

IOWA PUBLIC INFORMATION BOARD[497]

Adopted and Filed

Pursuant to the authority of Iowa Code section 23.6, the Iowa Public Information Board hereby amends Chapter 2, "Complaint Investigation and Resolution Procedures," Iowa Administrative Code.

The 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.

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

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on October 12, 2016, as **ARC 2758C**. The Board received no public comment on the proposed amendments. No changes were made to the amendments as published under Notice of Intended Action.

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.

These amendments will become effective February 22, 2017.

The following amendments are adopted.

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.

[Filed 12/28/16, effective 2/22/17]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/18/17.