

**21 NCAC 19 .0302           DECLARATORY RULINGS**

(a) All petitions for declaratory rulings shall be in writing and shall be sent to the Board at its mailing address. Each petition shall be entitled "Petition for Declaratory Ruling" and shall include the following information:

- (1) the name and address of the petitioner;
- (2) the statute or rule to which the petition relates;
- (3) a concise statement of the manner in which the petitioner has been or will be injured or adversely affected by the statute or rule;
- (4) if the petitioner wishes to make an oral presentation to the Board on the petition, a statement clearly requesting an opportunity to appear and be heard.

(b) The Board may refuse to issue a declaratory ruling when:

- (1) the petition does not comply with this Rule;
- (2) the Board has previously issued a declaratory ruling on substantially similar facts;
- (3) the Board has previously issued a final agency decision in a contested case on substantially similar facts;
- (4) the facts underlying the request for a declaratory ruling were specifically considered at the time the rule was adopted;
- (5) the subject matter of the petition is involved in pending litigation;
- (6) the Board determines for good cause not listed in this Paragraph that issuance of a declaratory ruling is undesirable.

*History Note: Authority G.S. 88A-6; 150B-4;  
Eff. August 3, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*