

21 NCAC 25 .0602 DECLARATORY RULINGS

(a) Any person aggrieved may petition the Board to issue a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the Board or of a rule or order of the Board by filing a written petition with the Board.

(b) A petition for a declaratory ruling must contain:

- (1) The petitioner's name, address, telephone number, fax number, email address, and signature;
- (2) The number of the rule or statute the petitioner wants the Board to construe;
- (3) The given state of facts to be applied in the ruling;
- (4) A plain and concise statement of the ruling sought by the petitioner;
- (5) A statement of how the petitioner is aggrieved by the rule or statute;
- (6) A plain and concise statement of the reasons the ruling sought should be issued by the Board; and
- (7) A statement of whether the petitioner wishes to address the Board regarding the petition.

(c) The Board chair, in his or her discretion, may give supporters and opponents of the petition an opportunity:

- (1) to file written comments on the petition; and
- (2) to address the Board on the merits of the petition.

(d) The Board may decline to issue any ruling:

- (1) When the Board determines that the petitioner is not a person aggrieved;
- (2) When the Board determines that material facts are in dispute;
- (3) When the Board determines that an actual case or controversy exists;
- (4) When the subject matter of the request is being investigated by the Board;
- (5) When the subject matter of the request is involved in pending litigation;
- (6) When the Board has already issued a final decision in a contested case involving the same or substantially similar facts;
- (7) When the Board has already issued a declaratory ruling on the same or substantially similar facts;
or
- (8) When the Board determines that the issuance of a ruling is not in the public interest.

*History Note: Authority G.S. 90D-6; 150B-4;
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*