

657—35.6(17A,124B,126,147,155A,205,272C) Notice of hearing.

35.6(1) Delivery. Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Delivery may be executed by:

- a.* Personal service, as provided in the Iowa Rules of Civil Procedure; or
- b.* Certified restricted mail, return receipt requested; or
- c.* Signed acknowledgment accepting service; or
- d.* When service cannot be accomplished using the above methods:
 - (1) An affidavit shall be prepared outlining the measures taken to attempt service; and
 - (2) Notice of hearing shall be published once each week for three consecutive weeks in a newspaper of general circulation, published or circulated in the county of last-known residence of the respondent. The first notice of hearing shall be published at least 30 days prior to the scheduled hearing.

35.6(2) Contents. 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 particular sections of the statutes and rules involved;
- d.* A short and plain statement of the matters asserted;
- e.* Identification of all parties, including the name, address and telephone number of the assistant attorney general representing the state;
- f.* Reference to the procedural rules governing conduct of the contested case proceeding;
- g.* Reference to the procedural rules governing settlement;
- h.* Identification of the presiding officer;
- i.* Notification of the time period in which a party may request, pursuant to Iowa Code section 17A.11 and rule 657—35.10(17A,272C), that the presiding officer be an administrative law judge;
- j.* Notification of the time period in which the respondent may file an answer; and
- k.* Notification of the respondent's right to request a closed hearing, if applicable.

35.6(3) Public record. A notice of hearing is a permanent public record open for inspection under Iowa Code chapter 22.

[ARC 3344C, IAB 9/27/17, effective 11/1/17]