period is the longer of the two.

**DBR4.15.14A For Administrative Purposes**

Retention: Retain last two (2) renewals.

#### **DBR4.15.14B For Audit Purposes**

Retention:      Retain one (1) year after audit.

#### **DBR4.14.15 Line Cleaner – Original License Applications**

Applications for a liquor line cleaner license. File includes but is not limited to application, and BCI waiver and report. (R.I. Gen. Laws § 3-7-25)

Note:      Retain for whichever period is the longer of the two.

#### **DBR4.15.15A For Administrative Purposes**

Retention:      Retain ten (10) years from revocation or surrender.

#### **DBR4.15.15B For Audit Purposes**

Retention:      Retain one (1) year after audit.

#### **DBR4.15.16 Line Cleaner – License Renewals**

Renewal applications for a liquor line cleaner license. File includes but is not limited to renewals, and BCI waiver and report. (R.I. Gen. Laws § 3-7-25)

Note:      Retain for whichever period is the longer of the two.

#### **DBR4.15.16A For Administrative Purposes**

Retention:      Retain last two (2) renewals.

#### **DBR4.15.16B For Audit Purposes**

Retention:      Retain one (1) year after audit.

#### **DBR4.15.17 Liquor License Activity – Permanent**

Annual City & Town Reports Annual report of liquor license activity sent from cities and towns. File may include a summary sheet which includes the number of each type of license issued, the fee for each license and

the total amount of receipts received for the licenses; notice of licenses granted; photocopy of individual license application.

Retention: Retain five (5) years from final resolution.

#### **DBR4.15.18 Vendor Promotional Correspondence**

Correspondence sent from vendors for approval of a promotion company will be having.

Retention: Retain one (1) year from end of promotion.

### **DBR4.16 Administration**

#### **DBR4.16A General Office Administrative Records, Fiscal Records, Reference Records [SUPERSEDED]**

See Also: For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

#### **DBR4.16B Personnel Records, Payroll Records [SUPERSEDED]**

See Also: For associated retention, see Subchapter 10 of this Chapter (General Records Retention Schedules).

#### **DBR4.16.1 Inspection Reports**

Inspection reports generated for the various sections of the Division of Commercial Licensing, including but not limited to Real Estate, Auto Body and Auto Salvage, Travel Agencies and Agents and Alarm Agencies and Agents.

Note: Copies of reports may also be kept by appropriate section. Retention should be same.

##### **DBR4.16.1A No Violations**

Retention: Retain three (3) years.

##### **DBR4.16.1B Violations**

Retention: Retain five (5) years from final resolution.

## **DBR4.16.2 License Applications – Incomplete**

Applications for all sections of Commercial Licensing which cannot be processed due to incompleteness or failure to provide the required materials.

Retention: Retain one (1) year.

## **DBR4.16.3 Division Annual Report**

Annual report of the Division of Commercial Licensing.

Retention: Permanent.

## **DBR4.16.4 General Correspondence**

Correspondence to and from the Director of Commercial Licensing.

### **DBR4.16.4A Routine Correspondence**

Retention: Retain four (4) years.

### **DBR4.16.4B Correspondence of a Legal Advisory or Policy Nature**

Retention: Permanent.

## **DBR4.16.5 Decisions and Orders**

### **DBR4.16.5A All Decisions and Orders Issued by the Director**

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

### **DBR4.16.5B All Approvals or Denials of Requests, Issued by the Director Which Do Not Require the Issuance of a Decision of Order**

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

## **DBR4.16.6 Policy and Procedures**

Documents relating to the activities and operation of the Division of Commercial Licensing and Regulation.

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of administrative value.

#### **DBR4.16.7 Rules and Regulations**

Rules and Regulations relating to the regulation real estate, auto body and salvage, upholstery, alarm agencies or agents travel agencies or agents, mobile and manufactured homes, and liquor.

Retention: Retain until superseded.

Note: Permanent copy maintained by the legal division.

#### **DBR4.16.8 Access to Public Records Requests [SUPERSEDED]**

Written requests to inspect or obtain copies of public records pursuant to R.I. Gen. Laws Chapter 38-2.

Retention: Retain one (1) year from final resolution.

See Also: For associated retention, see GRS6.10 (Access to Public Records Documents).

#### **DBR4.16.9 Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

### **DBR5 Insurance Division**

#### **DBR5.1 Exam**

**DBR5.1.1 Insurance Company Corporate Folders**

Records documenting a company's authority to do business in Rhode Island. File includes but is not limited to charters, bylaws, organizational charts, and DBR orders and agreements.

Retention: Permanent.

**DBR5.1.2 Domestic Insurer, Risk Retention Group & Purchasing Group**

Correspondence between DBR and insurance companies relating to regulatory matters which result in approvals, orders, agreements, etc.

Retention: Permanent.

**DBR5.1.3 Change in Control of Domestic Insurer (Form A)**

Form filed for approval for a change in control when the voting securities of a domestic insurer are acquired or transferred. Documents include but are not limited to information about the acquiring party and documents relating to the operations of the domestic insurer. (R.I. Gen. Laws § 27-35-2)

Retention: Permanent.

**DBR5.1.4 Registration of Insurers (Form B and C)**

Registration statements filed annually with the Department by insurance companies and members of an insurance holding system. Information may include but is not limited to capital structure, general financial condition, ownership, loans, investments, management and service contracts and all other information required by R.I. Gen. Laws § 27-35-3.

Retention: Retain two (2) years.

**DBR5.1.5 Prior Notice of a Transaction (Form D)**

Notice to commissioner of any intercompany agreements between an insurer and any person in its holding company system. (R.I. Gen. Laws § 27-35-4)

Retention: Retain until transaction has no effect on company's operations.

**DBR5.1.6 Domestic Insurance Company – Annual Statements**

Annual Statements filed by a domestic insurance company, which includes quarterly statements, exhibits, and supplemental filings.

Retention: Retain five (5) years.

**DBR5.1.7 Domestic Insurance Company – Annual Desk Examination Workpapers**

Annual review of a company's annual and quarterly statements and includes procedures and conclusions.

Retention: Retain five (5) years.

**DBR5.1.8 Examination Workpapers**

Workpapers for formal examinations/audits examinations performed at least once every five (5) years, which document the financial condition and affairs of regulated companies or entities. Workpapers consist of documentation to support verification procedures which may include, but are not limited to personnel, payroll and pension records.

Retention: Retain two (2) most recent examinations.

**DBR5.1.9 Examination Working Papers – Permanent Files**

Workpapers used in all examinations of a company ceases operations regulated company or entity. File consists of various operational and organizational documents as well as notices, orders, approvals, directives, and responses related to the regulation of insurance companies. Permanent File is the common name used by insurance companies and DBR to reflect that this file is maintained for all examinations/audits until the company no longer operates in Rhode Island.

Retention: Retain ten (10) years after company ceases operation in Rhode Island.

**DBR5.1.10 Examination Reports**

Examination reports issued at the conclusion of an examination of a regulated company or entity which include the findings and conclusions of DBR and the company or entity's response to take corrective action in the future.

Retention: Permanent.

**DBR5.1.11 Foreign Insurance Company – Annual Statements**

Annual Statements filed by foreign insurance companies including Surplus Line Insurers and Risk Retention Groups, which include quarterly statements, exhibits, and supplemental filings.

Retention: Retain one (1) year.

**DBR5.1.12 Foreign Insurance Company – Annual Desk Examination Workpapers**

Annual review of a company's annual and quarterly statements, which includes procedures and conclusions. Reviews conducted as warranted per priority list created by the NAIC (National Association of Insurance Commissioners).

Retention: Retain until the company has been removed from NAIC priority list.

**DBR5.1.13 Workers Compensation Self-Insured Groups – Annual Statements**

Annual Statements filed by workers compensation self-insured groups which include quarterly statements, exhibits, and supplemental filings.

Retention: Retain five (5) years after groups no longer in existence.

**DBR5.1.14 Rhode Island Life & Health Insurance Guaranty Association Corporate Files**

Documents related to the existence and operation of the Association. File may include but is not limited to plan of operation, election of officers and Board of Directors appointments, legislation court decisions, legal opinions, protest and appeal requests, assessment notices, and

general correspondence. (R.I. Gen. Laws §§ 27-34.1.1 and 27-34.1-12)

Retention: Permanent.

**DBR5.1.15 Rhode Island Life & Health Insurance Guaranty Association Financial Filings**

Audited reports of the fund documenting its activities. (R.I. Gen. Laws §§ 27-34.1 and 27-34.3)

Retention: Retain three (3) years.

