

21 NCAC 16N .0403 DISPOSITION OF REQUESTS

- (a) When the Board deems it appropriate to issue a declaratory ruling, it shall issue the declaratory ruling as soon as practicable but no longer than the period set out in G.S. 150B-4(a1).
- (b) A declaratory ruling proceeding may consist of written submissions or other procedures the Board determines to be in the interests of justice and judicial economy based on the content and circumstances of the request.
- (c) Whenever the Board finds good cause exists to deny the request for a declaratory ruling, the Board may deny the request to issue a declaratory ruling. In that event, the Board shall notify the petitioner of its decision in writing, stating the reasons for the denial of the declaratory ruling.
- (d) For purposes of Paragraph (c) of this Rule, good cause for the denial of a declaratory ruling request may include one of the following:
 - (1) the petitioner does not show that the circumstances are changed since the adoption of the rule and a declaratory ruling would be warranted;
 - (2) at the time the rule was adopted, the Board gave full consideration to the factors specified in the request for a declaratory ruling;
 - (3) there has been a previous determination of a contested case involving similar factual questions; or
 - (4) the subject matter of the request is involved in pending litigation in any State or federal court in North Carolina.

*History Note: Authority G.S. 150B-4;
Eff. August 25, 1977;
Amended Eff. May 1, 1989; October 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. September 1, 2020.*