

10A NCAC 26A .0305 ACTION ON REQUEST FOR DECLARATORY RULING

(a) Whenever the Director has good cause to believe that issuing a declaratory ruling is undesirable, the Director may decline to issue one. In such cases, the Director shall notify the petitioner in writing of the decision stating the reason for the denial of a declaratory ruling.

(b) The Director may decline to issue a declaratory ruling in the following specific circumstances:

- (1) if the request for a declaratory ruling addresses a situation or fact similar to those specifically considered at the rule-making hearing and is found in the rule-making record;
- (2) if the petitioner cannot show that the circumstances are so changed since adoption of the rule that such a ruling would be warranted; or
- (3) if the circumstances stated in the request indicate that there is a factual dispute and a contested case hearing would be more appropriate.

(c) When issuing a declaratory ruling is deemed appropriate, the Director shall issue the ruling within 60 days of the receipt of the petition.

*History Note: Authority G.S. 143B-10; 143B-147; 150B-17;
Eff. January 1, 1980;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*