**DBR5.1.16 Rhode Island Insurers Insolvency Fund Corporate Files**

Documents related to the existence and operation of the Fund. File may include but is not limited to plan of operation, election of officers and Board of Directors appointments, legislation court decisions, legal opinions, protest and appeal requests, assessment notices, and general correspondence. (R.I. Gen. Laws §§ 27-34-1 and 27-34-18)

Retention: Permanent.

**DBR5.1.17 Rhode Island Insurers Insolvency Fund Financial Filings**

Audited reports of the fund documenting its activities. (R.I. Gen. Laws Chapter 27-34)

Retention: Retain five (5) years.

**DBR5.1.18 Assigned Risk Plan Filings**

Annual filing required of automobile insurance writers participating in the Assigned Risk Plan. Insurers are required to report the total amount of premiums written and losses incurred for Assigned Risk Plan business during the previous year. (R.I. Gen. Laws § 31-33-8)

Retention: Retain two (2) years.

**DBR5.1.19 Assigned Risk Plan Filing Summaries**

Summary of information submitted by automobile insurance writers participating in the Assigned Risk Plan.

Summary lists all insurance companies submitting report, premiums collected and claims paid.

Retention: Permanent.

See Also: DBR5.1.18 (Assigned Risk Plan Filings).

#### **DBR5.1.20 Liquor Liability Reports**

Annual filing required of insurers writing liquor liability insurance. Insurers are required to report the total number of policies written, number of claims paid, and amount of claims paid under liquor liability policies written during the previous year. (R.I. Gen. Laws § 3-14-14)

Retention: Retain two (2) years.

#### **DBR5.1.21 Liquor Liability Report Summaries**

Summary of information submitted by insurers writing liquor liability insurance. Summary lists all insurance companies submitting report, premiums collected and claims paid.

Retention: Permanent.

See Also: DBR5.1.20 (Liquor Liability Reports).

#### **DBR5.1.22 Substance Abuse Filings**

Annual filing required of all insurers providing health benefits. Insurers are required to report information on all forms that provide health benefits on an expense incurred basis, including all types of accident and sickness insurance which provide any benefit at all for services provided by hospitals, skilled nursing facilities, or non-hospital providers. (R.I. Gen. Laws § 27-38-7)

Retention: Retain three (3) years.

#### **DBR5.1.23 Workers' Compensation Pleadings Records**

Director of Department of Business Regulations serves as regulator of state insurance industry and as the state Insurance Commissioner. Insurance Commissioner serves as attorney for employers subject to, or who elect to become subject to, R.I. Gen. Laws §§ 28-35-29 through 28-35-38 (Workers' Compensation – Procedure),

as well as for employers' insurers. Under R.I. Gen. Laws § 28-35-13 (Workers' Compensation – General Provisions) Information Commissioner receives copies of all documents related to legal processes, petitions, and notices regarding any action or proceeding against an employer subject to the above sections of state law, and/or the employer's insurer. File includes copies of legal documents sent to the Insurance Commissioner.

Retention: Retain one (1) year.

## **DBR5.2 Licensing**

### **DBR5.2.1 Insurance Producer Licenses**

Application to become an insurance producer. File includes but is not limited to original applications, copies of bond, BCI reports, renewal cards, change of address requests, certification requests, and consent orders resulting from administrative action.

#### **DBR5.2.1A Original Applications**

Retention: Retain ten (10) years from application.

Note: The Department anticipates that E-Licensing will be implemented within a year. New applications and renewals will be accepted via electronic transmission to be clarified upon implementation and stored on CD-ROM pursuant to R.I. Gen. Laws § 42-127.1-1 et seq.

#### **DBR5.2.1B Renewals**

Retention: Retain current, plus last two (2) renewals.

Note: Renewals will be stored by imaging on CD ROM pursuant to R.I. Gen. Laws

## **DBR5.2.2 Insurance Adjuster Licenses**

Application to become an insurance adjuster. File includes but is not limited to original applications, BCI reports, renewal cards change of address requests, certification requests, and consent orders resulting from administrative action.

### **DBR5.2.2A Original Applications**

Retention: Retain ten (10) years from application.

Note: The Department anticipates that at some point in the future adjusters will have the opportunity to be licensed over the Internet as producers. This schedule will be modified accordingly upon implementation to incorporate the retention of the records pursuant to R.I. Gen. Laws Chapter 42-127.1 et seq.

### **DBR5.2.2B Renewals**

Retention: Retain current, plus last two (2) renewals.

Note: Renewals will be stored by imaging CD ROM pursuant to R.I. Gen. Laws § 42-127.1-1 et seq. as of Nov. 15, 2002.

## **DBR5.2.3 Insurance Appraiser Licenses**

Application to become an insurance appraiser. File includes but is not limited to original applications, BCI reports, renewal cards, change of address requests,

certification requests, and consent orders resulting from administrative action.

#### **DBR5.2.3A Original Applications**

Retention: Retain ten (10) years from application.

Note: The Department anticipates that at some point in the future appraisers will have the opportunity to be licensed over the internet as producers. This schedule will be modified accordingly upon implementation to incorporate the retention of the records pursuant to R.I. Gen. Laws Chapter 42-127.1 et seq.

#### **DBR5.2.3B Renewals**

Retention: Retain current, plus last two (2) renewals.

Note: Renewals will be stored by imaging CD ROM pursuant to R.I. Gen. Laws § 42-127.1-1 et seq. as of Nov. 15, 2002.

### **DBR5.2.4 Insurance Surplus Line Broker Licenses**

Application to become an insurance surplus line broker. File includes but is not limited to original applications, BCI reports, renewal cards, change of address requests, certification requests, and consent orders resulting from administrative action.

#### **DBR5.2.4A Original Applications**

Retention: Retain ten (10) years from application.

Note:            The Department anticipates that at some point in the future line brokers will have the opportunity to be licensed over the internet as producers. This schedule will be modified accordingly upon implementation to incorporate the retention of the records pursuant to R.I. Gen. Laws Chapter 42-127.1 et seq.

#### **DBR5.2.4B    Renewals**

Retention:      Retain current, plus last two (2) renewals.

Note:            Renewals will be stored by imaging CD ROM pursuant to R.I. Gen. Laws § 42-127.1-1 et seq. as of Nov. 15, 2002.

#### **DBR5.2.5      Surplus Line Brokers Affidavits and Reports**

Affidavit filed by surplus line brokers that certifies that every effort has been made to procure insurance from an authorized insurer. (R.I. Gen. Laws § 27-3-38(b))

Retention:      Retain three (3) years.

#### **DBR5.2.6      Appointment for Service of Process**

Appointment of the Insurance Commissioner as the agent for service for foreign insurance companies. (R.I. Gen. Laws § 27-2-13)

Retention:      Retain until appointment replaced or withdrawn by company.

#### **DBR5.2.7      Service of Process Filings**

Copy of process filed against a foreign insurance company, which is forwarded by the department to the insurance company. (R.I. Gen. Laws § 27-2-14)

Retention: Retain one (1) year.

**DBR5.2.8 Agent/Broker Card Filings**

Cards required prior to 1994 containing proof of employment by an insurance company before an agent/broker could be licensed. This record is no longer produced, and R.I. Gen. Laws Chapter 27-2.3 has changed requirements.

Retention: If identified, submit for destruction

Note: Previous retention stated destroy in 2004.

**DBR5.2.9 Contracted Insurance Producer Reports**

Annual filing required of all insurers contracting with insurance producers. All insurers contracting with insurance producers must provide a report of their contracted producers for the previous calendar year together with appropriate filing fee. (R.I. Gen. Laws § 27-2.3-6(f))

Note: Retain for whichever period is the longer of the two.

**DBR5.2.9A For Administrative Purposes**

Retention: Retain one (1) year.

**DBR5.2.9B For Audit Purposes**

Retention: Retain one (1) year after audit.

**DBR5.2.10 Property and Casualty Advisory Board**

**DBR5.2.10.1 Minutes**

Retention: Permanent.

**DBR5.2.10.2 Continuing Education Approvals**

Approvals for continuing education courses, for (property and casualty) insurance producers. File may include but is not limited to approval and supplementary documentation outlining course and materials used.

Retention: Retain three (3) years from date of approval.

## **DBR5.2.11 Life, Accident and Health Advisory Board**

### **DBR5.2.11.1 Minutes**

Retention: Permanent.

