

351—11.5(17A,68B) Notice of hearing.

11.5(1) Delivery. Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Delivery may be executed by:

- a. Personal service as provided in the Iowa Rules of Civil Procedure; or
- b. Certified mail, return receipt requested; or
- c. First-class mail, address service requested; or
- d. Publication, as provided in the Iowa Rules of Civil Procedure.

11.5(2) Contents. The notice of hearing shall contain the following information:

- a. A statement of the time, place, and nature of the hearing;
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c. A reference to the particular sections of the statutes and rules involved;
- d. A short and plain statement of the matters asserted;
- e. Identification of all parties including the name, address and telephone number of the person who will serve as the board's counsel during the proceeding;
- f. Reference to the procedural rules governing conduct of the contested case proceeding;
- g. Reference to the procedural rules governing informal settlement;
- h. Identification of the presiding officer; and
- i. Notification of the time period in which a party may request, pursuant to subrule 11.8(3), that the presiding officer be an administrative law judge.

11.5(3) Time. The notice of hearing shall be served:

- a. Upon all parties at least 20 days before the scheduled hearing date if the alleged violation involves conduct other than the failure to timely file a statement, report, or document that is required to be filed pursuant to a law or rule under the board's jurisdiction.
- b. Upon all parties at least 10 days before the scheduled hearing date if the alleged violation involves the failure to timely file a statement, report, or document that is required to be filed pursuant to a law or rule under the board's jurisdiction.
- c. Upon all parties at least 10 days before the scheduled hearing date if the hearing is an appeal of a board decision concerning a civil penalty waiver request for a late-filed statement, report, or document that is required to be filed pursuant to a law or rule under the board's jurisdiction.
- d. Upon all parties at least 10 days before the scheduled hearing date if the hearing is an appeal of a decision of a regulatory agency to deny or grant conditional consent for an official or employee of the regulatory agency to sell or lease goods or services as provided in 351—subrule 6.11(6).
- e. Upon all parties at least 10 days before the scheduled hearing date if the hearing is an appeal of a decision by the office of the governor to deny or grant conditional consent for a member of the governor's office to sell or lease goods or services as provided in 351—subrule 6.12(4).

[ARC 7997B, IAB 7/29/09, effective 9/2/09]