

14B NCAC 11A .0204 DECLARATORY RULINGS

(a) The Secretary or his designee shall have the power to make declaratory rulings. All requests for declaratory rulings shall be by written petition and shall be submitted to: Secretary/Administrative Hearing Officer, Department of Juvenile Justice and Delinquency Prevention, 1801 Mail Service Center, Raleigh, NC 278699-1801.

(b) Every request for a declaratory ruling must include the following information:

- (1) The name and address of the petitioner;
- (2) The statute or rule to which the petition relates; and
- (3) A concise statement of the manner in which the petitioner is aggrieved by the rule and the criteria under this Rule that justifies the request for a declaratory ruling.

(c) The Secretary or the Department's Hearing Officer shall issue notice to persons who may be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

(d) A record of all declaratory ruling proceedings shall be maintained by the Secretary's Office and shall be available for public inspection during regular business hours. This record shall contain:

- (1) The original request;
- (2) The reasons for refusing to issue a ruling when the request is denied;
- (3) All written memoranda and information submitted;
- (4) Any written minutes or audio tape or other record of the oral hearing; and
- (5) A statement of the ruling when the request is granted.

*History Note: Authority G.S. 143B-512; 143B-516; 150B-4;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 01A .0204 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*