### **DBR5.2.11.2 Continuing Education Approvals and Prelicensing Approvals**

Approvals for continuing education courses, for (life, accident and health) insurance producers. File may include but is not limited to approval and supplementary documentation outlining course and materials used. (R.I. Gen. Laws § 27-3.2-5 and Insurance Regulation 36 and 40)

Retention: Retain three (3) years from date of approval.

Note: As of July 2021, these regulations were superseded or repealed. #30 was repealed on 05/22/2017 and #40 was superseded then amended on 03/05/2020 by 230-RICR-20-50-2.

### **DBR5.2.11.3 Continuing Education Course Lists**

List of Continuing Education Courses, which have been approved. Updated monthly.

Retention: Retain until superseded or of no further administrative value.

## **DBR5.3 Property and Casualty**

### **DBR5.3.1 Rate and Policy Form Filings**

Filings made by insurers of rates and policy forms for approval of the Department. File may include but is not limited to filing, department approval, and hearing transcripts if a hearing was required for approval.

Retention: Retain five (5) years.

### **DBR5.3.2 Lead Liability Reports**

Annual filing required of all insurers and surplus line brokers writing insurance on pre-1978 residential rental properties detailing the policies sold and average premiums for previous calendar years. (R.I. Gen. Laws § 42-128.1-9 and Regulation 101)

Retention: Retain three (3) years.

Note: DBR5.3.2 (Lead Liability Reports) was formerly the Policy Form Filings record series, per the approved 1998 schedule. The DBR5.3.2 number became available when the Policy Form Filings series was incorporated into DBR5.3.1 (Rate and Policy Form Filings) in the approved 2006 schedule amendment.

As of July 2021, this regulation was superseded by 230-RICR-20-05-9.

### **DBR5.3.3 Complaints**

Consumer and other complaints regarding property and casualty insurance, including workers compensation.

Retention: Retain five (5) years after final resolution.

### **DBR5.3.4 Workers' Compensation Group Self-Insureds Operational Documents**

Documents related to initial certification and recertification of Workers' Compensation Self Insureds. Recertification occurs on an annual basis and information in original certification is duplicated in recertification. File may include but is not limited to proof of required contracts, excess insurance, financial statements, rates per classification, actuarial studies, and membership rosters.

Retention: Retain three (3) most recent certifications.

#### **DBR5.3.5 Workers Compensation Annual Reports**

Annual Filing required of all insurers writing workers compensation insurance. Report required of all insurers writing workers' compensation to file providing claim payment and related cost information. (Regulation 54, R.I. Gen. Laws § 27-7.1-7.2)

#### **DBR5.3.6 Workers Compensation Excess Profit Reports**

Annual Filing required of all insurers writing workers compensation insurance. Report requiring every insurer writing workers' compensation to file which includes information on premiums written, losses incurred and related expenses to determine the amount of excess profits. (R.I. Gen. Laws § 27-9-51)

Retention: Retain one (1) year.

#### **DBR5.3.7 Rating Bureau Licenses**

License for rating bureaus to which insurers belong. These bureaus file either rate or form filings on behalf of their members. File may include but is not limited to purpose, structure, bureau's member companies, by-laws and other identifying corporate documents. (R.I. Gen. Laws § 27-9-22)

Retention: Retain ten (10) years from revocation or surrender of license.

#### **DBR5.3.8 Rhode Island Automobile Insurance Plan (Board)**

##### **DBR5.3.8.1 Minutes**

DBR copy of Rhode Island Automobile Insurance Plan monthly meeting minutes.

Retention: Retain until of no further administrative value.

Note: The official copy of all minutes and supporting documentation must be maintained permanently by the Board.

### **DBR5.3.8.2 Appointments**

Copy of Director of Business Regulation's annual appointments to the Rhode Island Automobile Insurance Plan. The director appoints five insurance producer representatives annually.

Retention: Retain one (1) year or until appointee replaced, whichever is later.

### **DBR5.3.8.3 Auto Body Labor Rate Surveys**

Annual filing required of all insurers writing more than one percent (1%) market share of automobile insurance, detailing survey of auto body shops regarding the labor rate which the shops charge. (R.I. Gen. Laws § 27-29-4.4 and Regulation 108)

Retention: Retain three (3) years.

Note: As of July 2021, this regulation was superseded by 230-RICR-20-05-10.

### **DBR5.3.9 Automobile Insurance Annual Reports**

Annual filing required of all insurers writing automobile insurance. Report required of every insurer writing automobile insurance to file with the Director providing claim payment and related cost information. (Regulation 02-30-74 and R.I. Gen. Laws § 27-9-55)

Retention: Retain two (2) years.

Note: As of July 2021, this regulation was superseded by 230-870 and then repealed on 03/01/2012.

### **DBR5.3.10 Workers Compensation Appeals Board**

#### **DBR5.3.10.1 Minutes**

DBR copy of Workers Compensation meeting minutes.

Retention:      Retain until of no further administrative value.

Note:            The official copy of all minutes and supporting documentation must be maintained permanently by the Board.

#### **DBR5.3.10.2    Agendas and Supporting Documents**

Material received by DBR regarding appeals of workers compensation classification matters, which includes but is not limited to the agenda and background information pending appeal by the board.

Retention:      Retain until of no further administrative value.

Note:            The official copy of all agendas and supporting documentation must be maintained permanently by the Board.

#### **DBR5.3.10.3    Appointments**

Copy of Director of Business Regulation's annual appointments to the Workers Compensation Appeals Board. Appointments are for a period of five (5) years.

Retention:      Retain five (5) years or until appointee replaced, whichever is later.

#### **DBR5.3.11      Rhode Island Joint Reinsurance Association – Appointments**

Copy of Director of Business Regulation's annual appointments to the Rhode Island Joint Reinsurance Association. Appointments are for a period of one (1) year.

Retention: Retain one (1) year or until appointee replaced, whichever is later.

**DBR5.3.12 Medical Malpractice Joint Underwriting Association of Rhode Island – Appointments**

Copy of Director of Business Regulation's annual appointments to the Medical Malpractice Joint Underwriting Association of Rhode Island. Appointments are for a period of one (1) year.

Retention: Retain one (1) year or until appointee replaced, whichever is later.

**DBR5.3.13 Medical Malpractice Claims Reports**

Report to Insurance Division by all insurers writing medical malpractice coverage of any claims made against such policies.

Retention: Retain two (2) years.

**DBR5.3.14 Underwriting Standards and Guidelines**

Prior to 8/5/1996 insurers writing automobile insurance were required to submit Underwriting Guidelines and Standards to the Division.

Retention: Retain three (3) years from date of repeal.

Note: Law repealed 8/5/1996.

**DBR5.4 Life, Accident and Health**

**DBR5.4.1 Rate Filings**

Filings made by insurers of rates for the approval of the Department. File may include but is not limited to filing, department approval, and hearing transcripts if a hearing was required for approval.

**DBR5.4.1A Resolution with No Hearing**

Retention: Retain until superseded or of no further administrative value.

**DBR5.4.1B Hearing Required**

Retention: Retain the three (3) most recent filings for each applicant.

#### **DBR5.4.2 Policy Form Filings**

Filings by insurers of forms for approval from date of approval.

Retention: Retain twenty (20) years from date of approval.

#### **DBR5.4.3 Insurance Form and Rate Filing Login Cards**

Login cards for Life, Accident and Health insurance form and rate filings. Cards contain summaries of the information contained in rate and form filings including but not limited to date received, type of filing and analyst assigned filing.

Retention: Permanent.

See Also: Information is now kept in computer database and cards no longer produced, see DBR5.4.4 (Insurance Form and Rate Filings Database).

#### **DBR5.4.4 Insurance Form and Rate Filings Database**

Database for Life, Accident and Health insurance form and rate filings. Database contains summaries of the information contained in rate and form filings including but not limited to date received, type of filing and analyst assigned filing.

Retention: Permanent.

Note: Ensure migration of records to successive generations of technology and systems, and other necessary and other necessary maintenance to enable retention of and access to accurate, reliable, and complete records throughout their authorized lifecycle.

#### **DBR5.4.5 Credit Life/Accident & Health Filings**

Annual filing of all insurers writing credit life/accident & health insurance. Each insurer doing credit business must file experience reports for each class of business which includes earned premiums, incurred claims and loss ratios.

Retention: Retain one (1) year.

#### **DBR5.4.6 Complaints**

Consumer and other type complaints regarding life, accident and health.

Retention: Retain five (5) years from final resolution.

