09 NCAC 06C .0112 RESPONSE TO A REQUEST FOR A DECLARATORY RULING

(a) The Board shall consider the request within 30 days of receipt. The Board shall issue a ruling except:

(1) When the Board finds that the person making the request is not a "person aggrieved," as defined in G.S. 150B-2(6);

(2) When the petition does not provide the information required in Rule .0111 of this Section, the question is presented in such a manner that the Board cannot determine what the question is, or that the Board cannot respond with a specific ruling that shall be binding on all parties;

(3) When the Board has made a determination in a similar contested case, or where the factual context being raised for a declaratory ruling was specifically considered upon the adoption of the rule or directive being questioned, as evidenced by the rulemaking record; or

(4) Where the subject matter of the request is involved in pending litigation or contested case in any state or federal court in North Carolina.

(b) The Board shall, not later than the 30th day after receiving such a request, deposit in the United States mail, postage prepaid, a written statement addressed to the person making the request and setting forth the Board's decision to grant or deny the request. The Board may rule at any meeting convened to consider the request, or defer the ruling until a later date, but not later than the 45th day after granting the request for a ruling. The Board may gather additional information, give notice to other persons, and permit such other persons to submit information or arguments under such conditions as are set forth in any notice given to the requesting party.

History Note: Authority G.S. 62A-42; 150B-4;
Eff. July 1, 2016.