

21 NCAC 10 .0406 DECLARATORY RULINGS

(a) General. The issuance of declaratory rulings by the Board of Examiners is governed by G.S. 150B-17.

(b) Request for Declaratory Ruling: Contents. A request for a declaratory ruling shall be in writing and addressed to the secretary. 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;
- (3) When the subject matter of the request is involved in pending litigation in North Carolina.

*History Note: Legislative Objection Lodged Eff. January 31, 1983;
 Curative Amended Eff. February 28, 1983;
 Statutory Authority G.S. 150B-17;
 Eff. February 1, 1976;
 Readopted Eff. January 27, 1978;
 Amended Eff. December 1, 1988; January 1, 1983.*