

CHAPTER 503
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—
COMPLAINTS AND DISCIPLINE

661—503.1(103) Complaints. Any person may file a complaint regarding work performed by any licensee or licensee applicant, or by an unlicensed person who should possess a license issued by the board. Complaints shall be filed either in writing or electronically.

[ARC 8396B, IAB 12/16/09, effective 2/1/10]

661—503.2(103) Discipline. If a complaint alleging an act or acts in violation of rules adopted by the board, 2007 Iowa Acts, chapter 197, or any other provision of law deemed relevant by the board to the use of a license issued by the board is substantiated, the board may suspend the license for a specific period of time, or indefinitely, may revoke the license, or may reprimand the licensee. The holder of a license which is suspended or revoked shall receive notice of the suspension or revocation in writing by registered mail, return receipt requested, or by personal service. The notice shall include a statement that the licensee has the right to appeal the reprimand, suspension or revocation to the board within 14 days of receiving the notice, and that the reprimand, revocation or suspension shall not take effect until the time to file an appeal has expired. If an appeal is filed, the reprimand, suspension or revocation shall be stayed until the appeal has been acted upon.

EXCEPTION: If the board finds that a violation which is the basis of the suspension or revocation is such that allowing the licensee to continue to engage in work covered by the license would present an imminent threat to the safety of the public, the board may provide that the suspension or revocation take effect immediately upon notice being delivered to the licensee.

[ARC 8396B, IAB 12/16/09, effective 2/1/10]

661—503.3(103) Action against an unlicensed person. If a person who is not licensed by the board has engaged in or is engaging in work requiring licensure by the board, the board may assess a civil penalty against the person, may seek an injunction to prevent the person from continuing to engage in such work, or both. A person who is accused of engaging in work which requires licensure by the board without having such a license shall be notified of the specific allegations by registered mail, return receipt requested, or by personal service. The matter shall be referred to an administrative law judge employed by the department of inspections and appeals, who shall schedule a hearing on the matter within 30 days of notice having been provided to the person against whom the allegations have been made. The hearing may be rescheduled to a later date by mutual consent of the parties.

[ARC 8396B, IAB 12/16/09, effective 2/1/10]

661—503.4(103) Appeals. A licensee whose license is disciplined, an applicant whose application for a license is denied, or a person who is not licensed by the board and who is assessed a civil penalty for engaging in an activity requiring a license may appeal the suspension, revocation, denial, or civil penalty to the board by notifying the board office of the appeal in writing within 30 calendar days after receiving notice of the suspension, revocation, denial, or civil penalty.

[ARC 8396B, IAB 12/16/09, effective 2/1/10]

661—503.5(252J,103) Suspension or revocation for nonpayment of child support. The following procedures shall apply to actions taken by the board on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code chapter 252J.

503.5(1) The notice required by Iowa Code section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

503.5(2) The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service upon the licensee.

503.5(3) Licensees shall keep the board informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the board with

copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

503.5(4) All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 252J.

503.5(5) In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code sections 252J.8 and 252J.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

503.5(6) Suspensions or revocations imposed pursuant to this rule may not be appealed administratively to the board or within the department of public safety.

NOTE: The procedures established in rule 661—503.5(252J,103) implement the requirements of Iowa Code chapter 252J. The provisions of Iowa Code chapter 252J establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A, but must be appealed directly to district court.

[ARC 8396B, IAB 12/16/09, effective 2/1/10]

661—503.6(103,272D) Suspension or revocation for nonpayment of debts owed state or local government. The following procedures shall apply to actions taken by the board on a certificate of noncompliance received from the Iowa department of revenue pursuant to Iowa Code chapter 272D.

503.6(1) The notice required by Iowa Code section 272D.3 shall be served upon the licensee by regular mail.

503.6(2) The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 272D.3, shall be 20 days following service upon the licensee.

503.6(3) Licensees shall keep the board informed of all court actions and centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and shall provide the board with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

503.6(4) All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 272D.

503.6(5) In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code section 272D.8, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

503.6(6) Suspensions or revocations imposed pursuant to this rule may not be appealed administratively to the board or within the department of public safety.

NOTE: The procedures established in rule 661—503.6(103,272D) implement the requirements of Iowa Code chapter 272D. The provisions of Iowa Code chapter 272D establish mandatory requirements for an agency which administers a licensing program, such as the electrician and electrical contractor licensing program established in 661—Chapters 501 through 503, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

[ARC 8396B, IAB 12/16/09, effective 2/1/10]

These rules are intended to implement Iowa Code chapters 103, 252J, and 272D.

[Filed emergency 12/17/07—published 1/16/08, effective 1/1/08]

[Filed ARC 8396B (Notice ARC 8160B, IAB 9/23/09), IAB 12/16/09, effective 2/1/10]