#### **DBR5.4.7 Life Insurance Annual Illustration Filings**

Illustrations are presentations or depictions that include non-guaranteed elements of a policy of life insurance over a period of years. Illustration filings made by life insurers on an annual basis. (Insurance Regulation 113)

Retention: Retain three (3) years.

Note: As of July 2021, this regulation was superseded by 230-RICR-20-25-14.

#### **DBR5.4.8 Medicare Supplement Refund Calculations**

Annual reports filed by insurers showing Medicare supplement refund calculations. (Insurance Regulation 46)

Retention: Retain three (3) years.

Note: As of July 2021, this regulation was repealed on 11/23/2009.

#### **DBR5.4.9 Long Term Care Lapse and Replacement Reports**

Annual report detailing lapse and replacement rate of Long Term Care policies. (Insurance Regulation 44)

Retention: Retain three (3) years.

Note: As of July 2021, this regulation was superseded by 230-RICR-20-35-01.

### **DBR5.5 Receivership Records**

Copies of all documents filed or created as a result of an insurance company entering receivership. Original Documents held by attorney overseeing receivership who acts of behalf of director.

Retention: Retain ten (10) years from final resolution.

See Also: For all decisions and orders relating to receivership, see DBR5.6.3 (Decisions and Orders).

## **DBR5.6 Administration**

### **DBR5.6.1 Division Annual Reports [SUPERSEDED]**

Annual report of the Insurance Division.

See Also: For associated retention, see GRS1.5 (Annual Reports).

### **DBR5.6.2 General Correspondence [SUPERSEDED]**

Correspondence to and from the Insurance Commissioner.

See Also: For associated retention, see GRS1.1 (Correspondence and Memoranda) and GRS5.1 (General Correspondence and Memoranda).

### **DBR5.6.3 Decisions and Orders**

#### **DBR5.6.3A All Decisions and Orders Issued by the Director**

Retention: Official copy of record – Permanent. Duplicates – Retain until of no further administrative value.

#### **DBR5.6.3B All Approvals or Denials of Requests, Issued by the Director, Which Do Not Require the Issuance of a Decision of Order**

Retention: Official copy of record – Permanent. Duplicates – Retain until of no further administrative value.

#### **DBR5.6.4 Policy and Procedures [SUPERSEDED]**

Documents relating to the activities and operations of the Insurance Division.

See Also: For associated retention, see GRS1.3 (Policies and Procedures).

#### **DBR5.6.5 Rules and Regulations**

Rules and Regulations relating to the regulation of insurance companies and agents in Rhode Island.

Note: Permanent copy maintained by the DBR Legal Division.

See Also: GRS2.5 (Rulemaking Files).

#### **DBR5.6.6 Access to Public Records Requests [SUPERSEDED]**

Written requests to inspect or obtain copies of public records pursuant to R.I. Gen. Laws Chapter 38-2.

See Also: GRS6.10 (Access to Public Records Documents).

#### **DBR5.6.7 Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destructions forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

### **DBR6 Central Management**

#### **DBR6.1 Director's Office**

##### **DBR6.1.1 Correspondence Files – Chronological**

Chronological correspondence file of all letters and memos sent by the director.

Retention: Permanent.

#### **DBR6.1.2 Subject Files**

Information relating to particular issues or matters handled by the director.

Retention: Permanent.

#### **DBR6.1.3 Audit Reports**

Copies of all auditor's reports received at the completion of an audit by the Auditor General's Office or the Bureau of Audits for the Department or divisions of the Department of Business Regulation.

Retention: Permanent.

#### **DBR6.1.4 Department Annual Report**

Compiled Annual Report for the entire Department of Business Regulation.

Retention: Permanent.

### **DBR6.2 Deputy Director's Office**

#### **DBR6.2.1 Correspondence Files – Chronological**

Chronological correspondence file of all letters and memos sent by the deputy director.

Retention: Permanent.

#### **DBR6.2.2 Subject Files**

Information relating to particular issues or matters handled by the deputy director.

Retention: Permanent.

### **DBR6.3 Legal Division**

#### **DBR6.3.1 Rules and Regulations**

Rules and Regulations promulgated by the Department for all divisions.

Retention: Permanent.

### **DBR6.3.2 Regulatory Agenda**

Regulatory Agenda filed bi-annually with the governor, the secretary of state, the senate majority leader, and the speaker of the house. Agenda includes listing of all rules and orders promulgated since preceding agenda and a brief description of the subject area of any rule which the agency expects to prepare or promulgate prior to the next agenda. (R.I. Gen. Laws § 42-35-5)

Retention: Retain three years.

### **DBR6.3.3 Complaint Files**

Copies of unresolved complaints submitted to the legal division from other DBR divisions for action or determination if a hearing is necessary.

#### **DBR6.3.3A Resolution with No Hearing**

Retention: Retain five (5) years from final resolution.

#### **DBR6.3.3B Hearing Required**

Retention: Transfer to hearing files.

### **DBR6.3.4 Hearing Files**

File includes but is not limited to original complaint, pleadings, prosecutor notes, copies of orders, correspondence, investigatory files, and administrative appeals. (The files of the hearing officer and administrative prosecutor are maintained separately until a final decision is rendered, after which they are merged into one file.) All decisions and orders are permanent.

Retention: Retain seven (7) years from final resolution.

See Also: DBR6.3.10 (Litigation Files).

### **DBR6.3.5 Legal/Advisory Opinions**

Formal legal opinions issued by the Department of Business Regulation in accordance with the Administrative Procedures Act and the rules and regulations thereto. (R.I. Gen. Laws § 42-35-8)

Retention: Permanent.

**DBR6.3.6 Non-binding Legal/Advisory Opinions – Internal**

Informal non-binding opinions or advisory letters issued by the Legal Division to answer questions submitted by the various divisions of the Department.

Retention: Permanent.

**DBR6.3.7 Non-binding Legal/Advisory Opinions – External**

Informal non-binding opinions or advisory letters issued by the Legal Division to answer questions submitted by the public.

Retention: Retain three (3) years.

**DBR6.3.8 Policy Statements**

Research and draft of policy statements issued by divisions or the director's office on a matter of general application.

**DBR6.3.8A Internal**

Policy statements intended for employees of the Division or Department.

Retention: Retain until no longer of administrative value.

**DBR6.3.8B External**

Policy statements intended for those persons or entities regulated by the administrative Department.

Retention: Record Copy – Permanent. Duplicates – Retain until no longer of value.

**DBR6.3.9 Decisions and Orders**

Original copies of all decisions and orders issued by the Department. Does not include consent agreements/orders which are issued and maintained by divisions.

Retention: Permanent.

#### **DBR6.3.10 Litigation Files**

All files and materials regarding ongoing, threatened, or proposed civil or criminal litigation. Files do not include administrative appeals, but may include cases where Department employees have been subpoenaed to testify in cases not directly involving the Department.

Retention: Retain ten (10) years from final resolution.

#### **DBR6.3.11 Labor and Employment**

##### **DBR6.3.11.1 Personnel Grievance Case Files**

Documents relating to grievances filed by department employees. File may include but is not limited to correspondence, memos, legal motions, opinion, termination notices, grievance forms, complaint forms, and arbitration awards.

Retention: Retain file ten (10) years from final resolution.  
Retain all arbitration decisions permanently.

##### **DBR6.3.11.2 Labor Relations Case Files**

Documents relating to labor relations and union activities; including, but not limited to results of union elections, certification of fairness of elections and lists of employees eligible to vote.

Retention: Retain five (5) years after date of last activity.

##### **DBR6.3.11.3 Discrimination Complaint Case Files**

Case files relating to Human Rights Commission complaints, Equal

Opportunity complaints, and Personnel  
Appeal Board complaints.

Retention: Retain seven (7) years  
from final resolution.

#### **DBR6.3.12 Research Files – Legal**

Files of general research material on issues of common  
occurrence, but which do not apply to a specific case.

Retention: Retain until no longer of administrative  
value.

#### **DBR6.3.13 Access to Public Records Requests [SUPERSEDED]**

Written requests to inspect or obtain copies of public  
records pursuant to R.I. Gen. Laws Chapter 38-2.

Retention: Retain one (1) year from final resolution

See Also: For associated retention, see GRS6.10  
(Access to Public Records Documents).

#### **DBR6.3.14 Designation Authority File**

Documents relating to individuals who act for  
appointment the Director. Included are forms designating  
certain individuals to act for the director in certain  
capacities.

Retention: Retain until designee is replaced or  
expires.

