

CHAPTER 2 - RULE MAKING AND CONTESTED CASE PROCEDURES

SUBCHAPTER 2A - DEPARTMENTAL RULE MAKING PROCEDURES

SECTION .0100 - PETITIONS FOR RULE MAKING

02 NCAC 02A .0101	PETITIONS
02 NCAC 02A .0102	PETITIONS FOR RULE MAKING
02 NCAC 02A .0103	AMENDMENT OR REPEAL
02 NCAC 02A .0104	GRANTING OR DENYING PETITIONS
02 NCAC 02A .0105	FINAL DECISION

History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0200 - NOTICE

02 NCAC 02A .0201	NOTICE TO PARTIES
02 NCAC 02A .0202	MAILING LIST
02 NCAC 02A .0203	PUBLIC NOTICE
02 NCAC 02A .0204	INFORMATION REQUEST

History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0300 - HEARINGS

02 NCAC 02A .0301	LOCATION OF HEARINGS
02 NCAC 02A .0302	ARGUMENTS
02 NCAC 02A .0303	ORAL PRESENTATIONS
02 NCAC 02A .0304	ORAL PRESENTATIONS: ACKNOWLEDGMENT
02 NCAC 02A .0305	WRITTEN STATEMENT
02 NCAC 02A .0306	ACKNOWLEDGMENT
02 NCAC 02A .0307	CONTROL OF HEARINGS
02 NCAC 02A .0308	REQUEST FOR CONCISE STATEMENT
02 NCAC 02A .0309	RECORDS

History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0400 - EMERGENCY RULES

02 NCAC 02A .0401	POWER TO ISSUE
02 NCAC 02A .0402	LENGTH OF EFFECTIVENESS

History Note: Authority G.S. 150B-13;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0500 - DECLARATORY RULINGS

02 NCAC 02A .0501	REQUEST FOR DECLARATORY RULING
02 NCAC 02A .0502	CONTENTS OF REQUEST
02 NCAC 02A .0503	REFUSAL TO ISSUE DECLARATORY RULING
02 NCAC 02A .0504	ISSUANCE OF A DECLARATORY RULING
02 NCAC 02A .0505	PROCEDURE
02 NCAC 02A .0506	REFUSAL TO ISSUE
02 NCAC 02A .0507	SPECIAL CIRCUMSTANCES

History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0600 - FEES

02 NCAC 02A .0601	FEE SCHEDULES
02 NCAC 02A .0602	AMOUNT

History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SUBCHAPTER 2B - CONTESTED CASES

SECTION .0100 - GENERAL RULES

02 NCAC 02B .0101	ADMINISTRATIVE HEARINGS
02 NCAC 02B .0102	HEARINGS

History Note: Authority G.S. 150B-2; 150B-2(2);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0200 - REQUEST FOR HEARING

02 NCAC 02B .0201	REQUEST
02 NCAC 02B .0202	PREREQUISITE
02 NCAC 02B .0203	INFORMAL CONTACT
02 NCAC 02B .0204	CONTENTS OF REQUEST
02 NCAC 02B .0205	ACKNOWLEDGMENT

History Note: Authority G.S. 150B-2;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0300 - HEARING REQUESTS

02 NCAC 02B .0301	GRANTING A HEARING
02 NCAC 02B .0302	CRITERIA
02 NCAC 02B .0303	ISSUANCE
02 NCAC 02B .0304	APPROVAL OF REQUEST

History Note: Authority G.S. 150B-2; 150B-11(1);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0400 - WAIVER

- 02 NCAC 02B .0401 FAILURE TO NOTIFY**
02 NCAC 02B .0402 FAILURE TO APPEAR

History Note: Authority G.S. 150B-11(1); 150B-25;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0500 - NOTICE

- 02 NCAC 02B .0501 REASONABLE NOTICE**
02 NCAC 02B .0502 NOTICE AND HEARING
02 NCAC 02B .0503 ADDITIONAL INFORMATION

History Note: Authority G.S. 150B-2;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0600 - WHO SHALL HEAR CONTESTED CASES

- 02 NCAC 02B .0601 HEARING OFFICER**
02 NCAC 02B .0602 APPOINTMENT

History Note: Authority G.S. 150B-2;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0700 - PLACE OF HEARING

- 02 NCAC 02B .0701 DEPARTMENT BOARD ROOM**
02 NCAC 02B .0702 ALTERNATIVE LOCATIONS

History Note: Authority G.S. 150B-2; 150B-24;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0800 - INTERVENTION

- 02 NCAC 02B .0801 REQUIREMENTS**
02 NCAC 02B .0802 PETITION TO INTERVENE
02 NCAC 02B .0803 DISCRETIONARY INTERVENTION
02 NCAC 02B .0804 DISCRETIONARY INTERVENTION: ADVISABLE
02 NCAC 02B .0805 WRITTEN PETITION
02 NCAC 02B .0806 PETITION FOR INTERVENTION
02 NCAC 02B .0807 ALLOWANCE
02 NCAC 02B .0808 DENIAL

