

21 NCAC 68 .0708 TYPES OF INTERVENTION

(a) Intervention of Right. A petition to intervene of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, shall be granted if the petitioner meets the criteria of that rule and his or her petition is timely. If allowing the petition shall cause substantial prejudice to the right of the parties, substantial added expense or compellingly serious inconvenience to the parties or the office of the Board, the petition to intervene shall be deemed untimely.

(b) Permissive intervention. A petition to intervene permissively as provided in the North Carolina Rules of Civil Procedure, Rule 24, shall be granted if the petitioner meets the criteria of that rule and the Board determines that:

(1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges or duties and those of the parties to the hearing; and

(2) Permitting intervention by the petitioner as a party will aid the purpose of the hearing.

(c) The Board may allow discretionary intervention, with whatever limits and restrictions it deems appropriate. Upon the filing of a timely petition, discretionary intervention will be deemed advisable if:

(1) The information the petitioner desires to present is relevant and not repetitious or cumulative; and

(2) The petitioner will lend added impact to the argument of the parties.

*History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.*