

21 NCAC 06B .0503 REFUSAL TO ISSUE DECLARATORY RULING

(a) The Board shall issue a declaratory ruling, except when:

- (1) the request for a declaratory ruling does not meet the requirements set forth in 21 NCAC 06B .0501;
- (2) the Board has previously issued a declaratory ruling on similar facts;
- (3) the Board has previously issued a final agency decision for a contested case for which the petitioner was a party;
- (4) the facts underlying the request for a declaratory ruling were considered at the time the Rule was adopted; or
- (5) the subject matter of the petition is involved in pending litigation.

(b) When the Board refuses to issue a declaratory ruling, it shall notify the petitioner of its decision in writing, stating reasons for the denial of a declaratory ruling.

*History Note: Authority G.S. 150B-4;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. May 1, 1989;
Readopted Eff. October 1, 2016.*