

24 NCAC 06A .0109 REQUEST FOR VARIANCE OR WAIVER OF REQUIREMENT

- (a) For good cause shown, the Director may waive any of the non-statutory grounds for denial or renewal of a License. For good cause shown, the Director may grant a variance from the operation of these Rules or a requirement in these Rules.
- (b) A Person requesting a waiver or variance shall submit a written request in a format specified by the Director. The written request shall contain at least the following:
- (1) the standard for which the waiver or variance is sought;
 - (2) detailed facts in support of the request;
 - (3) an explanation of the unique circumstances justifying the request; and
 - (4) any other information requested by Commission staff or the Director.
- (c) If the request does not meet the requirements in Paragraph (b) of this Rule or is incomplete, the requestor shall be notified:
- (1) of the deficiency; and
 - (2) that the request will not be presented to the Director unless the identified deficiency is corrected.
- (d) At any time before or after a waiver or variance has been granted, the Director may:
- (1) limit or place restrictions on the waiver or variance as the Director considers necessary in the best interest of the State;
 - (2) require the requestor who is granted the waiver or variance to cooperate with the Director and to provide the Director with any additional information requested; or
 - (3) set an expiration date for the waiver or variance.
- (e) The requestor shall be notified of the Director's decision.
- (f) The decision of the Director on a request for a waiver or variance is final and may not be appealed. Denial or modification of any waiver or variance request submitted under this Rule does not require notice or an opportunity for hearing.
- (g) The Director retains the sole authority to grant, deny, or modify a waiver or variance request submitted under this Rule.
- (h) The Director may revisit a previous waiver or variance decision or request for any lawful reason and may modify or rescind a prior decision regarding the same, as needed.
- (i) The grant or denial of a waiver or variance does not bind the Commission or Director to take similar action in the future.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1A-009;
Eff. January 8, 2024;
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