

11—7.5(8A,17A) Notice of hearing.

7.5(1) *Delivery.* Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Notices shall be served by first-class mail, unless otherwise required by statute or rule.

7.5(2) *Content.* Notices of hearing shall contain the information required by Iowa Code subsection 17A.12(2), the following information and any additional information required by statute or rule.

a. Identification of all parties including the name, address and telephone number of the person who will act as advocate for the department or the state and of parties' counsel, where known;

b. Reference to the procedural rules governing conduct of the contested case proceeding;

c. Reference to the procedural rules governing informal settlement; and

d. Identification of the presiding officer, if known. If not known, a description of who will serve as presiding officer (e.g., an administrative law judge from the department of inspections and appeals, or the classification appeal committee).

7.5(3) *Transmission of contested cases.* In every proceeding filed by the department with the division, the department shall complete a transmittal form. The following information is required:

- a.* The name of the transmitting department;
- b.* The name, address and telephone number of the contact person in the transmitting department;
- c.* The name or title of the proceeding, which may include a file number;
- d.* Any department docket or reference number;
- e.* A citation to the jurisdictional authority of the department regarding the matter in controversy;
- f.* Any anticipated special features or requirements that may affect the hearing;
- g.* Whether the hearing should be held in person or by telephone or video conference call;
- h.* Any special legal or technical expertise needed to resolve the issues in the case;
- i.* The names and addresses of all parties and their attorneys or other representatives;
- j.* The date the request for a contested case hearing was received by the department;
- k.* A statement of the issues involved and a reference to statutes and rules involved;
- l.* Any mandatory time limits that apply to the processing of the case;
- m.* The earliest appropriate hearing date; and
- n.* Whether a petition or answer is required.

7.5(4) *Issuance of the hearing notice.* When a case is transmitted by the department to the division for hearing, the division shall issue the notice of hearing.

7.5(5) *Attachments.* The following documents shall be attached to the completed transmittal form when it is sent to the division:

- a.* A copy of the document showing the department action in controversy; and
- b.* A copy of any document requesting a contested case hearing.

7.5(6) *Receipt.* When a properly transmitted case is received, it is marked with the date of receipt by the division. An identifying number shall be assigned to each contested case upon receipt.

7.5(7) *Scheduling.* The division shall promptly schedule hearings for the department. The availability of an administrative law judge and any special circumstances shall be considered.