

875—69.2(17A,89A) Appeal to the board.

69.2(1) A decision by the commissioner to deny, suspend, or revoke an operating permit; a deemed denial of a petition for reconsideration; and the commissioner's ruling on a petition for reconsideration are subject to appeal to the board.

69.2(2) An appeal to the board shall be a contested case proceeding subject to the provisions of Iowa Code chapter 17A.

69.2(3) The commissioner shall have an automatic right of intervention in any appeal and shall defend the ruling in a contested case proceeding.

69.2(4) Only those issues raised by the petitioner in the petition for reconsideration will be preserved for appeal to the board in an appeal from the deemed denial of a petition for reconsideration and an appeal from the commissioner's ruling on a petition for reconsideration.

69.2(5) At a minimum, an appeal shall include a short and concise statement of the basis for the appeal. The required form for an appeal to the board is available on the board's website at www.iowaelevators.gov.

69.2(6) The deadlines for filing an appeal are set forth below:

a. Reconsideration of an inspection report. An appeal must be filed in writing with the board within 30 calendar days of the earlier of either the issuance of the commissioner's written ruling on a petition for reconsideration or the deemed denial of a petition for reconsideration.

b. Notification of intent to deny, suspend, or revoke an operating permit. An appeal must be filed in writing with the board within 30 calendar days of the appellant's receipt of the notification of intent to deny, suspend, or revoke an operating permit.

[ARC 8621B, IAB 3/24/10, effective 4/28/10; ARC 0168C, IAB 6/13/12, effective 7/18/12; ARC 3856C, IAB 6/20/18, effective 8/1/18]