#### **DBR6.3.15 Personnel Files – Legal**

Resumes, applications, and other documents relating to  
job openings in the legal division.

Retention: Transfer to Budget and Personnel Office,  
upon selection of candidate for hire.

#### **DBR6.3.16 Consultant Contracts**

Agreements and/or contracts for outside counsel,  
actuaries and other professionals to assist at hearings  
and in litigation. Files may include but are not limited to  
contractual agreements and correspondence.

Retention:      Transfer to Budget and Personnel Office upon signing of contract.

See Also:      For any breach of contract or violation issues that would result in the creation of a litigation file, see DBR6.3.10.

## **DBR6.4      Budget and Personnel Office**

### **DBR6.4A      General Office Administrative Records, Fiscal Records, Reference Records [SUPERSEDED]**

See Also:      For associated retention, see Parts 10-1 (Executive, High-Level, And Policy-Making Records) and 10-8 (Fiscal Records) of this Chapter.

### **DBR6.4B      Personnel Records, Payroll Records [SUPERSEDED]**

See Also:      For associated retention, see Parts 10-8 (Fiscal Records) and 10-9 (Personnel Records) of this Chapter.

## **DBR6.5      Computer**

### **DBR6.5.1      Software**

CD-ROMs and disks containing software programs used by the departments.

Retention:      Retain until software upgraded or replaced and data has been migrated to new software or is eligible for disposition.

### **DBR6.5.2      Licenses**

Licenses for software.

Retention:      Retain until license agreement expires or software no longer used.

### **DBR6.5.3      Operating Manuals**

Manuals and all instructions received with purchase of hardware and software.

Retention:      Retain until software or hardware is no longer used and data has been migrated

to new platform or software is eligible for disposition.

Note:            Operating environments change over time. In order to maintain effective operations and continue to retrieve data, full documentation must be kept of hardware and software brand names, version numbers, serial numbers, dates of installation, upgrades, replacements, and conversions.

#### **DBR6.5.4      Computer Programs**

Internal computer programs written specifically for the Department.

Retention:      Retain until program is replaced and data has been migrated or is eligible for disposition.

Note:            Full documentation should be kept of data structure and content including, but not limited to, file, record, field layout, and data dictionaries.

#### **DBR6.5.5      Operating Procedures**

Procedures for using computer systems, including, but not limited to system start-up and shutdown, data validation, editing, updating and deleting, access, security, back-up, recovery and other emergency plans and procedures.

Retention:      Retain until updated or superseded or until system is no longer in use.

#### **DBR6.5.6      Computer Back-Up Tapes**

Weekly back-up tapes for DBR computer system.

Retention:      Retain two (2) months before re-use of tape.

Note:            Back-up tapes should be stored off-site.

### **DBR6.6      Administration**

All sections central management.

**DBR6.7      Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention:      Permanent.

See Also:      This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

**DBR7      Division of Design Professionals**

The Division of Design Professionals consists of four boards of registration charged with regulating the licensing of design firms and professionals. The professions include architecture, landscape architecture, professional engineering, and professional land surveying. By Rhode Island state law, individuals in these four professions must be registered/licensed and active firms must hold Certificates of Authorization.

**DBR7.1      Original Individual Registration Application Files**

This series consists of the files containing original applications and supporting documentation. The files include national test results, records documenting the individual's education and professional experience, and any records of disciplinary action. The files also include related administrative correspondence as well as an impression of the stamp issued to the licensee. For landscape architects, the original application files also include the results of required state exams.

**DBR7.1A      Successful Applications**

Retention:      Retain ten (10) years after expiration, surrender, or revocation.

**DBR7.1B      Denied Applications**

Retention:      Retain three (3) years.

**DBR7.2      Original Certificate of Authorization Application Files**

This series includes files from design firms applying for a Certificates of Authorization. The files include the original application, and supporting

documentation, including tax affidavits, Certificates of Good Standing or Legal Existence from the Office of the Secretary of State, and any records of disciplinary action, as well as related correspondence.

#### **DBR7.2A      Successful Applications**

Retention:      Retain ten (10) years after expiration, surrender, or revocation.

#### **DBR7.2B      Denied Applications**

Retention:      Retain three (3) years.

#### **DBR7.3      Renewal Application Files**

This series consists of documentation related to individual design professionals' application for the renewal of registrations and firms' application to renew their Certificates of Authorization. The files contain all documentation required to substantiate continued eligibility, including tax affidavits, continuing education forms (required for architects and land surveyors), and Certificates of Good Standing or Legal Existence. Renewals are required every two years.

Retention:      Retain last two (2) renewals.

#### **DBR7.4      Continuing Education Audits (Architects)**

The board performs random audits to ensure that individual architects are meeting continuing education requirements. The records in this series include the evidence of educational credits submitted by the individual and any accompanying correspondence.

Retention:      Retain six (6) years from the time of completion.

#### **DBR7.5      Complaint Files**

This series consists of files documenting the handling of complaints lodged by or against members of the profession. Some complaints may be settled informally and without a hearing. Where hearings do occur, the department distinguishes between complaint hearings and department hearings. A complaint hearing means that a hearing officer hears a case between the complainant and the licensee. A department hearing means that a DBR prosecutor has been designated to prosecute the complaint against the licensee. Complaint files that result in a hearing or consent agreement are documented in the department's legal files.

**DBR7.5A      Complaints – Resolution Without Hearing or Consent Agreement, and Dismissed Complaints**

Retention:      Retain seven (7) years after resolution.

**DBR7.5B      Complaints – Resolution with Consent Agreement or Hearing [SUPERSEDED]**

See Also:      For associated retention, see GRS 2.1 (Case Files).

**DBR7.6      Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-1)

Retention:      Permanent.

See Also:      This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

**DBR8      Office of Cannabis Regulation [SUPERSEDED]**

See Also:      For associated retention, see Part 7 of this Subchapter (Cannabis Control Commission Records (CCC)).

**DBR8.1      Applications – Licenses [SUPERSEDED]**

The Office of Cannabis Regulation within the Department of Business Regulation licenses medical marijuana compassion centers, cultivators, cooperative cultivations, hemp growers and handlers, CBD distributors and retailers, and any other relevant cannabis businesses, facilities and persons within the Department's jurisdiction per R.I. Gen. Laws Chapters 21-28.6, 2-26, and any other applicable provisions of the General Laws. The records in this series may include, but are not limited to, original applications for licenses, renewal applications, registry ID card applications and renewals, BCI reports, and licensee reports. They may contain information regarding licensed facility premises, licensee policies and procedures, corporate records, and key personnel experience. Other items that may be found in the files include financial records and correspondence relevant to the application.

Retention:      Retain ten (10) years from denial, revocation, or surrender, assuming that all records maintained while licenses are active, until revocation or surrender.

See Also:      For associated retention, see CCC1 (Applications – Licenses).

## **DBR8.2      Applications – Tags and Tag Certificates [SUPERSEDED]**

The Office of Cannabis Regulation within the Department of Business Regulation reviews applications for medical marijuana plant tags for personal grows by patients and caregivers. The records in the series may include, but are not limited to, original applications, renewal applications, BCI reports, information regarding growing location, and correspondence related to the applications.

Retention:      Retain ten (10) years from denial, revocation, or surrender, assuming that all records maintained while tags and tag certificates are active, until revocation or surrender.

See Also:      For associated retention, see CCC2 (Applications – Tags and Tag Certificates).

## **DBR8.3      Inspection Reports [SUPERSEDED]**

The Office of Cannabis Regulation within the Department of Business Regulation inspects facilities and individuals it licenses including, but not limited to, compassion centers, cultivators, cooperative cultivations, hemp growers and handlers, CBD distributors and retailers, and any other relevant cannabis businesses, and tag holders. The program then prepares reports of these inspections. This series consists of those reports and any associated documentation such as correspondence.

Retention:      Retain ten (10) years from denial, revocation, or surrender, assuming that all records maintained while tags and tag certificates are active, until revocation or surrender.

See Also:      For associated retention, see CCC3 (Inspection Reports).

## **DBR8.4      Complaint Files [SUPERSEDED]**

The Office of Cannabis Regulation within the Department of Business Regulation receives and reviews written complaints from the public and complaints resulting from DBR investigations concerning cannabis licensees and tag holders. The program also investigates complaints of any unlicensed activity. The records in this series consist of these complaints and any associated documentation such as correspondence.

Retention:      Permanent.

See Also: For associated retention, see CCC4 (Complaint Files).

