

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

COUNTY OF (1) _____

(2) _____)
_____)
_____)
PETITIONER)
(your name),)
v.)
(3) _____)
_____)
RESPONDENT.)
(The State agency or board you have a grievance against))

**PETITION
FOR A
CONTESTED CASE HEARING**

I hereby request a contested case hearing, as provided by North Carolina General Statute § 150B-23, because the Respondent has:

(Briefly state facts showing how you believe you have been harmed by the State agency or board.)

(If more space is needed, attach additional pages.)

(4) Amount in controversy \$ _____ (if applicable)

(5) Because of these facts, the State agency or board has: (check at least one from each column)

_____ deprived me of property;		_____ exceeded its authority or jurisdiction;
_____ ordered me to pay a fine or civil penalty; or		_____ acted erroneously;
_____ otherwise substantially prejudiced my rights;	AND	_____ failed to use proper procedure;
		_____ acted arbitrarily or capriciously; or
		_____ failed to act as required by law or rule.

(6) Date: _____ (7) Your phone number: () **AND**

E-mail address: _____

(8) Print your full address: _____
(street address/p.o. box) (city) (state) (zip)

(9) Print your name: _____ (10) Your signature: _____

CERTIFICATE OF SERVICE

I certify that this Petition has been served on the **State agency or board** named below by depositing a copy of it with the US Postal Service with sufficient postage affixed **OR** by delivering it to the named agency or board by fax, electronic mail, or e-OAH:

(11) _____
(name of person served and email address if served by email)

(12) _____
(State agency or board listed on line 3)

(13) _____
(street address/p.o. box) (city) (state) (zip code)

14) This _____ day of _____, 20____. (15)(your signature) _____

You SHALL mail, email, fax, electronically file, or personally deliver this petition to the Office of Administrative Hearings according to the Instructions below.

INSTRUCTIONS FOR COMPLETING FORM H-06

NOTICE – CONFIDENTIAL INFORMATION

No person filing a document in a contested case may include the following types of confidential "identifying information" in the document, unless expressly required by law or court order:

- social security number
- drivers license number
- passport number
- credit card number
- employer taxpayer identification number
- state identification number
- checking or savings account number
- debit card number
- personal identification (PIN) code or password

See N.C.G.S. 32-1.10. Please ensure that all documents submitted to OAH adhere to these guidelines to avoid the inclusion of confidential identifying personal information. N.C. Gen. Stat. § 132-1.10.

RIGHT TO REQUEST REMOVAL

Any person has a right to request the OAH's Clerk's Office remove the above-cited confidential identifying information from an image or copy of an official record in OAH's case management system that is used to display public records for the OAH.

- The request for removal must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person to the Clerk's Office.
- The request must specify the personal information to be removed, and the document which contains such personal information to be removed. [**NOTE:** *Removal of information pursuant to such a request will result in removal of personal identifying information from an image or copy of an official record, but not from the official record itself.*]

PETITION

Fill in lines: (1) County of Residence, (2) print your name, and (3) name of the agency or board about which you are complaining. Briefly state the facts about your case. (4) dollar amount in controversy, if applicable. (5) Check all of items that apply. (6) date, (7) your telephone number and email address, (8) your mailing address, (9) print your name, and (10) **Sign your name.**

CERTIFICATE OF SERVICE

You MUST serve (give, send, take) a copy of your completed petition to the **agency or board named on line (3)** AND complete the "Certificate of Service" section of your petition.

Line (11) Print name and email address of person to whom you served the petition. Review the notice or letter you received from the agency to determine the name of the person to be served. You may also contact the agency or board to determine the name of the person to be served or visit the Process Agent Directory at <https://ncdoj.gov/legal-services/legal-resources/process-agent-directory/>.

Line (12) Print the name of the state agency involved, (13) the address of the agency or board, (14) the date, and (15) **SIGN YOUR NAME.**

Pursuant to 26 NCAC 03 .0102 (a)(3), "Service" or "Serve" of a copy of your petition on the named **state agency** means:

- (A) delivery by electronic mail with an attached file in a format that is readily accessible to the recipient;
 - (B) delivery by facsimile (fax);
 - (C) personal delivery;
 - (D) delivery by first class United States Postal Service mail;
 - (E) delivery by overnight express mail service; or
 - (F) electronic service as defined in 26 NCAC 03 .0501(4).
- Service by mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served, in an official depository of the United States Postal Service.
 - Service by overnight express mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served, in the custody of an overnight express mail service.
 - Service by electronic mail or fax shall be deemed to occur one hour after it is sent, provided that: (1) documents sent after 5 pm are deemed sent at 8 am the following business day; and (2) documents sent by electronic mail or fax that are not readable by the recipient are not deemed served.
 - Service by electronic mail or fax is treated the same as service by mail for the purpose of adding three days to the prescribed period to respond under Rule 6(e) of the Rules of Civil Procedure as contained in G.S. 1A-1.

FILING FEE

Filing fees can be paid by either cash, certified check, money order, or checks drawn on a law firm account, and made payable to the Office of Administrative Hearings. The fee must be paid at the time the petition is filed. If your case involves a mandated federal cause of action, there is no filing fee. The filing fee is **\$125.00** for Certificate of Need cases, Environmental issues concerning Clean Water Act permitting, Clean Air Act permitting, Animal Waste Management System permitting, and permitting for water use within capacity use areas, as well as any case when the amount in controversy is \$50,000.00 or more. The filing fee is **\$20.00** for all other case types.

FILING YOUR PETITION WITH THE OFFICE OF ADMINISTRATIVE HEARINGS:

Your contested case will commence when this Office **receives and files** your completed, properly signed petition. You may FILE the petition by one of following methods:

1. Mail to the following mailing and physical address: **Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609**
2. By fax to the OAH Clerk's Office at (984) 236-1871 from M-F 8:00 am to 5:00 pm.
3. By OAH electronic filing system (eNCOAH).
4. By electronic mail with an attached file either in PDF format or document compatible with or convertible to the most recent version of Microsoft Word to: oah.clerks@oah.nc.gov. Electronic mail without attached file **WILL NOT** constitute a valid filing.