

CHAPTER 9  
CONTESTED CASES  
[Prior to 12/20/17, see 481—Ch 10]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**481—9.1(10A,17A) Applicability.** This chapter applies to contested case proceedings conducted under the authority of the department of inspections and appeals in which the director of the department of inspections and appeals is the final decision-making authority.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.2(10A,17A) Initiation of a contested case proceeding.** If the department decides to initiate a contested case proceeding upon request or its own initiative, the department shall transmit the proceeding to the administrative hearings division, which shall issue a notice of hearing and assign the proceeding to an administrative law judge to serve as the presiding officer. All contested case proceedings shall be conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.3(10A,17A) Director review.**

**9.3(1)** A request for review of a proposed decision shall be made within 15 days of issuance of the proposed decision, unless otherwise provided by statute. Requests shall be mailed or delivered by either party to the Director, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083. Failure to request review will preclude judicial review unless the department reviews on its own motion as follows. The department may review a proposed decision upon its own motion within 15 days of issuance of the proposed decision.

**9.3(2)** A review shall be based on the record and limited to issues raised in the hearing. The issues shall be specified in the party's request for review.

**9.3(3)** Each party shall have opportunity to file exceptions and present briefs. The director or a designee of the director may set a deadline for submission of briefs. When the director or the director's designee consents, oral arguments may be presented. A party wishing to make an oral argument shall specifically request it. All parties shall be notified of the scheduled time and place in advance.

**9.3(4)** The director or the director's designee shall not take any further evidence with respect to issues of fact heard in the hearing except as set forth below. Application may be filed for leave to present evidence in addition to that found in the record of the case. If it is shown to the satisfaction of the director or the director's designee that the additional evidence is material and that there were good reasons for failure to present it in the hearing, the director or the director's designee may order the additional evidence taken upon conditions determined by the director or the director's designee.

**9.3(5)** Final decisions shall be issued by the director or the director's designee.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.4(10A,17A) Rehearing.** Requests for rehearing shall be made to the director of the department within 20 days of issuance of a final decision. A rehearing may be granted when new legal issues are raised, new evidence is available or an obvious mistake is corrected or when the decision failed to include adequate findings or conclusions on all issues. A request for rehearing is not necessary to exhaust administrative remedies.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

**481—9.5(10A,17A) Judicial review.** Judicial review of department final decisions may be sought in accordance with Iowa Code section 17A.19.

[ARC 3523C, IAB 12/20/17, effective 1/24/18]

These rules are intended to implement Iowa Code chapters 10A and 17A.

[Filed ARC 3523C (Notice ARC 3407C, IAB 10/25/17), IAB 12/20/17, effective 1/24/18]