

IOWA PUBLIC INFORMATION BOARD[497]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 23.6, the Iowa Public Information Board hereby gives Notice of Intended Action to amend Chapter 2, “Complaint Investigation and Resolution Procedures,” Iowa Administrative Code.

The proposed amendments assist the Board in resolving complaints in an informal and expeditious manner by providing that at any point in the complaint process, the Board may order administrative resolution and direct a person to take a specified remedial action. Administrative resolution is not considered discipline and does not require the finding of a violation of law.

Any interested person may make written suggestions or comments on the proposed amendments on or before November 1, 2016, by contacting Charlie Smithson, Executive Director, Iowa Public Information Board, Wallace State Office Building, Third Floor, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by e-mail to Charlie.Smithson@iowa.gov.

The proposed amendments do not contain specific waiver provisions, but are subject to immediate judicial review as stated in the proposed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 23.

The following amendments are proposed.

ITEM 1. Adopt the following **new** subrule 2.1(6):

2.1(6) Administrative resolution. To assist with resolving complaints in an informal and expeditious manner, the board may, at any time during the complaint process, order administrative resolution of a matter by directing that a person take specified remedial action. A board order directing remedial action shall constitute final agency action for purposes of judicial review under Iowa Code chapter 17A.

ITEM 2. Amend subrule 2.2(4) as follows:

2.2(4) Board action. Upon receipt and review of the staff investigative report and any recommendations, the board may:

a. and *b.* No change.

c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; ~~or~~

d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding; ~~or~~

e. Direct administrative resolution of the matter under subrule 2.1(6) without making a determination as to whether a violation occurred.