

CHAPTER 1
ORGANIZATION AND OPERATION

193—1.1(546) Purpose of Chapter 1. This chapter describes the organization and operation of the accountancy examining board, architectural examining board, engineering and land surveying examining board, interior design examining board, landscape architectural examining board, real estate appraiser examining board, and real estate commission of the department of inspections, appeals, and licensing (hereinafter referred to as “professional licensing boards”).

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.2(546) Scope of rules. The rules for the professional licensing boards are promulgated under Iowa Code chapter 17A and section 10A.103 and apply to all matters before the professional licensing boards. 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 from any duty under the laws of this state.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.3(546) Definitions.

“*Administrator*” means the director of the department of inspections, appeals, and licensing.

“*Board*” means an examining board or commission within the department of inspections, appeals, and licensing.

“*Department*” means the department of inspections, appeals, and licensing.

“*License*” means any license, registration, certificate, or permit that may be granted by one of the professional licensing boards.

“*Licensee*” means any person granted a license by one of the professional licensing boards.

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

“*Staff*” means employees assigned to one of the professional licensing boards.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.4(546) Purpose of the professional licensing boards. The professional licensing boards coordinate the administrative support for the following 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. 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 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. The commission administers Iowa Code chapters 543B, Real Estate Brokers and Salespersons; 543C, Sales of Subdivided Land Outside of Iowa; and 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. 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. 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 real estate appraiser examining board is a seven-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 543D, Real Estate Appraisals and Appraisers, and board rules published under agency number [193F] in the Iowa Administrative Code.

1.4(7) The interior design examining board is a seven-member board appointed by the governor and confirmed by the senate. The board administers Iowa Code chapter 544C, Registered Interior Designers, and board rules published under agency number [193G] in the Iowa Administrative Code.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.5(546) Responsibilities of the boards. All of the boards retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters. Each board will adopt rules pursuant to Iowa Code chapter 17A. Decisions by each board are final agency actions for purposes of Iowa Code chapter 17A.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.6(546) Responsibilities of the administrator.

1.6(1) The following are responsibilities of the administrator:

a. To make rules pursuant to Iowa Code chapter 17A to implement board duties except to the extent that rulemaking authority is vested in the boards in the bureau.

b. To carry out policy-making and enforcement duties assigned to the boards under the law.

c. To hire, allocate, develop, and supervise members of the staff employed to perform the duties assigned to the boards, including 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.

d. To coordinate the development of an annual budget for the boards.

e. To supervise and direct personnel and other resources to accomplish duties assigned by law.

f. To authorize expenditures from any appropriation or fund established on behalf of the boards.

1.6(2) Except to the extent that decision-making authority is vested in the boards or other body, decisions of the administrator are final agency actions pursuant to Iowa Code chapter 17A.

1.6(3) Except to the extent otherwise vested in the boards, the administrator has the authority to establish fees assessed to the regulated industry.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.7(546) Custodian of records, filings, and requests for public information. Unless otherwise specified by the rules of the boards, an individual board is the principal custodian of the individual board's own orders, statements of law or policy issued by the individual board, legal documents, and other public documents on file.

Any interested party may examine all public records promulgated or maintained by the boards during regular business hours.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.8(272C,542,542B,543B,544A,544B,544C) Applicant contact information. In addition to the mailing address(es) that need to be provided in accordance with the individual board's rules, applicants of the boards need to provide a telephone number and, if applicable, an email address. The boards 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.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.9(272C,542,542B,543B,544A,544B,544C) Newsletter.

1.9(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.

1.9(2) The boards may notify licensees about matters such as license renewal in the newsletter.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

193—1.10(272C,542,542B,543B,544A,544B,544C) Applications. Unless otherwise regulated by an individual board's rules, abandoned applications are deemed withdrawn. An application is abandoned if the applicant has not accessed or modified the application through the electronic licensing database within the preceding six months.

[ARC 8085C, IAB 7/10/24, effective 8/14/24]

These rules are intended to implement Iowa Code section 10A.506.

[Filed 4/30/87, Notice 3/11/87—published 5/20/87, effective 6/24/87]

[Filed without Notice 5/8/92—published 5/27/92, effective 7/1/92]

[Filed 2/4/99, Notice 12/30/98—published 2/24/99, effective 3/31/99]

[Filed 8/22/01, Notice 6/27/01—published 9/19/01, effective 10/24/01]

[Filed 9/11/03, Notice 5/28/03—published 10/1/03, effective 11/5/03]

[Filed 1/16/07, Notice 11/8/06—published 2/14/07, effective 3/21/07]

[Filed 5/28/08, Notice 4/23/08—published 6/18/08, effective 7/23/08]

[Filed ARC 2754C (Notice ARC 2456C, IAB 3/16/16), IAB 10/12/16, effective 11/16/16]

[Filed ARC 4250C (Notice ARC 4007C, IAB 9/26/18), IAB 1/16/19, effective 2/20/19]

[Filed ARC 8085C (Notice ARC 7511C, IAB 1/24/24), IAB 7/10/24, effective 8/14/24]