

191—13.6(505,522B) Review of application by the division.

13.6(1) The commissioner must consider the following when reviewing a completed application:

- a.* The information submitted by the applicant;
- b.* The factors set forth in subrule 13.5(2); and
- c.* Any mitigating or aggravating circumstances.

13.6(2) At the commissioner's discretion, the commissioner may convene a hearing to receive evidence and testimony about the application.

13.6(3) If the commissioner determines that the applicant does not seem to constitute a significant threat to the public, the commissioner shall issue the consent and specify its scope.

13.6(4) If the commissioner determines that the applicant does seem to constitute a significant threat to the public, the commissioner shall deny the application. Notice of the denial must be sent to the applicant via certified mail to the address on record with the division, return receipt requested. The prohibited person may request a hearing with the commissioner within 30 days from the date of mailing of the division's notice.

13.6(5) The application and materials supplied with the application, provided at the request of the division, or obtained by the division during the course of its review, including materials and testimony received at a hearing regarding an application, shall be considered information submitted to the division or obtained by the division in the course of an investigation for purposes of Iowa Code section 505.8(8), and the commissioner shall keep such information confidential. A consent issued by the commissioner is a public record for purposes of Iowa Code chapter 22; however, Iowa Code section 505.8(9) also shall apply.

[ARC 8309B, IAB 11/18/09, effective 12/23/09; ARC 4910C, IAB 2/12/20, effective 3/18/20]