

21 NCAC 32A .0112 DISPOSITION OF REQUEST

- (a) Upon receipt of a Request for Declaratory Ruling, the Board shall determine whether a ruling is appropriate under the facts stated.
- (b) When the Board determines that the issuance of a declaratory ruling is inappropriate, the Board shall notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request.
- (c) The Board shall decline to issue a declaratory ruling where:
 - (1) there has been a similar controlling factual determination made by the Board in a contested case;
 - (2) the rule-making record shows that the factual issues raised by the request were specifically considered prior to adoption of the rule;
 - (3) the subject-matter of the request is involved in pending litigation in any state or federal court in North Carolina;
 - (4) the subject-matter of the request involves matters which are currently being investigated by the Board;
 - (5) the subject matter of the request involves matters which are currently being adjudicated in a noticed disciplinary or denial hearing heard before the Board or the Office of Administrative Hearings; or
 - (6) the petitioner fails to show that the circumstances are so changed since the adoption of the statute or rule that a ruling is warranted.

*History Note: Authority G.S. 150B-4;
Eff. February 1, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. July 1, 2022.*