

201—11.3(17A) Procedure after petition is filed.

11.3(1) *Initial review.* Upon filing of the petition, the director shall inspect the petition for substantial compliance with the recommended form, and may, in the director's discretion, reject a petition which fails to contain one or more of the required statements. The director may request that the petitioner provide additional facts or provide greater specificity and detail in the questions posed. A request shall be made within 5 days of the filing of the petition. If the requested information is not provided within 30 days of the receipt of the request, the petitioner will be deemed to have withdrawn the petition.

11.3(2) *Declaratory ruling.* Within 30 days of the receipt of the petition or additional information, whichever is later, the director shall issue a declaratory ruling or decline to rule. Declination to rule may be based upon one or more of the following grounds:

a. The issue in question is currently involved in a rule making, contested case or judicial proceeding.

b. The petition does not contain sufficient facts to demonstrate that the petitioner will be aggrieved or adversely affected by failure to issue a declaratory ruling.

c. The petitioner presents issues or facts which are unclear, overbroad or otherwise inappropriate as a basis upon which to issue a declaratory ruling.

d. The petition indicates the petitioner seeks to obtain approval to engage in activities so borderline as to be of dubious legality, although perhaps marginally proper.

e. The issue in question has been rendered moot by a change in circumstances, fact or law.

f. The issue in question depends upon peculiar facts which cannot be predicted or accurately described in advance.

g. Other good and sufficient reasons, which shall be detailed in writing.

11.3(3) *Effect of declaratory ruling.* A declaratory ruling is binding upon both the department and the petitioner on the questions of law dealt with in the ruling.