

SECTION .0400 - DECLARATORY RULINGS

21 NCAC 57C .0401 REQUESTS FOR RULINGS: DISPOSITION OF REQUESTS

(a) All requests for declaratory rulings shall be written and filed with the Board. The request must contain the following information:

- (1) the name, address and signature of petitioner;
- (2) a concise statement of the manner in which petitioner is aggrieved by the rule or statute in question, or its potential application to him;
- (3) a statement of the interpretation given the statute or rule in question by petitioner;
- (4) a statement of the reasons, including any legal authorities, in support of the interpretation given the statute or rule by petitioner.

(b) The Board shall either deny the request, stating the reasons therefor, or issue a declaratory ruling. When in its discretion, the Board determines that the issuance of a declaratory ruling is undesirable, it may refuse to issue such ruling.

(c) The Board shall not issue a declaratory ruling when the petitioner or his or her request is the subject of, or materially related to, a matter under investigation by the Board or a contested case before the Board.

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.