

04 NCAC 01E .0209 FORMAL APPLICATION PROCEDURES: DENIAL

- (a) Where there is significant unresolved public controversy or where the secretary is unable to make one or more required findings, the secretary will so indicate in writing and with specificity the reasons for denial.
- (b) The secretary in his letter shall indicate that the authority is invited to prepare a presentation, either written or oral which speaks factually to the unresolved issues. The secretary or his designee will be present at the meeting to hear and discuss the issues with the authority. It will be the responsibility of the authority to persuade the secretary that he should make all the necessary findings.
- (c) Where the authority does accomplish its responsibility to persuade the secretary, further procedures shall be as in .0208 of this Section.
- (d) Where the authority does not accomplish its responsibility to persuade the secretary, the secretary shall notify the authority of his decision in writing specifying the reasons for denial.

History Note: *Authority G.S. 159C-7;*
 Eff. August 2, 1976;
 Amended Eff. June 7, 1977;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September
 6, 2016.