

641—43.6(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the certification of a person; place a person on probation; impose a civil penalty; or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a certified person or a person who is not certified has committed any of the following actions:

43.6(1) Failure to comply with applicable state, federal or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter;

43.6(2) Failure to submit required information or notifications in a timely manner;

43.6(3) Failure to maintain the required records;

43.6(4) Falsifying approval records, qualifications, or other information or documentation related to certification approval;

43.6(5) Failure to comply with the training standards and requirements in this chapter;

43.6(6) Submitting in the application for certification or renewal of certification false or misleading statements that the department relied upon in approving the application;

43.6(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practices that are harmful or detrimental to the public. Proof of actual injury need not be established;

43.6(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation;

43.6(9) Falsifying reports and records required by this chapter;

43.6(10) Accepting any fee by fraud or misrepresentation;

43.6(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board;

43.6(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order;

43.6(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed;

43.6(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail;

43.6(15) Engaging in any conduct that subverts or attempts to subvert a department investigation;

43.6(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation;

43.6(17) Failure to pay costs assessed in any disciplinary action;

43.6(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence that would warrant the department's refusal to grant a certification on an original application;

43.6(19) Failure to maintain approval or accreditation as a radon measurement laboratory with the NRPP or NRSB;

43.6(20) Failure to submit radon test data as required in this chapter;

43.6(21) Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

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