

481—469.14(10A) Enforcement.

469.14(1) The department may impose a civil penalty pursuant to Iowa Code section 10A.903(3) when it finds that a person has committed any of the following acts:

- a.* Failed or refused to comply with any requirements of this chapter.
- b.* Failed or refused to establish, maintain, provide, copy, or permit access to records or reports as required by this chapter.
- c.* Failed or refused to permit entry or inspection as described in subrule 469.14(1).
- d.* Falsified reports and records required by this chapter.
- e.* Failed to comply with the terms of a department order or the terms of a settlement agreement or consent order.
- f.* Failed to respond within 20 days of receipt of communication sent by the department by registered or certified mail.
- g.* Engaged in any conduct that subverts or attempts to subvert a department investigation.
- h.* Failed to comply with a subpoena issued by the department or failed to cooperate with a department investigation.
- i.* Failed to pay costs assessed in any disciplinary action.

469.14(2) Complaints may be submitted to the department using contact information as set forth in 481—Chapter 1. The complainant should provide the name of the person who performs renovation, remodeling, or repainting for compensation in target housing or a child-occupied facility and specific details of the person's noncompliance.

469.14(3) Civil penalties.

a. Before instituting any proceeding to impose a civil penalty under Iowa Code section 10A.903, the department will serve a written notice of violation upon the person charged. The notice of violation will specify the date or dates, facts, and the nature of the alleged act or omission with which the person is charged and will identify specifically the particular provision or provisions of the law, rule, regulation, or cease and desist order involved in the alleged violation and will state the amount of each proposed penalty. The notice of violation will also advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation or showing extenuating circumstances. The notice of violation will advise the person charged that upon failure to pay a civil penalty subsequently determined by the department, if any, unless compromised, remitted, or mitigated, the fee may be collected by civil action.

b. Within 20 days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed, answer the notice of violation, or request a contested case hearing. The answer to the notice of violation shall state any facts, explanations, and arguments denying the charges of violation or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty. If the person charged with a violation fails to answer within the time specified in paragraph 469.14(3) "b," an order may be issued imposing the civil penalty in the amount set forth in the notice of violation described in paragraph 469.14(3) "a." If the person charged with a violation files an answer to the notice of violation, the department, upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within 20 days of the date of the order or other time specified in the order, request a contested case hearing. If the person charged with a violation timely requests a contested case hearing, it will be initiated and held in accordance with 481—Chapters 9 and 10.

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