

641—44.5(136B) Revocation of credentialing. The department will follow the procedures set forth in Iowa Code chapter 17A when revoking or suspending any credentials, in whole or in part. The department may deny, suspend, revoke, or modify the credentials of a person, or may impose a civil penalty or may refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B when it finds that a credentialed person or a person who is not credentialed has committed any of the following acts:

1. Any material misstatement in the application or in any supplementary statement.
2. Any material misstatement in the renewal application or supplementary statement received upon renewal.
3. Any condition revealed by an inspection of the applicant, the application, supplementary statement, report, record, or other evidence, which would warrant refusal by the department's agents or employees to grant a credentialing on an original application.
4. Falsifying approval records, qualifications, or other information or documentation related to licensing approval.
5. Any violation or failure to observe any of the applicable terms or provisions of credentialing, the public health law, or any other applicable rule, radon testing rule, ordinance, regulation, code or order.
6. Not completing the installation of a radon mitigation system within 30 days of the start date or date contracted to start.
7. Failing to submit a complete and accurate renewal application form before the end of the renewal period which includes the fee specified in subrule 44.4(6).
8. Failing to correct any violation of EPA, ASTM, or department rules that was found during a previous inspection or any violation found on an initial inspection which, as determined by the department, jeopardizes the safety of the building or other occupants.
9. Accepting compensation for installing ineffective radon remedies or for not dropping radon levels below 4 pCi/L in the area or level of the building where a radon mitigation system was installed.
10. Accepting compensation for installing active or nonactive radon mitigation systems that are not acceptable to the department or that do not comply with the requirements of this chapter.
11. Failing to fully cooperate with the department or its agents when field evaluations are conducted.
12. Failing to attend a scheduled meeting or inspection set up by the department or its agents, when the person holding the credentials was previously notified and agreed to the time and location of the inspection.
13. Failing to submit required information or notifications in a timely manner.
14. Failing to maintain the required records in 641—44.6(136B), and in EPA's Radon Mitigation Standards (RMS) EPA 402-R-93-078, October 1993 (Revised April 1994), and ASTM E2121 (NOTE: EPA has incorporated E2121 by reference and retained EPA's Radon Mitigation Standards (RMS) in effect until at least 2007).
15. Failing to comply with the training standards and requirements in 641—44.7(136B).
16. Failing to comply with federal, state, or local statutes and regulations, including the requirements of this chapter.
17. Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
18. 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.
19. Falsifying reports and records required by this chapter.
20. Accepting any fee by fraud or misrepresentation.
21. 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 shall not 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 record.

22. Failing to comply with the terms of a department order or the terms of a settlement agreement or consent order.

23. Representation by a firm or individual that the firm or individual is credentialed when the credential has been suspended or revoked or has not been renewed.

24. Failing to respond within 30 days of receipt of communication from the department or an agent of the department that was sent by registered or certified mail.

25. Engaging in any conduct that subverts or attempts to subvert a department investigation.

26. Failing to comply with a subpoena issued by the department or failure to cooperate with a department investigation.

27. Failing to pay costs assessed in any disciplinary action.