

CHAPTER 1 ORGANIZATION AND OPERATION

193—1.1(546) Purpose of chapter 1. This chapter describes the organization and operation of the professional licensing and regulation bureau of the banking division (hereinafter referred to as the “bureau”), including the office where, and the means by which, any interested person may obtain public information and make submittals or requests.

193—1.2(546) Scope of rules. The rules for the bureau are promulgated under Iowa Code chapter 17A and sections 546.3 and 546.10 and shall apply to all matters before the bureau. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various boards of the bureau from any duty under the laws of this state.

193—1.3(546) Definitions.

“Administrator” means the superintendent of banking.

“Board” means an examining board or commission within the professional licensing and regulation bureau.

“Bureau” means the professional licensing and regulation bureau of the banking division of the department of commerce.

“Department” means the department of commerce.

“License” means any license, registration, certificate, or permit that may be granted by an examining board or commission within the professional licensing and regulation bureau.

“Licensee” means any person granted a license by an examining board or commission within the professional licensing and regulation bureau.

“Person” means an individual, corporation, partnership, association, professional corporation, licensee, certificate holder, or registrant.

“Staff” means employees assigned to the professional licensing and regulation bureau.

193—1.4(546) Purpose of the bureau. The bureau exists to coordinate the administrative support for the following six professional licensing boards:

1.4(1) The engineering and land surveying examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of three professional engineers, two land surveyors, and two public members. The board administers Iowa Code chapter 542B, Professional Engineers and Land Surveyors, and board rules published under agency number [193C] in the Iowa Administrative Code.

1.4(2) The accountancy examining board is an eight-member board appointed by the governor and confirmed by the senate. The board is composed of five certified public accountants, two public members, and one licensed public accountant. The board administers Iowa Code chapter 542, Public Accountants, and board rules published under agency number [193A] in the Iowa Administrative Code.

1.4(3) The real estate commission is a seven-member commission appointed by the governor and confirmed by the senate. It is composed of five members, one of whom must be a salesperson, licensed under Iowa Code chapter 543B and two public members. The commission administers Iowa Code chapters 543B, Real Estate Brokers and Salespersons; 543C, Sales of Subdivided Land Outside of Iowa; 557A, Time-Shares; and commission rules published under agency number [193E] in the Iowa Administrative Code.

1.4(4) The architectural examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of five licensed architects and two public members. The board administers Iowa Code chapter 544A, Licensed Architects, and board rules published under agency number [193B] in the Iowa Administrative Code.

1.4(5) The landscape architectural examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of five professional landscape architects and two

public members. The board administers Iowa Code chapter 544B, Landscape Architects, and board rules published under agency number [193D] in the Iowa Administrative Code.

1.4(6) The interior design examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of five registered interior designers and two public members. The board administers Iowa Code chapter 544C, Registered Interior Designers, and board rules published under agency number [193G] in the Iowa Administrative Code.

[ARC 2754C, IAB 10/12/16, effective 11/16/16; ARC 4250C, IAB 1/16/19, effective 2/20/19]

193—1.5(546) Offices and communications. Correspondence and communications with the bureau or the boards in the bureau shall be addressed or directed to their offices at 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309. Each of the boards may be contacted through the bureau telephone number (515)725-9022.

[ARC 2754C, IAB 10/12/16, effective 11/16/16]

193—1.6(546) Responsibilities of the boards. All of the boards in the bureau retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters. Each board shall adopt rules pursuant to Iowa Code chapter 17A. Decisions by each board are final agency actions for purposes of Iowa Code chapter 17A.

193—1.7(546) Responsibilities of the administrator.

1.7(1) To make rules pursuant to Iowa Code chapter 17A to implement bureau duties except to the extent that rule-making authority is vested in the boards in the bureau.

1.7(2) To carry out policy-making and enforcement duties assigned to the bureau under the law.

1.7(3) To hire, allocate, develop, and supervise members of the staff employed to perform the duties assigned to the bureau and the boards in the bureau, including hiring a bureau chief to perform such administrative duties as may be assigned by the administrator and designating staff to act as the executive officer, who may be referred to as the board administrator, for and lawful custodian of the records of each board in the bureau.

1.7(4) To coordinate the development of an annual budget for the bureau and the boards in the bureau.

1.7(5) To supervise and direct personnel and other resources to accomplish duties assigned to the bureau by law.

1.7(6) To authorize expenditures from any appropriation or fund established on behalf of the bureau.

1.7(7) Except to the extent that decision-making authority is vested in the boards in the bureau or other body, decisions of the administrator are final agency actions pursuant to Iowa Code chapter 17A.

1.7(8) Except to the extent otherwise vested in the boards in the bureau, the administrator has the authority to establish fees assessed to the regulated industry.

[ARC 2754C, IAB 10/12/16, effective 11/16/16]

193—1.8(546) Custodian of records, filings, and requests for public information. Unless otherwise specified by the rules of the boards in the bureau, the bureau is the principal custodian of its own orders, statements of law or policy issued by the bureau, legal documents, and other public documents on file with the bureau.

Any interested party may examine all public records promulgated or maintained by the bureau at its offices during regular business hours. The offices of the bureau and the boards in the bureau are open from 8 a.m. until 4:30 p.m., Monday through Friday. The offices are closed Saturdays, Sundays, and official state holidays.

193—1.9(272C,542,542B,543B,544A,544B,544C) Applicant contact information. In addition to the mailing address(es) that must be provided in accordance with the individual board's rules, applicants of the boards within the bureau must provide a telephone number and, if applicable, an email address. The boards within the bureau will honor the "safe at home" address issued by any state's program and protective orders in domestic abuse proceedings or otherwise issued to preserve confidentiality of a person's physical location.

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193—1.10(272C,542,542B,543B,544A,544B,544C) Newsletter.

1.10(1) The administrator or administrator's designee may publish or contract with a vendor to publish a newsletter as a nonpublic forum to disseminate official information related to the regulated professions. This official information may include statutory requirements, statutory changes, rules, rule changes, proposed or pending rule changes, licensing requirements, license renewal procedures, board action, board interpretative rulings or guidelines, office procedures, disciplinary action, ethical or professional standards, education requirements, education opportunities (prelicense education, continuing education, and professional development), board business, board meetings, board news, and matters related thereto.

1.10(2) When boards are required or allowed to notify licensees about matters such as license renewal, the boards may include such notices in the newsletter.

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193—1.11(272C,542,542B,543B,544A,544B,544C) Applications. Unless otherwise regulated by an individual board's rules, abandoned applications shall be deemed withdrawn. An application is abandoned if the applicant has not accessed or modified the application through the bureau's electronic licensing database within the preceding six months.

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These rules are intended to implement Iowa Code section 546.10.

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