

CHAPTER Fire 500 OWNERSHIP AND REVOCATION OF CERTIFICATES

PART Fire 501 OWNERSHIP AND REVOCATION

Fire 501.01 Ownership of Certificates. All certificates and documents issued by the commission shall remain the property of the commission and shall be returned to the commission upon revocation or suspension.

Source. #2013, eff 5-5-82, EXPIRED: 5-5-88

New. #5726, eff 10-21-93, EXPIRED: 10-21-99

New. #7145, INTERIM, eff 12-2-99, EXPIRED: 3-31-00

New. #7332, eff 8-1-00; ss by #9218, INTERIM, eff 8-1-08; ss
by #9319-B, eff 11-12-08

Fire 501.02 Suspension.

(a) After notice and opportunity for a hearing, the commission shall, unless it has just cause to do otherwise as provided in (c) below, order the suspension of certification if a person commits a violation, after prior notice, of commission rules relative to himself or herself or the fire personnel working or training under his or her control and his or her direction.

(b) The provisions of Fire 200 shall apply to hearings held under this subdivision.

(c) The commission shall not order suspension of a certification if it finds just cause not to do so which includes:

(1) The charges against the fire personnel were not proven by a preponderance of the evidence; or

(2) The violation is so minor that a suspension would not have a deterrent or rehabilitative value.

(d) The suspension period shall be set for 90 days unless mitigating circumstances warrant a reduced suspension period.

(e) For the purposes of (d) above, mitigating circumstances include:

(1) The lack of a prior disciplinary record;

(2) The seriousness of the violation;

(3) The certificate holder's acknowledgment of his or her wrongdoing;

(4) The purpose of the rule or statute violated;

(5) The potential harm to public health and safety; and

(6) The deterrent effect upon other firefighters.

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Fire 501.03 Revocation.

(a) After notice and opportunity for a hearing, the commission shall, unless it has just cause to do otherwise as provided in (c) below, order the revocation of certification for any of the following reasons:

- (1) The certification was obtained by fraudulent means;
- (2) The certificate was issued through administrative error; or
- (3) The person holding certification is convicted of a felony.

(b) The provisions of Fire 200 shall apply to hearings held under this subdivision.

(c) The commission shall not order revocation of a certification if it finds just cause not to do so which includes the charges against the fire personnel were not proven by a preponderance of the evidence.

Source. #9319-B, eff 11-12-08