

**21 NCAC 37C .0103 DECLARATORY RULINGS**

(a) General. The issuance of declaratory rulings by the Board is governed by G.S. 150B-4.

(b) Request And Contents. A request for a declaratory ruling shall be in writing and addressed to the Executive Director. The request shall contain the following information:

- (1) the name and address of the person making the request;
- (2) the statute or rule to which the request relates;
- (3) a concise statement of the manner in which the person has been aggrieved by the statute or rule;
- (4) a statement as to whether a hearing is desired and, if desired, the reason therefor.

(c) Refusal To Issue Ruling. The Board shall ordinarily refuse to issue a declaratory ruling under the following circumstances:

- (1) when the Board has already made a controlling decision on substantially similar facts in a contested case;
- (2) when the facts underlying the request for a ruling were specifically considered at the time of the adoption of the rule in question; or
- (3) when the subject matter of the request is involved in pending litigation in North Carolina.

*History Note: Authority G.S. 150B-4;*

*Eff. May 1, 1989;*

*Transferred and Recodified from 21 NCAC 37A .1204 Eff. April 1, 1996;*

*Amended Eff. April 1, 1996;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014.*