

187—11.5(17A) Notice of hearing.

11.5(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 mail, return receipt requested; or
- c. First-class mail; or
- d. Publication, as provided in the Iowa Rules of Civil Procedure.

11.5(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. If the division or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished;

- e. Identification of all parties including the name, address, and telephone number of the person who will act as advocate for the division or the state and of parties' counsel where known;

- f. Reference to the procedural rules governing conduct of the contested case proceeding;

- g. Reference to the procedural rules governing informal settlement;

- h. Identification of the presiding officer, if known. If not known, a description of who will serve as presiding officer (e.g., superintendent, superintendent's designee, administrative law judge from the department of inspections and appeals);

- i. Notification of the time period in which a party may request, pursuant to Iowa Code section 17A.11 and rule 187—11.6(17A), that the presiding officer be an administrative law judge;

- j. A statement requiring the respondent to submit an answer of the type specified in subrule 11.11(2) within 20 days after service of the notice of hearing;

- k. Information on whom to contact if, because of a disability, auxiliary aids or services are needed to enable a person to participate in the matter;

- l. If applicable, the date, time, and manner of conduct of a prehearing conference under rule 187—11.16(17A); and

- m. The mailing address and email address for filing with the division and notice of the option of email service as provided in subrule 11.12(6).

[ARC 4059C, IAB 10/10/18, effective 11/14/18]