

PART 8. DECLARATORY RULINGS

R 324.81 Declaratory rulings.

Rule 81. (1) An interested person requesting a declaratory ruling as to the applicability of a licensing statute, rule, or order administered by the department to an actual state of uncontested facts may do so on a form provided by the department. Requests regarding enforcement issues are not a proper subject for a declaratory ruling. The department shall not process a request that is incomplete. The request shall contain, at a minimum, all of the following information:

(a) The requesting person's name, mailing address, and telephone number.

(b) The requesting person's interest in the matter, including assertions regarding the person's legal standing to request a declaratory ruling.

(c) The statute, rule, or order to which the request applies.

(d) A detailed statement of the actual uncontested facts to which the statute, rule, or order may apply. Drawings, sketches, photographs, illustrations, and maps may be attached to the form.

(2) Within 60 days of receipt of the request, the department shall take 1 of the following actions:

(a) Deny the request and state the reasons for the denial.

(b) Grant the request and issue the declaratory ruling.

(c) Advise the person requesting the ruling that further clarification of the facts must be provided, or that the department requires additional time to conduct a review, including, but not limited to, an on-site investigation.

(3) If subrule (2)(c) of this rule is invoked, the department shall either deny or grant the request within 60 days after receiving satisfactory clarification of facts from the requesting person or from the date the department notifies the requesting person of the need for additional time to investigate.

(4) The department shall issue a declaratory ruling only in matters where all relevant facts are stipulated to by the requesting party and appropriate division. If relevant facts necessary to issue a declaratory ruling are contested, then a declaratory ruling shall not be issued.

(5) A denial or adverse decision of a declaratory ruling does not entitle a person to a contested case hearing.