#### **DBR8.5 Hearing Files [SUPERSEDED]**

The Office of Cannabis Regulation within the Department of Business Regulation maintains hearing files related to enforcement proceedings involving any licensees or tag holders within the program. DBR conducts these hearings. The records in this series may include, but are not limited to, complaints, pleadings, prosecutor notes, hearing officer notes, transcripts, copies of orders, correspondence, discovery, investigatory files, and administrative appeals. The files of the hearing officer and administrative prosecutor are maintained separately until a final decision is rendered, after which they can be merged into one file.

Retention: Permanent.

See Also: For associated retention, see CCC5 (Hearing Files).

#### **DBR8.6 Consent Agreements, Decisions and Orders [SUPERSEDED]**

The Office of Cannabis Regulation within the Department of Business Regulation maintains records of the department's consent agreements, decisions, and orders regarding the cannabis programs. The department has the responsibility of issuing these items. The records in the series consist of all these items.

Retention: Permanent.

See Also: For associated retention, see CCC6 (Consent Agreements, Decisions and Orders).

### **BCC Building Code Commission**

#### **BCC1 Modular Homes Plans and Specifications**

Builders of modular homes for residential and commercial purposes in Rhode Island are required to provide the towns in which the homes are built with the building plans and specifications. The buildings in question may be intended for residential or commercial purposes and the builder provides copies of the plans to the Commission for review. The records may include, but are not limited to, copies of building plans for modular homes and cover letters from third party inspection agencies.

##### **BCC1A Plans and Specifications that Involve No Legal Action**

Retention: Retain three (3) years.

**BCC1B Plans and Specifications that Result in Legal Action**

Retention: Retain seven (7) years after last action.

**BCC2 Appeals for the Building Code Standards Committee**

Cities and towns may appeal rulings from the Building Code Commission regarding structures within the municipality involved. The rulings in question may pertain to modular homes or public buildings. Appeals are filed with the cities and towns by building owners or contractors. The records in the series may include, but are not limited to, appeal applications, plans, specifications, letters from building officials, and letters from city or town officials.

Retention: Retain seven (7) years.

**BCC3 Plans, Prints, and Specifications for State Buildings**

The Building Code Commission obtains plans, prints, and specifications for work that is done on state-owned buildings, whether from the time of construction or at the time of modification or demolition. Contractors and state agencies are required to submit these plans to the Commission and they are subject to Commission approval. The records may include, but are not limited to, building permits, mechanical permits, moving or demolition permits, plumbing permits, project certification forms, demolition applications, permit fee schedules, records of completion, and other plans, prints, and specifications for the buildings involved and the work being done.

Retention: Permanent.

**BCC4 Native Lumber Approvals**

All mills producing lumber to be sold in the State of Rhode Island must be registered by the State Building Code Standards Committee, which is overseen by the Building Code Commission. The Committee must also certify lumber as to grade and species for use in the building of structures. This is true whether the lumber is from Rhode Island trees or from elsewhere. Each mill must pay an initial registration fee and then an annual renewal fee each year after that. The Committee has the authority to suspend or revoke these registrations and must send notices providing reasons when it does. The records in this series may include, but are not limited to, documentation for the lumber product, approval forms for the product, documentation of yearly recertification, and receipts of yearly payments.

Retention: Permanent.

## **BCC5**      **New Material Approvals**

All manufacturers of new materials, devices, or methods of construction must submit an application to the Building Code Commission per R.I. Gen. Laws § 23-27.3-108.1.3. The procedure is codified by 510-RICR-00-00-12. The Commissioner will review any materials, devices, or methods with a valid current approval or an evaluation report issued by Model Code Agencies to determine whether or not they conform to the Rhode Island State Building Code. The Commissioner may issue a letter of acceptability based on reciprocity upon reaching the conclusion that no unusual or different conditions exist in Rhode Island. All other applications for approval (without current approvals or evaluations by Model Code Agencies) must be reviewed by the State Building Code Committee. Each application requires a registration fee and the Commissioner must notify each holder of an approval of the necessity to renew ninety (90) days in advance of the expiration date. The Commissioner may suspend or revoke any approvals after they have been issued with a notice that gives the reasons for the action. Affected manufacturers may appeal suspensions or revocations. Any modification to previously approved materials, devices, or methods of construction requires a resubmission of the application to the Commissioner for Committee review. The records in the series may include, but are not limited to, application forms, receipts for yearly payments, re-certifications, notices of revocations or suspensions, and appeals of suspensions and revocations.

Retention:      Permanent.

## **BCC6**      **Amusement Ride Permits**

Operators of amusement rides in the state of Rhode Island must seek permits from the Building Code Commission for each individual ride per R.I. Gen. Laws Chapter 23-34.1. This applies to rides at seasonal and year-round amusement parks as well as carnivals that are set up for short periods of time. Carnival ride permits authorize the operation of specific amusement rides at specific locations by a specific owner over a specific period of time. Park ride permits authorize the operation of specific rides at a specific park over a specific season. The records in this series may include, but are not limited to, permits, various forms, and associated correspondence. Each permit specifies the ride by name, Rhode Island Ride database number, manufacturer, serial number, carrying unit capacity, national ride number, and "permit to operate" number. The forms may include, but are not limited to, annual inspector affidavits, annual inspector notifications, annual announcements to all park ride and carnival operators, annual inspection lists, electrical inspection approvals, proof of financial and technical responsibility forms, fire safety inspections, NDT compliance forms, NEC-required

GFCI protection in temporary wiring forms, operator training affidavits, outdoor inspection reports, permits to conduct, permits to operate, designations of agents for nonresident owners, registration renewal applications, reports of lease arrangements, ride bulletin compliance documentation, ride inspection forms, ride status determinations, and stop operation orders.

Retention: Retain five (5) years after expiration of the permit or seven (7) years after the last legal action, whichever is later.

## **BCC7 Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

## **BOA Board of Accountancy**

### **BOA1 License Applications**

#### **BOA1.1 Individual CPA License – Initial Application**

The Board of Accountancy receives initial applications from individuals who apply to become Certified Public Accountants (CPAs), reviews them, and makes decisions about whether to accept or reject them. The term “initial” refers to the first application submitted to the Board for Rhode Island licensure (as opposed to subsequent renewal applications). There are two types of initial individual CPA license applications, a Full Application for Rhode Island Candidate by Exam and a Short Form for Reciprocity/Substantial Equivalency. A Full Application refers to a person who is applying to become licensed in Rhode Island as their first CPA license. A Short Form for Reciprocity/Substantial Equivalency refers to an application from a person who is already licensed as a CPA in another U.S. jurisdiction. This series consists of initial individual CPA license application files. In addition to the actual application the records may include, but are not limited to, test results (tests administered by recognized third-parties), records documenting the individual's professional experience, records documenting the individual's education, records of licensure as a CPA in other

jurisdictions, any records of prior disciplinary action and/or correspondence related to the application. The types of additional records included depend, to some degree, on the type of application.

Retention: Retain ten (10) years from date of Board decision on the application.

#### **BOA1.2 Practice Unit Permit – Initial Application**

The Board of Accountancy receives initial applications from practice units that apply to act as accounting business firms in Rhode Island, reviews them, and then decides whether to accept or reject them. A practice unit is an accounting business firm (as opposed to the individual applicant). Initial refers to the first application submitted to the Board for Rhode Island the practice unit permit (as opposed to subsequent renewal applications). The records in the series consist of the completed application forms. The application files may also include, but are not limited to, any records of prior disciplinary action and/or correspondence material to the application.

Retention: Retain ten (10) years from date of Board decision on the application.

#### **BOA1.3 Individual License – Renewal Application**

The Board of Accountancy receives applications from individuals who apply to renew their licenses to serve as Certified Public Accountants (CPAs) in Rhode Island, reviews them, and makes decisions about whether to accept or reject them. These licenses must be renewed every three years. This series consists of individual license renewal files. In addition to the completed applications, the records may include, but are not limited to, continuing professional education documentation, any records of prior disciplinary action, and correspondence pertaining to the application.

Retention: Retain ten (10) years from date of Board decision on the application.

#### **BOA1.4 Practice Unit Permit – Renewal Application**

The Board of Accountancy receives applications from practice units that apply to renew their licenses to act as accounting business firms in Rhode Island, reviews them, and then decides whether to accept or reject them. These licenses must be renewed every three years and are staggered from the individual license renewal cycles. In addition to the completed application forms, the files may include, but are not limited to, peer review records (if the firm is subject to the peer review

requirement), any records of prior disciplinary action, and/or correspondence material to the application.

