RESTRICTED DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Before the Iowa Department of Public Health

IN THE MATTER OF: **Weston Park Apartments** **4200 Park AVE** **Des Moines, IA** **Facility #: 77-1488-001 North** **77-1488-053 South**	))))))))	NOTICE OF PROPOSED ACTION **ORDER TO CLOSE SWIMMING POOLS**

Pursuant to the provisions of Iowa Code Sections 17A.18, 135I.6, and 641 Iowa Administrative Code (IAC) Chapter 15.9(1), the Iowa Department of Public Health, hereafter known as the Department, is ordering you to close the pools located at the Weston Park Apartments, 4200 Park AVE, Des Moines, IA; Swimming Pool Reg. # 77-1488-001-1-B-001 North and 77-1488-053-1-B-001 South.

Pursuant to 641 IAC 15.6(2)*"d"* the Department may order that a swimming pool/spa be closed if any of the provisions of Iowa Code Section 135I.6 or 641 IAC Chapter 15 have been violated, including the following:

> ***15.9(1)*** *No swimming pool or spa shall be operated in the state of Iowa without being registered with the Department. The owner of a swimming pool or spa or the owner's designated representative shall register the swimming pool or spa before the swimming pool or spa is first used and shall renew the registration annually on or before April 30.*
>
> ***15.12(1)*** *For each swimming pool or spa, the registration fee is $35. Registration fees are delinquent if not received by the department by April 30 or the first business day thereafter. The owner shall pay a $25 penalty for each month or fraction thereof that the fee is late for each swimming pool or spa that is required to be registered.*

You are operating a swimming pool in the state of Iowa without currently being registered to do so. You have failed to renew your swimming pool registration for the registration period of May 1, 2013 through April 30, 2014. The registration fee owed for 2013-2014 is $70.00 plus a late fee of $100.00 for a total of $170.00. The closure order will remain in place until the aforementioned delinquent fees are remitted to the department.

Initial invoices were mailed to the owner address of record on or about February 8, 2013, and late notices mailed on or about May 15, 2013.

You are hereby advised that you must close the swimming pools located at the Weston Park Apartments, 4200 Park AVE, Des Moines, IA. If the Department receives information that the swimming pool and/or spa is being operated after the date that you receive this letter, the Department may request the Iowa Attorney General's Office to file a civil injunctive action against you or may refer your case to the Polk County Attorney's Office for possible criminal prosecution.

You have the right to request a hearing concerning this notice of order to cease operations. An appeal of a decision to close shall be submitted by certified mail, return receipt requested, within 30 days of receipt of the department's notice. The appeal shall be sent to the Iowa Department of Public Health, Division of Environmental Health, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0075. If such a request is made within the 30-day time period, the decision or order shall be deemed to be suspended.

Prior to or at the hearing, the department may rescind the decision or order upon satisfaction that the reason for the decision or order has been or will be removed. After the hearing, or upon default of the applicant or alleged violator, the administrative law judge shall affirm, modify or set aside the decision or order.

If no appeal is submitted within 30 days, the decision or order shall become the department's final agency action.

Carmily Stone, Bureau Chief
Bureau of Environmental Health Services
Division of Environmental Health
(515) 281-0921

6-21-13
Date

cc: Heather L. Adams, Assistant Attorney General, Iowa Attorney General's Office
Polk County Attorney's Office
Dave Williamson, Polk County Public Works, Environmental Sanitation Division

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. Randy

Weston Park apts
4200 Park ave
DSM, Ia. 50321

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☒ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery 7-2-13

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

JUL - 2 2013

1. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7008 1830 0000 4095 3732

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540