

**481—11.3 (17A,724) Notice of hearing.** The division shall prepare and serve the notice of hearing.

**11.3(1)** The notice of hearing shall contain the following information:

- a.* A statement of the time, place, and nature of the hearing;
- b.* A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c.* A reference to the agency decision on appeal;
- d.* Identification of the parties;
- e.* Reference to the procedural rules governing the contested case proceeding;
- f.* Identification of the administrative law judge, including the judge's contact information;
- g.* Notification that failure to appear and participate in the contested case proceeding may result in the entry of a default judgment;
- h.* Notification that the applicant or permittee shall be required to pay the agency's reasonable attorney fees and court costs if the agency's decision is affirmed in the contested case proceeding or in subsequent judicial review of the proceeding, or if the applicant or permittee withdraws or dismisses the contested case proceeding or subsequent judicial review action; and
- i.* Notification that the agency shall be required to pay the applicant's or permittee's reasonable attorney fees and court costs if it is determined in the contested case proceeding or in subsequent judicial review of the proceeding that the applicant or permittee is eligible to be issued or to possess the permit that was denied, suspended, or revoked.

**11.3(2)** Service of the notice of hearing shall be accomplished by first-class mail.

[ **ARC 9299B** , IAB 12/29/10, effective 1/1/11; **ARC 9400B** , IAB 3/9/11, effective 4/13/11; **ARC 3217C** , IAB 7/19/17, effective 8/23/17]