

**19A NCAC 02E .0213 APPEAL OF DECISION OF DISTRICT ENGINEER'S OFFICE TO SEC. OF TRANS.**

(a) Should any permit applicant, permit holder, or sign owner disagree with a decision of the appropriate District Engineer's office pertaining to the denial or revocation of a permit for outdoor advertising or the determination that an outdoor advertising structure is illegal, the permit applicant, permit holder, or sign owner may appeal to the Secretary of Transportation in accordance with this Rule.

(b) Within 30 days from the time of the receipt of the decision of the District Engineer's office, the permit applicant, permit holder, or sign owner shall submit a written appeal to the Secretary of Transportation setting forth the facts and arguments upon which the appeal is based. The appeal shall be sent to the Secretary by certified mail, return receipt requested, with a copy to the District Engineer's office.

(c) Upon receipt of the written appeal, the Secretary of Transportation shall review the written appeal and the District Engineer's office's decision, as well as any available documents, exhibits, or other evidence bearing on the appeal, and shall render the final agency decision, supported by findings of fact and conclusions of law. The final agency decision shall be served upon the appealing party by certified mail, return receipt requested, no later than 90 days after the Secretary receives the written appeal. A copy of the final agency decision shall also be mailed to the District Engineer's office.

(d) Judicial review of the final agency decision is governed by G.S. 136-134.1.

*History Note: Authority G.S. 136-130; 136-133; 136-134;  
Eff. July 1, 1978;  
Amended Eff. August 1, 2000; November 1, 1993; November 1, 1991; June 15, 1981;  
Readopted Eff. January 1, 2021.*