

PLEASE PRINT CLEARLY FOR TYPE

18EHR03161

STATE OF NORTH CAROLINA  
COUNTY OF CHATHAM

2018 JUN -7 AM 11: 07

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS

Town of Pittsboro,

OFFICE OF ADMIN HEARINGS

PETITIONER,

v.

Department of Environmental Quality, Division of Water Resources,

RESPONDENT.

PETITION  
FOR A  
CONTESTED CASE HEARING

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

By letter dated May 3, 2018 and signed by Linda Culpepper, Interim Director, notified the Town of Pittsboro of Respondent's unlawful determination that the Town is required to implement and enforce unspecified "commitments and mitigation strategies" that are "included" in an Environmental Impact Statement that was published by Respondent's predecessor agency in 2010.

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

- |   |            |   |
|---|------------|---|
| <input type="checkbox"/> deprived me of property;                                 |            | <input checked="" type="checkbox"/> exceeded its authority or jurisdiction;   |
| <input type="checkbox"/> ordered me to pay a fine or civil penalty; or            |            | <input checked="" type="checkbox"/> acted erroneously;                        |
| <input checked="" type="checkbox"/> otherwise substantially prejudiced my rights; | <b>AND</b> | <input checked="" type="checkbox"/> failed to use proper procedure;           |
|   |            | <input checked="" type="checkbox"/> acted arbitrarily or capriciously; or     |
|   |            | <input checked="" type="checkbox"/> failed to act as required by law or rule. |

Date: June 4, 2018 Your phone number: 919-542-3253

Print your full address: P. O. Box 880, 90 W. Salisbury Street, Pittsboro, NC 27312

Print your name: Paul S. Messick, Jr. (Gunn & Messick, LLP), Pittsboro Town Attorney

Your signature: 

You must mail or deliver a COPY of this Petition to the State agency or board named on line (3) of this form. You should contact the agency or board to determine the name of the person to be served.


**CERTIFICATE OF SERVICE**

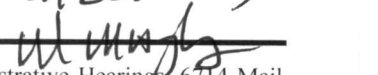
I certify that this Petition has been served on the State agency or board named below by depositing a copy of it with the United States Postal Service with sufficient postage affixed OR by delivering it to the named agency or board:

VIA US Postal Service to: Bill Lane, General Counsel, NC Department of Environmental Quality, 1601 Mail Service Center, Raleigh, NC 27699-1641

VIA email to: bill.lane@ncdenr.gov

This the 4<sup>th</sup> day of June, 2018.

 (signature)  
Paul S. Messick, Jr.

6/4/18  
OK # 35369  
\$125.00  


When you have completed this form, you MUST mail or deliver the ORIGINAL to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700.

Raleigh  
ELKINS  
10-22

**This box for OAH use only.**

<p>Amount Paid \$ _____</p> <p>Cash – receipt number _____</p> <p>Money Order   Certified Check   Attorney Trust Account</p> <p>Check number _____</p>	<p>Indigent (must complete form HOI )</p> <p>Mandated federal cause of action</p> <p><b>Received by:</b> _____</p>
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LAW OFFICES  
OF  
**GUNN & MESSICK, LLP**  
90 W. SALISBURY STREET  
POST OFFICE BOX 880  
PITTSBORO, NORTH CAROLINA 27312

ROBERT L. GUNN  
PAUL S. MESSICK, JR.

TELEPHONE (919) 542-3253  
FACSIMILE (919) 542-0257

June 4, 2018

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6700

RE: Town of Pittsboro vs. Department of Environmental Quality,  
Division of Water Resources

FILED  
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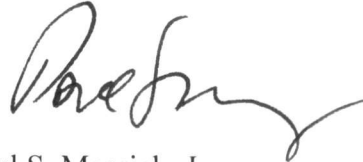
To Whom It May Concern:

Enclosed herewith please find a Petition for a Contested Case Hearing along with the filing fee of \$125.00.

If you have any questions, please feel free to call.

Very Truly Yours.

GUNN & MESSICK, LLP



Paul S. Messick, Jr.

PSMJR/ngp

cc: Bill Lane, General Counsel  
NC Dept of Environmental Quality

6/4/18  
CFA 35369 }  
4125.00 }  
M. Mayby } *Watts*

**GUNN & MESSICK, LLP**

**ATTORNEYS AT LAW**

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GREENSBORO

NC 274

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