Frequently Asked Questions
Appeals of Decisions by a Sheriff or the Commissioner of Public Safety to Deny, Suspend, or Revoke a Permit to Carry or Acquire Firearms

Q: The sheriff or commissioner of public safety has denied my application for a permit to acquire or carry firearms, or suspended or revoked a permit that was previously granted. Can I appeal that decision?

A: Yes, you may file an appeal through the process outlined below.

Q: How do I file an appeal?

A: You must file an appeal with the Administrative Hearings Division of the Iowa Department of Inspections and Appeals within 30 days of the receipt of the Sheriff's or Commissioner of Public Safety's decision. The address is 402 East 9th Street, Wallace State Office Building, Third Floor, Des Moines, Iowa 50319. The appeal must be in writing, and must clearly state the grounds supporting your appeal. You must also file a copy of your appeal with the law enforcement office that denied, suspended, or revoked your permit.

Q: Is there a fee?

A: Yes. You must file a fee of $10.00 when you file the appeal with the Administrative Hearings Division. Checks may be made out to the Department of Inspections and Appeals.

Q: What will happen if I do not file my appeal and/or the $10 within 30 days of the receipt of the sheriff's or commissioner of public safety's decision?

A: The Administrative Hearings Division may reject your appeal, and you may lose your right to appeal.

Q: If the denial, suspension, or revocation is solely based on information from the national instant criminal background check system, can I still appeal?

A: You may still appeal, but not to a state administrative law judge. All appeals related to the national instant criminal background check system must be made pursuant to federal law.

Q: What happens after I file my appeal?

A: The Sheriff or the Commissioner of Public Safety will provide you and the Administrative Hearings Division a copy of all documents used by the law enforcement office to make its decision. The Administrative Hearings Division will set the case for hearing and issue a written notice stating the date, time, and format for the hearing. The hearing will be set within 45 days of the date it is received by the Administrative Hearings Division.

Q: Where will the hearing be held?

A: The headquarters for the Administrative Hearings Division is in Des Moines, so most of the hearings will be conducted by telephone conference call. The conference call is toll-free. A party may request an in-person hearing by filing a request at least five days before the hearing. All in-person hearings will be conducted in Des Moines. The Administrative Law Judge may allow one party to appear in person and the other by telephone, upon that party's request.

The notice of hearing will set forth the directions to participate in the conference call. It will be important for you to follow the directions at the time of the hearing. If you do not participate in the conference call, the Judge may enter a decision against you.

Q: Do I need to hire an attorney for the hearing?

A: You are not required to hire an attorney, although you may do so at your own cost. Attorneys are generally helpful because they understand procedure, the law, and they know how to present a case effectively. However, Administrative Law Judges regularly hear cases involving unrepresented parties, so it is not unusual to proceed without an attorney.

Q: What do I need to do to get prepared for the hearing?

A: You must send a witness list and a copy of your exhibits to the Administrative Law Judge and the Sheriff or Commissioner of Public Safety at least five days before the hearing. The Sheriff or Commissioner of Public Safety must do the same for you.

The witness list lets the Judge and other party know who might testify. You do not need to file a witness list if you are the only witness.

Exhibits include any papers, photographs, or other documents that you believe might be useful to your case. It is critical to provide exhibits early. Most hearings are held by telephone, and it is difficult to explain your position if the Judge and other party does not have your exhibits. You are not required to file exhibits, unless there are exhibits you want to use at hearing.

Q: What will happen at hearing?

A: The Administrative Law Judge will allow each party to present evidence and arguments in support of that party's case. The Sheriff or Commissioner of Public Safety has the burden of proof and will proceed first.

The Judge may first ask for opening statements, which is a chance to provide a summary of what the case is about. An opening statement is not evidence. The Judge may decide proceed directly to the evidence in less-complex cases.

The next step is the presentation of evidence. The Sheriff or Commissioner of Public Safety will present any exhibits and witnesses at that time. Each witness will testify one at a time. You have a right to ask each witness questions when his or her testimony is complete – this is known as cross-examination. The Judge may ask questions as well. When the Sheriff or Commissioner of Public Safety is done with his or her evidence, you will present your evidence. The same rules apply to your presentation – you and your witnesses, if any, will testify one at a time, the Sheriff or Commissioner of Public Safety may cross-examine your witnesses, and the Judge might ask questions.

After the evidence is fully presented, the Judge will ask for closing arguments. This is an opportunity to summarize the case. A closing argument is not evidence. If the argument has been fully discussed, a party may decide to waive closing argument.

Q: When will the Administrative Law Judge decide the case?

A: The Administrative Law Judge is required to issue a written decision, so it is rare for the Judge to announce a decision during the hearing. The written decision must include findings of fact and conclusions of law as part of the decision. The Judge will usually issue a decision within 30 days from the date of the hearing.

Q: If I lose my case before the Administrative Law Judge, can I appeal? Can the Sheriff or Commissioner of Public Safety file an appeal if I win?

A: Either party may file an appeal by filing a petition for judicial review in district court. A petition for judicial review must be filed within 30 days from the date of the Administrative Law Judge's decision.

Q: If I change my mind, how do I stop the appeal process?

A: You may cancel the appeal and the hearing by filing a written withdrawal with the Administrative Hearings Division.