

**641—43.5 (136B) Enforcement actions.**

**43.5(1)** Rescinded ARC 2838C, IAB 12/7/16, effective 1/11/17.

**43.5(2)** The department may deny, suspend, revoke, modify the certification of a person, place on probation, impose a civil penalty, or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a certified person or a person who is not certified has committed any of the following:

- a.* Failing to submit required information or notifications in a timely manner;
- b.* Failing to maintain the required records;
- c.* Falsifying approval records, qualifications, or other information or documentation related to certification approval;
- d.* Failing to comply with the training standards and requirements in 43.3(2);
- e.* Submitting in the application for approval or reapproval false or misleading statements which the department relied upon in approving the application;
- f.* Failing to comply with federal, state, or local statutes and regulations, including the requirements of this chapter;
- g.* Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established;
- h.* Using untruthful or improbable statements in advertisements. Use of these statements includes, but is not limited to, the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation;
- i.* Falsifying reports and records required by this chapter;
- j.* Accepting any fee by fraud or misrepresentation;
- k.* Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board;
- l.* Failing to comply with the terms of a department order or the terms of a settlement agreement or consent order;
- m.* Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed;
- n.* Failing to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail;
- o.* Engaging in any conduct that subverts or attempts to subvert a department investigation;
- p.* Failing to comply with a subpoena issued by the department or failing to cooperate with a department investigation;
- q.* Failing to pay costs assessed in any disciplinary action;
- r.* Any condition revealed by the application, supplementary statement, report, record, or other evidence, which would warrant the department's refusal to grant a certification on an original application;
- s.* Being discontinued or removed from the NEHA or NRSB Radon/Radon Progeny Measurement Proficiency Program; or
- t.* Failing to submit radon test data as required in 641—43.6(136B).