History Note: Authority G.S. 150B-23(a); 1A-1, Rule 24;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0900 - HEARING OFFICERS

02 NCAC 02B .0901	COMMISSIONER OF AGRICULTURE OR BOARD OF AGRICULTURE
02 NCAC 02B .0902	CONDUCT OF HEARINGS
02 NCAC 02B .0903	BIAS
02 NCAC 02B .0904	BIAS: AFFIDAVIT SUBMISSION
02 NCAC 02B .0905	AFFIDAVIT
02 NCAC 02B .0906	AFFIDAVIT: TIMELINESS
02 NCAC 02B .0907	DISQUALIFICATION
02 NCAC 02B .0908	NEW HEARING
02 NCAC 02B .0909	DISQUALIFICATION: RESUMPTION
02 NCAC 02B .0910	DETERMINATION TO CONTINUE
02 NCAC 02B .0911	DETERMINATION OF DECISION

History Note: Authority G.S. 150B-32(a); 150B-32(b); 150B-32(c);
 Eff. February 1, 1976;
 Repealed Eff. January 8, 1981.

SUBCHAPTER 2C - CONDUCT OF THE CONTESTED CASES

SECTION .0100 - FAILURE TO APPEAR

02 NCAC 02C .0101	PROCEEDING WITHOUT PARTY
02 NCAC 02C .0102	OPTIONS OF HEARING OFFICER
02 NCAC 02C .0103	CONTINUANCES
02 NCAC 02C .0104	PETITION TO REOPEN
02 NCAC 02C .0105	CRITERIA FOR REOPENING

History Note: Authority G.S. 150B-11(1);
 Eff. February 1, 1976;
 Repealed Eff. January 8, 1981.

SECTION .0200 - WRITTEN ANSWERS TO NOTICE: SIMPLIFICATION OF ISSUES

02 NCAC 02C .0201	WRITTEN ANSWERS
02 NCAC 02C .0202	SIMPLIFICATION

History Note: Authority G.S. 150B-11(1);
 Eff. February 1, 1976;
 Repealed Eff. January 8, 1981.

SECTION .0300 - PRE-HEARING CONFERENCE

02 NCAC 02C .0301	DISCRETION TO HOLD
02 NCAC 02C .0302	PURPOSES
02 NCAC 02C .0303	PREHEARING CONFERENCE
02 NCAC 02C .0304	NOTICE OF PREHEARING CONFERENCE

History Note: Authority G.S. 150B-11(1);
 Eff. February 1, 1976;
 Repealed Eff. January 8, 1981.

SECTION .0400 - SUBPOENAS

02 NCAC 02C .0401	AUTHORITY TO ISSUE
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02 NCAC 02C .0402	ISSUANCE
02 NCAC 02C .0403	SERVICE OF SUBPOENAS
02 NCAC 02C .0404	UNREASONABLE SUBPOENAS
02 NCAC 02C .0405	OBJECTIONS
02 NCAC 02C .0406	STATEMENT OF REASONS
02 NCAC 02C .0407	SERVICE OF OBJECTIONS
02 NCAC 02C .0408	RESPONSE TO OBJECTIONS
02 NCAC 02C .0409	HEARINGS ON SUBPOENA CHALLENGES
02 NCAC 02C .0410	RULINGS

History Note: Authority G.S. 150B-11(1); 150B-27; 150B-60(4);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0500 - DISCOVERY

02 NCAC 02C .0501	DISCOVERY
02 NCAC 02C .0502	FAILURE TO SUBMIT TO DISCOVERY

History Note: Authority G.S. 150B-11(1); 150B-28;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SECTION .0600 - DEPOSITIONS

02 NCAC 02C .0601	USE OF DEPOSITIONS
02 NCAC 02C .0602	PROCEDURE FOR TAKING A DEPOSITION
02 NCAC 02C .0603	RULINGS ON DEPOSITIONS

History Note: Authority G.S. 150B-28;
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.

SUBCHAPTER 2D - DECISIONS IN CONTESTED CASES

02 NCAC 02D .0101	HEARING OFFICERS
02 NCAC 02D .0102	PROPOSAL FOR DECISION
02 NCAC 02D .0103	EXCEPTIONS
02 NCAC 02D .0104	FORM
02 NCAC 02D .0105	SUBSTANTIAL PREJUDICE
02 NCAC 02D .0106	ORAL ARGUMENTS
02 NCAC 02D .0107	NOTICE

History Note: Authority G.S. 150B-11(1);
Eff. February 1, 1976;
Repealed Eff. January 8, 1981.