

IN THE COURT OF APPEALS OF IOWA

FILED

SEP - 6 1984

CLERK SUPREME COURT

103

**KARL HACKETT d/b/a KARL'S
REPAIR, Licensee,**

Petitioner-Appellant,

vs

**STATE OF IOWA, ex rel. IOWA
DEPARTMENT OF TRANSPORTATION,
Licensor,**

Respondent-Appellee.

Filed September 6, 1984

4-243
83-792

Appeal from the Iowa District Court for Linn County - L. Vern Robinson,
Judge.

Petitioner-appellant appeals the decision of the district court, affirming the
decision of the respondent-appellee's decision revoking petitioner's inspector's
license for sixty days. **AFFIRMED.**

Ralph W. Koons of Cedar Rapids, Iowa, for petitioner-appellant.

Thomas J. Miller, Attorney General of Iowa, and Michael C. Fitzgerald,
Assistant Attorney General, for respondent-appellee.

Considered by Oxberger, C.J., Donielson and Schlegel, JJ.

SCHLEGEL, J.

Petitioner, Karl Hackett, d/b/a Karl's Repair, brought a petition for judicial review of the decision of the Iowa Department of Transportation, revoking the Motor Vehicle Inspection Station's Permit of Karl's Repair and revoking the approval of Karl Hackett as a motor vehicle inspector. Petitioner's sole claim is that the record made before the Motor Vehicle Inspection Review Board, when viewed as a whole, does not contain substantial evidence to support the decision to revoke petitioner's license to conduct motor vehicle inspections for a period of 60 days. We affirm the trial court.

I. Scope of Review. Petitioner's action was properly brought under the provisions of Iowa Code section 17A.19 (1983). Our scope of review in cases arising out of the Iowa Administrative Procedure Act is limited under Iowa Code section 17A.20 to the correction of errors of law. Foods, Inc. v. Iowa Civil Rights Commission, 318 N.W.2d 162, 164-65 (Iowa 1982). The review function of the district court under section 17A.19 is to correct errors of law which are specified in section 17A.19(8). Id. at 165. When we review decisions of the district court that were rendered in its capacity as an appellate body under section 17A.19, the issue for our determination is whether the district court correctly applied the law. Budding v. Iowa Department of Job Service, 337 N.W.2d 219, 221 (Iowa Ct. App. 1983). "In order to make that determination, we apply the standards of section 17A.19(8) to the agency action to determine whether this court's conclusions are the same as those of the district court." Jackson County Public Hospital v. Public Employment Relations Board, 280 N.W.2d 426, 429-30 (Iowa 1979).

Where the facts are disputed, we will adopt the factual determinations made by the agency as long as they are supported by substantial evidence in the whole record. Temple v. Vermeer Mfg. Co., 285 N.W.2d 157, 160 (Iowa 1979).

II. Sufficiency of Evidence. In this case, it is undisputed that a vehicle known as a "monitor" car was taken to petitioner's inspection station to be

inspected, as a check upon the inspections being carried out by petitioner. Known defects in the car, that would result in its rejection in a proper inspection, were not found by petitioner. It is undisputed that his inspection was generally deficient. Moreover, the record contains evidence that petitioner, himself, admits the inspection was not properly made.

There is no dispute that the deficiencies in the inspection were violations sufficient to warrant revocation of petitioner's license to inspect.

The court properly found that there was sufficient evidence in the record as a whole to support the agency action in this matter. The court properly affirmed the agency's revocation of petitioner's approval as an inspector, and revocation of the license of his inspection station for a period of 60 days.

AFFIRMED.