

21 NCAC 19 .0303 CONTESTED CASES

(a) The following rules establishing procedures for contested cases, adopted by the Office of Administrative Hearings and contained in Title 26, Chapter 3 of the North Carolina Administrative Code, are hereby incorporated by reference for contested cases for which the Board has authority to adopt rules under G.S. 150B-38: 26 NCAC 3 .0001(1), .0005, .0006, .0013, .0014, .0015, .0016, .0018, .0019, .0020, .0021. This adoption applies to the listed rules as amended as of November 1, 1991 and does not include subsequent amendments. Copies of these Rules will be made available for inspection by arrangement; anyone wanting to inspect these Rules shall write the Board at its mailing address. Copies of the listed rules may be obtained from the Board at a charge of two dollars and fifty cents (\$2.50) by writing the Board at its mailing address.

(b) For the purposes of this Rule, references in the rules listed in Paragraph (a) of this Rule to the Office of Administrative Hearings shall be deemed to be references to the Board, references to the administrative law judge shall be deemed to be references to the presiding officer for board hearings, reference in 26 NCAC 3 .0005 to G.S. 150B-33 shall be deemed a reference to G.S. 150B-40, and the words "enter a show cause order returnable in Superior Court for contempt proceedings in accordance with G.S. 150B-33(b)(8)" in 26 NCAC 3 .0014 shall be deemed to read, "apply to the Superior Court for an order to show cause in accordance with G.S. 150B-40(c)(6)".

(c) Any person who believes that his or her rights, duties, or privileges have been affected by the Board's administrative action but who has not received a notice of hearing pursuant to G.S. 150B-38 may file a written request for a hearing. The request must be entitled "Request for Administrative Hearing" and must contain the following:

- (1) the name and address of the petitioner;
- (2) a concise statement of the action taken by the Board which is challenged;
- (3) a concise statement of the way in which the petitioner has been aggrieved; and
- (4) a clear and specific statement of request for a hearing.

Without waiving any right to a formal hearing, an individual may first seek to resolve the issue informally with the Board.

(d) The Board may elect either to conduct a hearing itself or to request the designation of an administrative law judge from the Office of Administrative Hearings to preside.

*History Note: Authority G.S. 88A-6; 150B-38;
Eff. August 3, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*