

10A NCAC 89B .0212 VENUE

- (a) The appeals hearing shall be held in the county of residence in this State of the applicant or client.
- (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 the request; and
 - (6) any other factors that should be considered 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 serving 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 is appropriate 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. 143-546; 143B-10(j); 150B-11; 34 C.F.R. 361.48;
Eff. February 1, 1976;
Amended Eff. September 1, 1989;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*