

10A NCAC 63F .0612 VENUE

- (a) Absent a change of venue pursuant to the procedure described in this Rule, the impartial due process hearing shall be held in the county of residence in this state of the applicant or consumer.
- (b) Any party desiring a change of venue shall file a written motion for a change of venue with the hearing officer and serve copies of that motion on all other parties at least seven days prior to the date for which the hearing is set.
- (c) The motion shall include the following information:
 - (1) The name, address, and telephone number of the movant;
 - (2) identification by the case name and docket number of the proceeding for which the change is sought;
 - (3) the time, date, and place for which the hearing is scheduled;
 - (4) the county in which the party requests that the hearing be held;
 - (5) a statement of the requested change, including the names and addresses of any witnesses whose convenience represents the basis for this request; and
 - (6) any other factors that should be included in ruling on the request.
- (d) Any party may object to a motion for a change of venue by filing a written notice of objection with the hearing officer within three days after receipt of the motion and service copies of the notice of objection on all other parties. The notice of objection shall state clearly the grounds for the objection.
- (e) The hearing officer shall determine whether a change of venue promotes the ends of justice or serves the convenience of witnesses and shall issue an order granting or denying the motion. The order shall state the reasons for the decision. Copies of the order shall be served on all parties.

History Note: Authority G.S. 143B-157; 150B-1(e)(5); 150B-2; 150B-23; 34 C.F.R. 361.57; Eff. December 1, 1990; Temporary Amendment Eff. August 1, 2001; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.