Retention: Retain ten (10) years from date of Board decision on the application.

## **BOA2 Enforcement**

### **BOA2.1 Complaint and Enforcement Files**

The Board of Accountancy receives complaints about individual CPAs and accounting business forms, investigates the complaints, and enforces any disciplinary actions that are taken. This series consists of files that document these complaints and enforcement actions. Complaints may be resolved with a final order or settlement in which case the matter is documented in the Board's legal files. Final orders may include but are not limited to disciplinary emergency orders that become final for failure of a respondent to contest the matter, a matter noticed for a hearing where a default order is entered for the respondent's failure to appear, and written final decisions following evidentiary hearings. Settlements are binding written resolutions by consent of the parties and include Consent Agreements and Consent Orders. Other resolutions of complaints may include, but are not limited to, cases of complainants withdrawing complaints, complaints dismissed by the Board, and informal warning letters.

#### **BOA2.1A Original Signed Final Decisions or Orders**

Retention: Permanent.

#### **BOA2.1B Complaint and All Other Enforcement Records**

Retention: Retain ten (10) years from date of Board's vote to close the matter.

### **BOA2.2 Continuing Professional Education Audits**

The Board of Accountancy is authorized to perform audits to ensure that individual CPAs and PAs are meeting continuing education requirements. The records in this series document such audit activity. The records may include, but are not limited to, evidence of educational credits submitted by the individual and any accompanying correspondence

Retention: Retain ten (10) years from the time of completion of audit.

## **CPP Contractors' Registration and Licensing Board**

### **CPP1.1 Contractors' Registration/License Application Files**

Rhode Island state law (R.I. Gen. Laws Chapter 5-65) requires that every contractor, remodeler, and most subcontractors who are in the business of building or repairing single-family homes, duplexes, residential structures with four (4) dwelling units or less, or commercial structures, including commercial roofers, be registered/licensed with the Contractors' Registration Board. Anyone who demolishes or moves a residential structure must also register. This series documents the application process. Files include information that contractors must provide to the board in order to become registered or licensed. This may include such documentation as driver's license or picture ID, workers' compensation account number, unemployment insurance account number and certificates, state withholding tax number, federal employee identification number, annual renewal forms, and proof of insurance.

Retention: Retain for ten (10) years after latest application for license/registration renewal.

### **CPP1.2 Licensing – General Contractors Files**

The Contractors' Registration Board is mandated to issue licenses to practice to Rhode Island home inspectors, associate home inspectors, and home inspection companies, as well as to commercial roofers. The board also approves and/or administers qualifying examinations for home inspectors and commercial roofers. This series documents the licensing process. Files include initial application forms, license renewal forms, attestations concerning experience, qualifying examinations results, as well as verifications of continuing education credits, safety courses (OSHA), certifications of liability and bonding, corporation papers, and insurance documentation. In addition, roofing companies must also provide lists of licensed employees. Individual licensee applicants must provide name(s) of any company that employs them.

Retention: Retain for ten (10) years after latest application for license renewal.

### **CPP1.3 Contractor Violations Files**

The Contractors' Registration Board is mandated with two (2) major functions: compliance and enforcement. This series concerns files related to the compliance function. The CRB ensures that commercial roofers and home inspectors comply with the requirements of state laws and regulations. Contractors conducting business in the state must be properly registered or licensed with the board. Contractors must also

carry appropriate insurance and refrain from false advertising. This series documents violations by contractors, and/or home inspectors and roofing contractors for false or misleading advertising, for conducting business without proper registration and/or licensing, and for working without appropriate insurance. The methods for resolving these cases span a continuum of increasingly formal procedures, ranging from informal phone discussion, negotiation, and resolution through to formal hearings and orders, and, in the last resort, the assignment of unresolved cases to the Attorney General for criminal prosecution. Finally, these files may contain Action Against Registration (AAR) documentation concerning CRB action against registration/licenses following court judgments against a contractor. Records consist of individual violation files. The content of these files depends on how far along the continuum of informal and formal remedies the conflict resolution process goes. All files include completed complaint forms and Face Sheets chronicling the case. Depending on the case, the files can also include records of administrative hearings, including notices of hearings, tapes of proceedings, Contractors' Registration Board investigative reports, completed waiving of jury trial forms, board findings and decisions, and correspondence with complainants and respondents, as well as respondent requests for exemptions. Where administrative hearings fail to resolve a case, the file will include copies of a Proposed Order sent to the respondent, and then a Final Order, where the respondent has failed to comply with or to appeal a Proposed Order. Cases that reach the Final Order stage include records documenting a sheriff's serving of a Demand Order. Failures to respond to Demand Orders result in the assignment of such cases and documentation to the Attorney General for criminal prosecution.

**CPP1.3A      Informal Resolution**

Retention:      Retain three (3) years.

**CPP1.3B      Resolved Administrative Hearings – Audiotapes**

Retention:      Discard after thirty (30) days, unless  
                         appeal is filed with Board of Review within  
                         that time.

**CPP1.3C      Resolved Administrative Hearing Files**

Retention:      Retain five (5) years after resolution.

**CPP1.3D      Resolved Proposed Order Files**

Retention:      Retain five (5) years after resolution.

**CPP1.3E      Resolved Final Order Files**

Retention: Retain five (5) years after resolution.

**CPP1.3F Criminal Prosecutions**

Retention: Retain five (5) years from scheduled date of arraignment.

**CPP1.3G Unresolved Final Orders**

Retention: Retain ten (10) years from Final Order date.

**CPP1.3H Action Against Registration (AAR) Files**

Retention: Retain ten (10) years after latest registration renewal.

**CPP1.4 Complaint Files**

The Contractors' Registration Board is mandated with two major functions: compliance and enforcement. This series concerns files related to the enforcement function. The CRB has responsibility for holding all registered or licensed contractors accountable for performance of commercial and/or residential construction-related work in accordance with applicable construction business standards. Claims files may include, but are not limited to employee claims for unpaid wages, subcontractor claims against general contractors, and contractors against subcontractors, homeowner claims against contractors, mechanics' lien claims, and testing claims for unpaid labor or materials supplied in conjunction with a particular structure. The methods for resolving these cases span a continuum of increasingly formal procedures, ranging from informal phone discussion and negotiation through to formal hearings and orders to the assignment of unresolved cases to the Attorney General for criminal prosecution. Records consist largely of individual homeowners' complaints case files against contractors. The content of these files depends on how far along the continuum of informal and formal remedies the conflict resolution process goes. All files include completed complaint forms and Face Sheets chronicling the case. Depending on the case, the files can also include records of administrative hearings, including notices of hearings and tapes of proceedings. In addition, the files can include Contractors' Registration Board investigative reports, completed waiving of jury trial forms, board findings and decisions, and correspondence with complainants and respondents, as well as respondent requests for exemptions. Where administrative hearings fail to resolve a case, the file will include copies of a Proposed Order sent to the respondent, and then a Final Order, where the respondent has failed to comply with or to appeal a Proposed Order. Cases that reach the Final Order stage

include records documenting a sheriff's serving of a Demand Order. Failures to respond to Demand Orders result in the assignment of the case to the Attorney General for criminal prosecution.

**CPP1.4A      Informal Resolution**

Retention:      Retain three (3) years.

**CPP1.4B      Resolved Administrative Hearings – Audiotapes**

Retention:      Discard after thirty (30) days, unless appeal is filed with Board of Review within that time.

**CPP1.4C      Resolved Administrative Hearing Files**

Retention:      Retain five (5) years after resolution.

**CPP1.4D      Resolved Proposed Order Files**

Retention:      Retain five (5) years after resolution.

**CPP1.4E      Resolved Final Order Files**

Retention:      Retain five (5) years after resolution.

**CPP1.4F      Criminal Prosecutions**

Retention:      Retain five (5) years from scheduled date of arraignment.

**CPP1.4G      Unresolved Final Orders**

Retention:      Retain ten (10) years from Final Order date.

**CPP1.4H      Action Against Registration (AAR) Files**

Retention:      Retain ten (10) years after latest registration renewal.

**CPP1.5      Non-Registered/Non-Licensed Contractor Complaint Files**

The Contractors' Registration Board ensures that all contractors conducting business in the state are properly registered/licensed with the board, carry appropriate insurance, and meet established standards. The records document homeowner complaints lodged against unregistered or non-licensed contractors for violation of construction standards, and homeowners' complaints against those contractors who

have performed work while not registered. Files include statement of complaint forms, written contracts, and violation tickets issued to contractors. In addition, the files may include proposed orders and final orders. Finally, the files include Face Sheets, which provide the chronology of actions taken during the case.

