

1 19A NCAC 02E .0213 is readopted as published in 34:13 NCR 1251-1253 without changes as follows:

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3 **19A NCAC 02E.0213 APPEAL OF DECISION OF DISTRICT ~~ENGINEER~~ENGINEER'S OFFICE TO SEC.**  
4 **OF TRANS.**

5 (a) Should any permit ~~applicant, permit holder, or sign owner~~ applicant or permit holder/sign owner disagree with a  
6 decision of the appropriate ~~district engineer~~ District Engineer's office pertaining to the denial or revocation of a permit for  
7 outdoor advertising or the determination that an outdoor advertising structure is illegal, the permit applicant, permit holder,  
8 or sign owner ~~permit applicant or permit holder/sign owner~~ shall have the right to ~~may~~ appeal to the Secretary of  
9 Transportation ~~pursuant to the procedures hereinafter set out~~ in accordance with this Rule.

10 (b) Within 30 days from the time of the receipt of the decision of the ~~district engineer~~ District Engineer's office, the  
11 permit ~~applicant or permit holder/sign owner~~ applicant, permit holder, or sign owner shall submit a written appeal to the  
12 Secretary of Transportation setting forth ~~with particularity~~ the facts and arguments upon which the appeal is based. The  
13 appeal shall be sent to the Secretary by certified mail, return receipt requested, with a copy to the ~~district engineer~~ District  
14 Engineer's office.

15 (c) Upon receipt of the written appeal, the Secretary of Transportation shall review the written appeal and the District  
16 Engineer's office's decision, as well as any available documents, exhibits, or other evidence bearing on the appeal, and  
17 shall render the final agency decision, supported by findings of fact and conclusions of law. The final agency decision  
18 shall be served upon the appealing party by certified mail, return receipt requested, no later than 90 days after the Secretary  
19 receives the written appeal. A copy of the final agency decision shall also be mailed to the ~~district engineer~~ District  
20 Engineer's office.

21 (d) Judicial review of the final agency decision is governed by G.S. 136-134.1.

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23 *History Note: Authority G.S. 136-130; 136-133; 136-134;*

24 *Eff. July 1, 1978;*

25 *Amended Eff. August 1, 2000; November 1, 1993; November 1, 1991; June 15, ~~1981~~1981;*

26 *Readopted Eff. January 1, 2021.*