

111—7.17(216D) Disciplinary action. The department may impose any or all of the following disciplinary sanctions as appropriate:

7.17(1) Fines. Monetary fines shall be imposed by the department for the late filing of required reports or late payment of fees.

7.17(2) Probation. The department may place a vendor on probation of the operating agreement for a period not to exceed one year. The probationary period may include an emergency suspension of the operating agreement when appropriate for a period not to exceed 30 days. If the operator is deemed to be on probation after the end of that year, the operating agreement will be terminated.

a. Probation may occur when the department determines that any of the following conditions exist:

- (1) The vendor has repeated or continued violations of the terms of the operating agreement;
- (2) The vendor has repeated or continued violations of the vending facility permit;
- (3) The vendor is temporarily ineligible to participate in the business enterprises program;
- (4) The vendor is absent without leave; or
- (5) The health and safety of the public may be jeopardized by the continued operation of the vending facility by the vendor.

b. During the period of suspension, the vendor shall relinquish all rights and privileges of the vendor license.

c. The department and the vendor shall establish a clearly stated written plan and timetable for correction of the perceived deficiencies after suspension.

7.17(3) Termination of operating agreement. When the department determines that a probationary period has been unsuccessful or when the department determines and documents that serious and repeated infractions of the operating agreement or vending facility permit have occurred, the department may terminate an operating agreement.

7.17(4) License revocation. The department may revoke a license in the following conditions:

a. Improvement of vision so that the operator is no longer eligible for participation in the business enterprises program;

b. Written notification from the vendor requesting withdrawal from the business enterprises program;

c. Failure to execute an operating agreement by abandoning a facility;

d. Determination that the vendor is not competent to manage a vending facility;

e. Conviction of any felony; or

f. Determination that the vendor possesses a valid driver's license or is driving illegally without a valid driver's license.

7.17(5) Appeals. All disciplinary actions may be appealed through the administrative review and fair hearings process. (See 111—Chapter 8, Appeals Process—Business Enterprises Program, Iowa Administrative Code.)

7.17(6) Procedures. The department shall notify the vendor by certified mail of a disciplinary action. The notice will include the reasons for the action, the commencement date of the action, and the time period (if appropriate) for the action.

a. The department shall also provide notice in the alternative medium of braille, large print or on cassette tape as requested by the vendor. Documents served in alternative medium shall be served within ten working days.

b. When immediate action is crucial, the department shall deliver and read a document in person or shall telephone a vendor and read the document over the telephone as an acceptable alternative medium. When this provision is used, the vendor will be notified in writing in the appropriate medium within ten working days.

c. To facilitate the successful resolution of situations requiring disciplinary action, the department will offer management assistance and provide information concerning the administrative review and fair hearings process.