

CONCLUSIONS OF LAW

1. Except as otherwise provided by statute, the North Carolina Department of Transportation is exempt from the contested case hearing provisions of Chapter 150B of the General Statutes. N.C. Gen. Stat. § 150B-1(e)(9).
2. Accordingly, this Court lacks subject matter jurisdiction over Respondent DOT.
3. Further, the provisions of Chapter 150B were enacted for the express purpose of "establish[ing] a uniform system of administrative rule making and adjudicatory procedures for agencies". N.C.G.S. § 150B-1 (emphasis added). An "agency" is defined, for purposes of Chapter 150B, as follows: "'Agency' means an agency or an officer in the executive branch of the government of this State and includes the Council of State, the Governor's Office, a board, a commission, a department, a division, a council, and any other unit of government in the executive branch. A local unit of government is not an agency." N.C.G.S. § 150B-2(1a).
4. Thus, Dallas Police Department, as a local unit of government, is not an "agency" under Chapter 150B. Moreover, Respondent License Plate Agency is also not an "agency" under Chapter 150B because it is a private entity and does not fall within the executive branch of State government.
5. Therefore, Petitioner's Petition for a Contested Case Hearing must be dismissed with respect to all named respondents.

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby DISMISSES this contested case petition with prejudice AS TO ALL NAMED RESPONDENTS.