Please read this document carefully. Here is the plain text representation:

CAMA THIRD PARTY DCM FORM 5
HEARING REQUEST FORM DCM FILE No:_______

PETITIONER'S NAME _________________________________________________

COUNTY WHERE THE DEVELOPMENT IS PROPOSED____________________

PLEASE TAKE NOTE that the undersigned, a person affected by the decision of (check one):

_____ a Local Permit Officer acting on a CAMA Minor Development Permit application; or

_____ the Division of Coastal Management acting on a CAMA Permit application

hereby requests permission from the Coastal Resources Commission (CRC) to file an appeal pursuant
to N.C.G.S. § 113A-121.1(b) and 15A N.C.A.C. 07J .0301. (Please attach a copy of the permit. If you
cannot obtain a copy of the permit, please provide the name of the permittee, the project location, and
the permit number.) Requests are reviewed and determined by the chairman of the CRC to determine
whether a hearing should be granted. 15A N.C.A.C. 07J .0301(b). Approval of a Third Party Hearing
Request allows a petitioner to file a contested case petition with the Office of Administrative Hearings
within twenty (20) days of receipt of the CRC’s Order. N.C.G.S. § 113A-121.1(b). Denial of a Third
Party Hearing Request is a final agency decision which may be appealed to Superior Court under
N.C.G.S. § 113A-121.1(b) and Chapter 150B, Article 4.

For this application to be complete, the Petitioner must address each of the three factors listed below.
The CRC’s chairman’s decision to grant a hearing will be based on whether the Petitioner:

(1) Has alleged that the decision is contrary to a statute or rule [N.C.G.S. § 113A-121.1(b)(1)];
(Please cite the statute or regulation allegedly violated by the permit decision.)

(2) Is directly affected by the decision [N.C.G.S. § 113A-121.1(b)(2)]; and
(Please describe how you are directly affected by the permit decision. Persons directly
affected by a decision often include, but are not limited to, owners of real property in the
vicinity of the proposed development who can show that it is likely to have a significant
adverse effect on the value and enjoyment of their property, or persons who can
demonstrate a history of substantial use of public resources in the area directly affected
by the development.)

(3) Has alleged facts or made legal arguments that demonstrate that the request for the
hearing is not frivolous [N.C.G.S. § 113A-121.1(b)(3)]. (Summarize the evidence and
arguments you would present at a hearing in support of your appeal explaining why the permit
was improperly issued.)

Please answer these questions on a separate piece of paper and attach it to this form.
The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as this Third Party Hearing Request before the Commission. These opinions note that the practice of non-lawyer professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written argument may be considered the practice of law. Before you proceed with this hearing request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

DELIVERY OF THIS HEARING REQUEST

This request must be received by the Division of Coastal Management (DCM) within twenty (20) days of the date of the disputed permit decision. N.C.G.S. § 113A-121.1(b). Failure to do so constitutes waiver of the right to request a hearing. A copy of this request must also be sent to the Attorney General's Office, Environmental Division. 15A N.C.A.C. 07J .0301(b).

Contact Information for DCM:
By mail, express mail or hand delivery:
Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

By Fax:
(252) 247-3330

By Email:
Check DCM website for the email address of the current DCM Director
www.nccoastalmanagement.net

Contact Information for Attorney General’s Office:
By U.S. mail:
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:
Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:
(919) 716-6767

Based on the attached responses to the above factors, the undersigned hereby requests a third party hearing.

Signature of Petitioner or Attorney
_______________________________________
Date
_______________________________________
Printed Name of Petitioner or Attorney
Email address of Petitioner or Attorney
(__________)_________________________
Mailing Address
Telephone number of Petitioner or Attorney
(__________)_________________________
City    State  Zip   Fax number of Petitioner or Attorney

Updated: February 2011