

**21 NCAC 21 .0902 SUBMISSION OF REQUEST FOR DECLARATORY RULING**

(a) All requests for declaratory rulings shall be written and filed with the Board. The first page of the request shall bear the notation: REQUEST FOR DECLARATORY RULING. The request must include the following information:

- (1) name and address of petitioner;
- (2) statute or rule or order of the Board on which a ruling is desired;
- (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to him;
- (4) a concise statement as to whether the request is for a ruling on the validity of a rule, statute or order or on the applicability of a rule, statute or order to a given factual situation;
- (5) arguments or data which demonstrate that the petitioner is aggrieved by the rule, statute or order or by the potential application to him;
- (6) a statement of the consequences of a failure to issue a declaratory ruling in favor of petitioner; and
- (7) a statement of whether an oral argument is desired and, if so, the reason(s) for requesting such an oral argument.

(b) A request for a ruling on the applicability of a rule, order, or statute must include a description of the specific factual situation on which the ruling is to be based. A request for a ruling on the validity of a Board rule must state the aggrieved person's reasons for questioning the validity of the rule. A person may ask for both types of rulings in a single request. A request for a ruling must include or be accompanied by:

- (1) a statement of the specific statement of facts proposed for adoption by the Board; and
- (2) a draft of the proposed ruling.

*History Note: Authority G.S. 89E-5; 89E-20; 150B-4;  
Eff. February 1, 1986;  
Amended Eff. April 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*