

**5210.0533 NOTICE OF CONTEST AND CERTIFICATION OF SERVICE.**

A contest of a citation and notification of penalty or of a notification of failure to abate shall be filed with the commissioner on the notice of contest form provided by the commissioner. The commissioner shall accept as filed only a fully completed notice of contest form. A fully completed notice of contest form must provide the following information:

A. the employer's name and address;

B. the inspection number for the citation and notification of penalty or the reinspection number for the notification of failure to abate;

C. identification of each citation and item contested and for each citation and item contested, identification of each part of the citation and item contested. Those citations and items not contested and those parts of citations and items not contested shall become a final order of the commissioner not reviewable by any court or agency.

(1) For a citation and notification of penalty, the contesting party must indicate for each citation and item contested the following part or parts it is contesting:

(a) the finding of a violation;

(b) the type of violation;

(c) the abatement date; or

(d) the penalty.

(2) For a notification of failure to abate, the contesting party must indicate for each citation and item contested the following part or parts it is contesting:

(a) the finding of the failure to abate a violation; or

(b) the penalty;

D. a statement of the contesting party's reasons for contesting each citation and item;

E. certification that the notice was served upon the authorized employee representatives, if any, and the employer, if it is an employee or authorized employee representative contest, and that it was posted where the citations and notifications of penalty are required by part 5210.0530, subpart 3, to be posted; and

F. a notarized sworn statement by the contesting party that the information provided is accurate and truthful to the best of the contesting party's knowledge.

**Statutory Authority:** *MS s 182.657*

**History:** *20 SR 2428*

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