

591—17.32(17A) License suspension or revocation or other disciplinary proceedings of installers and inspectors of underground storage tanks.

17.32(1) Notice. Except as provided in 17.32(6), prior to the suspension or revocation of a license, the administrator shall give Notice of Intended Action and an opportunity to be heard at an evidentiary hearing conducted according to the provisions of this chapter.

17.32(2) Content of notice. The notice shall inform the licensee of the administrator's intent to suspend or revoke the license or otherwise discipline the licensee and shall include facts or conduct which warrant the intended action, a statement of the legal authority and jurisdiction under which the hearing is to be held, and a statement that the licensee may show at a hearing that the licensee meets all lawful requirements to retain the license or otherwise not be subject to disciplinary action.

17.32(3) Delivery of notice. Delivery of notice in license proceedings may be by personal service or by restricted certified mail.

17.32(4) Requested hearings. In the case of revocation or suspension of licenses, the administrator shall give notice as required in 17.32(1) and 17.32(2), which shall include a statement that the person notified has the right to a hearing in accordance with this chapter and that the person entitled to a hearing may invoke the right within ten days of receipt of the notice. Upon receipt of the request for hearing, the presiding officer shall prepare a notice of hearing. Within ten days of receiving a notice of hearing, the administrator shall file a petition and the procedure shall follow that of this chapter.

Notwithstanding Iowa Code section 17A.18, the obligor does not have the right to a hearing before the board to contest the board's actions under Iowa Code chapter 252J but may request a court hearing pursuant to Iowa Code section 252J.9 within 30 days of the provision of notice under this section.

17.32(5) Emergency suspension. A license may be suspended without providing the licensee notice and opportunity to be heard if the UST board or its designee finds that the public health, safety, or welfare requires emergency action, and incorporates a finding to that effect in its order. The order shall be served in the same manner provided in 17.32(3). If a license is summarily suspended in accordance with this paragraph, the administrator shall promptly thereafter give notice and an opportunity to be heard and determine the matter.

17.32(6) Effective date of suspension or revocation.

a. With respect to a license suspension or revocation pursuant to this rule, except an emergency suspension pursuant to 17.32(5), the suspension or revocation shall be effective upon failure of the permittee to request a hearing within the time required in 17.32(5) or upon the issuance of an order suspending or revoking the license after hearing.

b. With respect to a license suspension pursuant to 17.32(5), the suspension is effective upon service of the order and shall remain effective until rescinded by the UST board or its designee or until the suspension is terminated by order after hearing.