

61—12.5(17A) Action on petition.

12.5(1) The consumer credit code administrator may dismiss the petition or a portion thereof and decline to issue a declaratory ruling for any reason which it deems just and proper, including but not limited to the following:

- a.* There is no jurisdiction under the Iowa consumer credit code.
- b.* The issues are not clearly presented.
- c.* No clear answer is determinable.
- d.* The issue or issues presented are currently the subject of rule making, are pending resolution by an opinion of the attorney general or are in litigation in a contested case or court proceeding.
- e.* The petition does not state facts showing that the petitioner is or will be aggrieved or adversely affected by an adverse declaratory ruling on the issue presented.
- f.* The petition does not substantially comply with the form prescribed in this rule.
- g.* The issuance of a declaratory ruling has been rendered unnecessary as a result of a change in circumstances, fact or law.
- h.* The petitioner requests a declaratory ruling which, though technically binding only upon the consumer credit code administrator and the petitioner, would necessarily determine the legal rights of other persons who have not filed such a petition and whose position on the issue may fairly be presumed to be adverse to the petitioner or who are unrepresented in the declaratory proceeding.
- i.* The petitioner requests the consumer credit code administrator to determine whether a section of the consumer credit code is constitutional on its face.
- j.* The petition does not proceed on hypothetical facts structured to aid in planning future conduct but instead described past actions in order to establish their effect or challenges a decision already made by the consumer credit code administrator.
- k.* The issue is more properly resolved in another manner or by another entity.

12.5(2) In the event the consumer credit code administrator declines to issue a ruling, the administrator shall notify in writing the petitioner of this fact and the reasons for the refusal.

12.5(3) When the petition is in proper form and has not been declined, the consumer credit code administrator shall issue a ruling disposing of the petition within 30 days after its filing or within 30 days of the receipt of additional information from petitioner.