

**21 NCAC 29 .0602           DECLARATORY RULINGS**

(a) A person seeking a declaratory ruling from the Board under G.S. 150B-4 shall file a petition for a declaratory ruling that meets the requirements of this Rule.

(b) All petitions for declaratory rulings shall be in writing and shall be sent to the Chair at the Board=s 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 statement of the manner in which the petitioner has been or may be aggrieved by the statute or rule; and
- (4) if the petitioner wishes to make an oral presentation to the Board on the petition, a statement requesting an opportunity to appear and be heard.

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

- (1) the petition does not comply with this Rule;
- (2) the petitioner is not a "person" or a "person aggrieved" as defined in G.S. 150B-2;
- (3) the Board has previously issued a declaratory ruling on similar facts;
- (4) the Board has previously issued a final agency decision in a contested case on similar facts;
- (5) the subject matter of the petition is involved in pending litigation; or

*History Note: Authority G.S. 74F-6; 150B-4;  
Temporary Adoption Eff. March 26, 2003;  
Eff. March 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016.*