21 NCAC 10 .0406 DECLARATORY RULINGS

(a) General. The Board shall respond to requests for declaratory rulings in accordance with G.S. 150B-4.

(b) Request for Declaratory Ruling: Contents. A request for a declaratory ruling shall be in writing and addressed to the president. The request shall contain the following information:

(1) The name and address of the person making the request;
(2) The statute or rule to which the request relates;
(3) A statement of the manner in which the person has been aggrieved by the statute or rule; and
(4) A statement as to whether a hearing is desired, and if desired, the reason therefor.

(c) Refusal to Issue Ruling. The Board shall refuse to issue a declaratory ruling under the following circumstances:

(1) When the Board has already made a controlling decision on similar facts in a contested case;
(2) When the facts underlying the request for a ruling were considered at the time of the adoption of the rule in question; or
(3) When the subject matter of the request is involved in pending litigation in North Carolina.

History Note: *Authority G.S. 150B-4;*
Eff. February 1, 1976;
Readopted Eff. January 27, 1978;
Amended Eff. January 1, 1983;
Legislative Objection Lodged Eff. January 31, 1983;
Curative Amended Eff. February 28, 1983;
Amended Eff. December 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. January 1, 2020.