

701—6.28(99G,123,17A) Stays of agency actions.**6.28(1) When available.**

a. Department appeal. Any party to a contested case proceeding may petition the department for a stay of an order issued in that proceeding or for other temporary remedies, pending review. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The director may rule on the stay or authorize the presiding officer to do so.

b. Stay or temporary remedy. Any party to a contested case proceeding may petition the department for a stay or other temporary remedies pending judicial review of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy.

6.28(2) When granted. In determining whether to grant a stay, the director shall consider the following factors:

- a.* The extent to which the applicant is likely to prevail when the court finally disposes of the matter.
- b.* The extent to which the applicant will suffer irreparable injury if relief is not granted.
- c.* The extent to which the grant of relief to the applicant will substantially harm other parties to the proceedings.
- d.* The extent to which the public interest relied on by the agency is sufficient to justify the agency's action in the circumstances.

6.28(3) Vacation. A stay may be vacated by the issuing authority upon application of any party.

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