

21 NCAC 39 .0903

REFUSAL TO ISSUE DECLARATORY RULING

The Board shall refuse to issue a declaratory ruling under the following circumstances:

- (1) when the Board has issued a decision in a contested case that interprets the law or rule at issue in the request for declaratory ruling;
- (2) when the facts underlying the request for a ruling on a rule were considered at the time of the adoption of the rule in question; or
- (3) when the subject matter of the request is involved in pending litigation in North Carolina.

*History Note: Authority G.S. 90A-74; 150B-4;
Eff. July 1, 2019;
Readopted Eff. November 1, 2025.*