**CPP1.5A      Informal Resolution**

Retention:      Retain three (3) years.

**CPP1.5B      Resolved Administrative Hearings – Audiotapes**

Retention:      Discard after thirty (30) days, unless  
appeal is filed with Board of Review within  
that time.

**CPP1.5C      Resolved Administrative Hearing Files**

Retention:      Retain five (5) years after resolution.

**CPP1.5D      Resolved Proposed Order Files**

Retention:      Retain five (5) years after resolution.

**CPP1.5E      Resolved Final Order Files**

Retention:      Retain five (5) years after resolution.

**CPP1.5F      Criminal Prosecutions**

Retention:      Retain five (5) years from scheduled date  
of arraignment.

**CPP1.5G      Unresolved Final Orders**

Retention:      Retain ten (10) years from Final Order  
date.

**CPP1.5H      Action Against Registration (AAR) Files**

Retention:      Retain ten (10) years after latest  
registration renewal.

**CPP1.6      Lapse of Insurance Violations Files**

Rhode Island law (R.I. Gen. Laws Chapter 5-65) requires that contractors, home inspectors, and commercial roofers carry insurance covering their work. These files concern contractors who have no insurance, or who have allowed their insurance to lapse. Files include

notices of lapsed insurance sent to the CRB by insurers, notices of violations, and copies of policy cancellation notices from insurers.

**CPP1.6A      Informal Resolution**

Retention:      Retain three (3) years.

**CPP1.6B      Resolved Administrative Hearings – Audiotapes**

Retention:      Discard after thirty (30) days, unless  
appeal is filed with Board of Review within  
that time.

**CPP1.6C      Resolved Administrative Hearing Files**

Retention:      Retain five (5) years after resolution.

**CPP1.6D      Resolved Proposed Order Files**

Retention:      Retain five (5) years after resolution.

**CPP1.6E      Resolved Final Order Files**

Retention:      Retain five (5) years after resolution.

**CPP1.6F      Criminal Prosecutions**

Retention:      Retain five (5) years from scheduled date  
of arraignment.

**CPP1.6G      Unresolved Final Orders**

Retention:      Retain ten (10) years from Final Order  
date.

**CPP1.6H      Action Against Registration (AAR) Files**

Retention:      Retain ten (10) years after latest  
registration renewal.

**CPP1.7      Invalid Claims (NWJ) Files**

The Contractors' Registration Board receives claims from the public concerning contractor fraud and incompetence. The board is mandated to address those complaints that fall within its jurisdiction and competence. This series documents claims that the board cannot address either for jurisdictional or for procedural reasons, such as late filings or unregistered/unlicensed contractors. Files consist of statement of claim forms that have been improperly filed (e.g. filed after allowable

period or concerning contractors or because the claim falls beyond the board's jurisdiction). The files also include copies of contracts between contractors and homeowners.

Retention:        Retain three (3) years.

## **CPP1.8        Board Minutes of Meetings**

Apart from its role in settling claims through administrative hearings and hearing appeals of Proposed Orders and Final Orders, the Board holds meetings on a regular basis to deliberate over administrative, legislative, and policy matters. Agenda items include approval of minutes of previous meetings, consideration of cases on appeal and oral argument, reports of executive director and staff, report on old business, reports on new business, public comment, and announcements. Records include files and audiotapes documenting these deliberations. Included are agendas, minutes of meetings, and documentation tabled at meetings. Copies of agendas and minutes are filed with the Secretary of State on a regular basis, as required by law and regulation. The audiotapes record the board's meetings as well as its administrative hearings held on that day. The audiotapes are later used as an aid to completing the official minutes of the meetings.

### **CPP1.8A        Audiotapes**

Retention:        Destroy or re-use six (6) months after transcription and approval of minutes or proceedings.

### **CPP1.8B        Minutes of Meetings**

Retention:        Permanent.

### **CPP1.8C        All Other Records**

Retention:        Permanent.

## **CPP1.9        Sub-Committees Minutes of Meetings and Records**

The board's sub-committees are established to address issues pertaining to legislative action, licensing requirements, forms revision, and profession and trade standards development. The records in this series consist of minutes of meetings, sub-committee documents, and correspondence.

Retention:        Permanent.

## **CPP1.10       Contractors' Registration Board Database**

The CRB maintains an electronic database that stores tracking and status information on individual contractors. The database spans the years 1989 onwards. The database contains records for each contractor registered or licensed with the board. The database includes the following tables/screens: contractor table includes basic data concerning each contractor (name, address, insurance carrier, insurance policy number, workers' compensation, driver's license number and issuance date), officer table, and voucher table; claim tables, job tables, and investigation table. Database output includes the following screens to track contractor and complaint histories: voucher payments, claim forms, mailed notices, claim description for each claim, complaints, job contract forms, investigation forms, claim status information, claim history, violation forms, and status changes. This data is currently available to the public through a dynamic page on the Board's website. Here, members of the public can access a contractor's record by contractor registration number, company name, or contractor name.

Retention: Retain most recent five (5) years of data for each contractor.

#### **CPP1.11 Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

#### **FB Fire Safety Code Board of Appeal and Review**

##### **FB1 Variance Decisions**

The Fire Safety Code Board of Appeal and Review (hereinafter Fire Board) has the responsibility for deciding whether or not appeals for variances from certain aspects of the State Fire Safety Code are granted or not per R.I. Gen. Laws § 23-28.3-5. Upon the adoption of the Fire Safety Code, there was the realization that certain situations would arise that would render strict compliance impossible. The aforementioned law establishes a procedure for building owners and/or operators to request relief from specific clauses of the Fire Safety Code. The Board then considers whether or not to grant these variances, which may take various forms. A variance of time may be granted to give an

owner/operator time to comply with some aspect of the Fire Code that a structure is not yet equipped for. A variance may also be granted for structural hardship if strict compliance is impossible because of the existing structure of the facility. A variance may also allow for an alternative method of compliance with the intent of the code if the usual method is not feasible for a particular structure. The Board has the authority to render decisions on appeals for variances and holds hearings to determine whether or not to grant them. The records in this series include the decisions issued by the Board. The Fire Safety Code Board of Appeal and Review provides a copy of each decision rendered to the State Fire Marshal.

Retention: Retain ten (10) years after the conclusion of the code cycle under which the variance was granted or denied.

Note: Per R.I. Gen. Laws § 23-28.3-5(b), a properly indexed record of all variations made shall be kept in the office of the state fire marshal and shall be open to public inspection. The State Fire Marshal retains the record permanently.

## **FB2 Variance Application Files**

Building owners and/or operators provide the Fire Board with applications when seeking variances in the Fire Safety Code per R.I. Gen. Laws § 23-28.1-6. The applications contain background information on the structure involved and other documents. Additional documents in support of the application may be provided during the hearing. The files may include, but are not limited to, application forms filled out by building owners and/or operators, copies of the most recent plan reports or inspection report for the subject building (prepared by the State or Local Fire Marshal's office), related correspondence, and plans.

### **FB2A Granted or Denied Variances**

Retention: Retain three (3) years after the mailing date of the Administrative Decision.

### **FB2B Administratively Closed Files, with No Decision Issued**

Retention: Retain three (3) years after the mailing date of the notice of closure of the file.

## **FB3 Administrative Hearing Records**

The Fire Board conducts hearings on applications for variances per R.I. Gen. Laws § 23-28.3-5 and these records document those hearings. It is

at these hearings that the Board decides whether or not to grant the variances. In addition to the petitioner, the property owners of any structures located within two hundred feet (200') of the petitioner's building may be informed when the hearing is scheduled if there is reason to believe the variance would have an adverse effect on these properties. The Board has discretion about notifying the owners of the surrounding properties and usually does so only if they have direct involvement in the case. The records include a verbatim record of each hearing consisting of an audio recording of the actual hearing or a verbatim transcript.

**FB3A**                    **Granted or Denied Variances**

Retention:        Retain three (3) years after the mailing date of the Administrative Decision.

**FB3B**                    **Administratively Closed Files, with No Decision Issued**

Retention:        Retain three (3) years after the mailing date of the notice of closure of the file.

**FB4**                    **Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention:        Permanent.

See Also:        This record series is for information only, see GRS6.8B (Certificates of Records Destruction).