

SECTION .0500 - DECLARATORY RULINGS

15A NCAC 10A .0501 WHEN ISSUED

In accordance with G.S. 150B-4 and the procedures set forth in Rule .0503 of this Section, the Wildlife Resources Commission shall issue a declaratory ruling when a written request signed and verified under oath by or on behalf of a person or group of persons aggrieved, shows on its face:

- (1) that there is a controversy as to the validity of a rule; or that there is a controversy as to the applicability of a rule of the Commission, or of a specific statute administered or enforced by the Commission, to an existing factual situation; or that there is a conflict or inconsistency regarding the interpretation of a specific law or rule adopted by the Commission;
- (2) that the relevant facts and circumstances necessary to the ruling are definitively stated and are conceded by all parties to be a true and existing fact or circumstance for all purposes;
- (3) that the parties who will be directly or indirectly affected by the ruling, other than the Commission and its agents and employees, have joined in the request and in the verification of the facts therein set forth; and
- (4) that the ruling will be final and determinative of the controversy and binding on the parties affected thereby, subject only to reversal or modification by a court on direct judicial review as provided by law.

History Note: Authority G.S. 150B-4;
Eff. February 1 1976;
Readopted Eff. May 1, 2024.