

641—33.6 (17A) Statement of charges.

33.6(1) *Legal review.* Every statement of charges prepared by the board shall be reviewed by the office of the attorney general before it is filed.

33.6(2) *Delivery.* Delivery of the statement of charges 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.* Publication as provided in the Iowa Rules of Civil Procedure.

33.6(3) *Contents.* The statement of charges shall contain the following information:

- a.* A statement by the board showing that there is probable cause to file the statement of charges;
- b.* A statement of the time, place, and nature of the hearing;
- c.* A statement of the legal authority and jurisdiction under which the hearing is to be held;
- d.* A reference to the particular sections of the statutes and rules involved;
- e.* A short and plain statement of the matters asserted. This statement shall contain sufficient detail to give the respondent fair notice of the allegations so the respondent may adequately respond to the charges, and to give the public notice of the matters at issue;
- f.* Identification of all parties including the name, address and telephone number of the person who will act as advocate for the board or the state and of parties' counsel where known;
- g.* Reference to the procedural rules governing conduct of the contested case proceeding;
- h.* Reference to the procedural rules governing informal settlement;
- i.* Identification of the presiding officer as the board, a panel of board members, or a panel of nonboard member specialists as provided in Iowa Code subsections 272C.6(1) and (2); and
- j.* A statement requiring the respondent to submit an answer pursuant to subrule 33.13(2) within 20 days after service of the statement of charges.

[ARC 9057B, IAB 9/8/10, effective 10/13/10]