

481—10.4(10A) Transmission of contested cases.

10.4(1) In every proceeding filed with the division, the agency shall complete a transmittal form. The following information is required:

- a.* The name of the transmitting agency;
- b.* The name, address and telephone number of the contact person in the transmitting agency;
- c.* The name or title of the proceeding, which may include a file number;
- d.* Any agency docket or reference number;
- e.* A citation to the jurisdictional authority of the agency regarding the matter in controversy;
- f.* Any anticipated special features or requirements which may affect the hearing;
- g.* Whether the hearing should be held in person or by telephone conference call;
- h.* Any special legal or technical expertise needed to resolve the issues in the case;
- i.* The names and addresses of all parties and their attorneys or other representatives;
- j.* The date the request for a contested case hearing was received by the agency;
- k.* A statement of the issues involved and a reference to statutes and rules involved;
- l.* Any mandatory time limits that apply to the processing of the case;
- m.* Earliest appropriate hearing date; and
- n.* Whether a petition or answer is required.

10.4(2) The agency and the department determine by agreement whether the agency or the department shall issue the notice of hearing.

a. If agreed by the agency and the department, the agency shall attach a notice of hearing to the transmittal form.

b. If the division by agreement issues the notice of hearing, the agency must provide the information required by Iowa Code section 17A.12(2) (except for the date, time and place of the hearing) for inclusion in the notice.

c. The agency, and not the division, shall prepare:

- (1) The citation to the jurisdictional authority of the agency regarding the matter in controversy;
- (2) A statement of the issues involved;
- (3) A reference to statutes and rules involved; and
- (4) The remaining information required by the transmittal form as stated in subrule 10.4(1).

10.4(3) The following documents shall be attached to the completed transmittal form when it is sent to the division:

- a.* A copy of the document showing the agency action in controversy; and
- b.* A copy of any document requesting a contested case hearing.

10.4(4) When a properly transmitted case is received, it is marked with the date of receipt by the division. An identifying number shall be assigned to each contested case upon receipt.

This rule is intended to implement Iowa Code section 10A.801(7).

[ARC 3523C, IAB 12/20/17, effective 1/24/18]