

**15A NCAC 10A .0502 WHEN NOT ISSUED**

The Wildlife Resources Commission shall not issue a declaratory ruling upon a request which does not comply with the requirements of Rules .0501 and .0503 of this Section, or that is the request of a person or group not aggrieved, or when it is or becomes apparent from a source:

- (1) that no controversy exists, either among the respective parties or between the parties and the Commission, as to the applicability of a specific rule of the Commission, or of a specific statute administered or enforced by the Commission, to an existing factual situation;
- (2) that the question to be ruled upon is academic, hypothetical, moot, speculative, or lacking in specificity;
- (3) that a relevant fact or circumstance necessary to the ruling is controverted, unverified, indefinite as to time or place, or omitted from the request for ruling;
- (4) that the proposed ruling will substantially affect a person, other than an agent or employee of the Commission, who is not a party to the request;
- (5) that a case or proceeding involving the substance of the requested ruling is pending before a court or another agency;
- (6) that the requested ruling would not be final and binding on the parties affected thereby, subject only to direct judicial review as provided by law;
- (7) that the request for ruling challenges the validity of a statute administered or enforced by the Commission;
- (8) that the requested ruling would require an interpretation of a statute not administered or enforced by the Commission or of a rule, order, or ordinance of some other governmental agency;
- (9) that the Commission is without power or authority to issue the requested ruling; or
- (10) that the request is not made in good faith.

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