

24 NCAC 06A .0207 CONSIDERATION OF LATE APPLICATIONS

- (a) A License application submitted after an established deadline will generally not be considered or evaluated. Untimely submission is grounds for summary denial of an application.
- (b) An untimely application may be considered under limited circumstances as determined by the Commission.
- (c) An untimely application may be considered under the following limited circumstances:
 - (1) The Director determines one or more of the following:
 - (A) That both of the following conditions exist:
 - (i) no other Applicant or interested Person would be unfairly prejudiced by the delayed submission of the application; and
 - (ii) neither the Commission nor the Director has taken substantive action with respect to any application submitted prior to the deadline.
 - (B) Additionally, at least one of the following conditions is present:
 - (i) the failure to file the application prior to the expiration of the deadline was caused by the action or inaction of a third-party, which relates to the method or timing of the delivery of the application to the Commission, and was the product of reasonable and excusable neglect;
 - (ii) the circumstances surrounding the method or timing of the delivery of the application indicate that in the normal course of events the application should have been received by the Commission prior to the expiration of the deadline; or
 - (iii) prior to the expiration of the deadline, the Applicant reasonably believed that delivery of the application would occur prior to expiration of the deadline.
 - (2) The Director determines that the Applicant's failure to file the application prior to the expiration of the deadline was caused in whole or in part by documented incorrect or misleading information or instructions provided by an employee or agent of the Commission and that Applicant acted reasonably in relying on such information or instructions, taking into consideration the nature of the information or instructions and the identity of the Individual providing the information or instructions;
 - (3) The Director acts to establish a new deadline applicable to all Persons to which the original deadline was applicable; or
 - (4) The Director determines that consideration of the application is necessary to prevent manifest injustice.
- (d) The Commission strongly disfavors consideration of late applications and there is a presumption against considering an application that is not timely filed.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1B-007;
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