

24 NCAC 06A .0219 RECONSIDERATION ON DENIAL OF A LICENSE

(a) Any Applicant whose application is denied shall have 15 Days from receipt of notice of denial, issued pursuant to Rule .0213 of this Subchapter, to submit a written request for reconsideration to the Director. The written request for reconsideration shall contain:

- (1) a statement identifying the grounds for denial which the party intends to contest and state the reasons therefor;
- (2) a description of all facts the Applicant is relying on to contest the grounds for denial;
- (3) a description of any alleged errors by the Commission; and
- (4) a statement of truth, swearing or affirming that all information contained in the written request for reconsideration is accurate and complete.

(b) Upon receipt of a written request for reconsideration, the Director shall either ratify the prior denial or take other appropriate action within 15 Days. The Director, in their discretion, may extend the time period for good cause; if additional time is required, the Director shall notify the Applicant in writing. If the Director ratifies the denial of the application, the Applicant shall receive notice of the Director's decision and information about appealing the Director's decision.

(c) Any Applicant who has sought reconsideration of denial of their License from the Director and received an unfavorable decision may appeal the Director's decision to the Sports Betting Committee. The Applicant shall have 15 Days from receipt of the Director's decision to submit a written appeal. The written appeal shall contain:

- (1) a statement identifying the grounds for denial which the party intends to contest and state the reasons therefor;
- (2) a description of all facts the Applicant is relying on to contest the grounds for denial and supporting documentary materials relied upon;
- (3) a description of any alleged errors by the Commission;
- (4) a description of any alleged errors by the Director;
- (5) a statement of truth, swearing or affirming that all information contained in the written appeal is accurate and complete; and
- (6) an acknowledgement signed by an Authorized Representative that the Applicant understands that materials that are specifically identified by the Commission as providing a basis for the denial may become public records.

(d) Upon receipt of a written appeal of the Director's decision, the Commission staff shall begin to compile a full record of the application. Staff will provide this record to the Sports Betting Committee and to the Applicant that submitted the appeal within 21 Days of the Commission's receipt of the written appeal. On behalf of the Director, Commission staff may include a written response to the written appeal from the Applicant in the record.

(e) The Sports Betting Committee shall have 90 Days from receipt of the full application record to make a final decision. The Sports Betting Committee may in its discretion elect to receive oral presentations from the parties in an open meeting, seek supplemental written information for its consideration from the Applicant, or reach its decision based on the record alone. The Applicant will receive notice of the final decision, which shall be in writing and shall explain the basis for the decision.

(f) An Applicant who voluntarily withdraws its application for a License shall waive all rights to seek reconsideration pursuant to this Rule.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1B-019;
Eff. January 8, 2024;
Readopted Eff. March 27, 2024.*