

481—10.27(724) Appeals in cases involving permits to carry weapons and acquire firearms. An applicant or permittee may appeal a decision to deny an application for a permit to carry weapons or acquire firearms or to suspend or revoke a permit to carry weapons or acquire firearms pursuant to Iowa Code section 724.21A and this chapter. To the extent this rule is inconsistent with the other provisions of this chapter, this rule will govern such appeals.

10.27(1) Definitions. For purposes of this rule:

“Agency” means the commissioner of public safety or the sheriff of the county in which the aggrieved party resides.

“Applicant” means a person who has applied for a permit to carry weapons or acquire firearms.

“Permittee” means a person who has received a permit to carry weapons or acquire firearms.

10.27(2) Filing of appeal. Within 30 days of the applicant’s or permittee’s receipt of the agency’s decision, the applicant or permittee shall file the written appeal, a copy of the agency’s written decision, and a fee of \$10 with the Iowa Department of Inspections, Appeals, and Licensing, Division of Administrative Hearings, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, or electronically pursuant to 481—Chapter 16.

10.27(3) Service on the agency. At the time the appeal is filed with the division, the applicant or permittee shall serve a copy of the appeal on the agency that made the decision on the permit to carry weapons or acquire firearms.

10.27(4) Denial of appeal. The division may deny any appeal that does not meet the requirements in subrules 10.27(2) and 10.27(3).

10.27(5) Agency record. Upon receipt of a copy of the notice of hearing, the agency shall file with the division and send to the applicant or permittee:

- a. A copy of all documents used by the agency in reaching the decision; and
- b. A form identifying the name, address, email address, and telephone number of the agency’s contact person or attorney representative.

10.27(6) Notice of hearing. In addition to the information set forth in Iowa Code section 17A.12(2) and rule 481—10.6(17A), the notice of hearing shall contain the following information:

- a. Notification that failure to appear and participate in the contested case proceeding may result in the entry of a default judgment; and
- b. Notification that court costs and reasonable attorney fees will be awarded pursuant to Iowa Code section 724.21A(8).

10.27(7) Attorney fees, court costs, and contested case costs. An applicant or permittee or an agency may be eligible for an award of reasonable attorney fees pursuant to Iowa Code section 724.21A(8).

a. Within 14 days of the date of the ALJ’s decision, a party may seek an award of attorney fees by filing with the division a request and documentation supporting the request. A resistance to the request for attorney fees must be filed within seven days of the filing of the request. Upon request of either party or on the ALJ’s own motion, a hearing may be scheduled on the request.

b. An award of attorney fees shall be paid within 30 days of the issuance of the order unless an interested party seeks rehearing or judicial review or the parties agree to an alternative payment schedule.

c. The ALJ’s decision is not final for purposes of judicial review under Iowa Code chapter 17A until the ALJ has issued a written decision determining the amount of any attorney fees to be awarded under this subrule or determining that no attorney fees are to be awarded.

d. Costs of the division in conducting a contested case proceeding arising out of a decision of the commissioner of public safety shall be charged to the department of public safety pursuant to Iowa Code section 10A.801(9).

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