

565—3.15(473) Misuse of state set-aside. If the director has reason to believe that a recipient of state set-aside used the set-aside fuels for purposes other than those end-uses designated on the authorization order and the application or if the director has reason to believe that the recipient has misrepresented any information on the application or authorization order, that recipient's eligibility for state set-aside may be rescinded. The director shall provide the recipient an opportunity to present evidence or arguments to the director. Should the director determine that misuse or misrepresentation has occurred and that the recipient should be ineligible for a reasonable period of time, the director shall give written, timely notice by personal service as in civil actions or by restricted certified mail to the recipient of the facts or conduct and any provision of law, including these rules, which warrant the action. Such notice shall advise the recipient of the opportunity to show, in an evidentiary hearing conducted pursuant to 567—Chapter 7 and these rules, that the facts or conduct relied upon by the director are not in fact true. The recipient may also alternatively request an oral argument or submission of briefs to the commission to dispute issues of law or policy. Any request for evidentiary hearing or argument shall be filed with the director within 15 days of service of the director's decision. Unless the commission finds that the public health, safety or welfare imperatively requires emergency action and makes a finding to that effect, the recipient shall not be denied eligibility during the pendency of the decision on the basis of misuse or misrepresentation. Such proceedings shall be promptly instituted and determined.