

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 seven 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 four professional engineers, one land surveyor, and two public members. The board administers Iowa Code chapter 542B, Professional Engineers and Land Surveyors, and board rules published under agency number [193C]—Chapters 1 to 13, 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]—Chapters 1 to 19, 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 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]—Chapters 1 to 21, 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 registered architects and two public members. The board administers Iowa Code chapter 544A, Registered Architects, and board rules published under agency number [193B]—Chapters 1 to 7, 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 registered landscape architects and two public members. The board administers Iowa Code chapter 544B, Landscape Architects, and board rules published under agency number [193D]—Chapters 1 to 4, 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. It is composed of five certified real estate appraisers and two public members. The board administers Iowa Code chapter 543D, Real Estate Appraisals and Appraisers, and board rules published under agency number [193F]—Chapters 1 to 15, 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. 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]—Chapters 1 and 2, Iowa Administrative Code.

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 1920 S.E. Hulsizer Road, Ankeny, Iowa 50021. Each of the boards may be contacted through the bureau telephone number (515)281-5910.

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 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.

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,543D,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) When boards are required or allowed to mail notices to licensees about matters such as license renewal, the boards may include such notices in the newsletter.

1.9(3) The newsletter may include vendor advertising to:

- a.* Enable the boards to communicate with licensees and other interested persons without expending moneys appropriated from the state's general fund; and
- b.* Provide a targeted opportunity for licensees to receive profession-specific information to facilitate entry into the profession and enhance professional performance.

1.9(4) All newsletter advertising must be consistent with the boards' missions. The primary mission of the boards in the bureau is to provide progressive, efficient and professional regulation and enforcement of the professions; to protect the public through examination, licensing and regulation of the professions; and to enhance economic growth through the responsible, competent, and ethical performance of the professions.

1.9(5) All newsletter advertising must be professional and respectful of the nature of the regulated professions, established as a nonpublic forum, and consistent with guidelines established by the administrator. Advertising shall be restricted to commercial offerings of goods and services directly related to the lawful practice of the professions or the regulation of the professions. Political, advocacy or issue-oriented advertising shall not be permitted.

1.9(6) Newsletter advertising shall be considered consistent with the boards' missions if it pertains to commercial offerings of goods or services in one or more of the following areas:

- a.* Entry into the profession, such as prelicense education or internship opportunities.
- b.* A licensee's compliance with statutes or rules, such as continuing education courses or publications containing professional standards.
- c.* The lawful and competent performance of the profession, e.g., errors and omissions insurance, or goods or services uniquely used in the profession, such as land surveying equipment or seals for design professionals.
- d.* Employment opportunities in the profession.
- e.* A professional's marketing of professional services to other professionals, e.g., a design professional's advertising the availability of specialized design services for other design professionals.
- f.* Education programs designed to enhance credentials of professionals, or profession-specific degrees.

1.9(7) Newsletter advertising shall be clearly separated from the substantive sections of each newsletter. Vendors authorized to solicit newsletter advertising must do so consistent with the administrator's advertising guidelines in a manner which is viewpoint-neutral and nondiscriminatory in all respects. Goods or services advertised in a newsletter must be lawful for all possible readers of any age to view, use or buy. The front page of each newsletter containing advertising must include a prominent disclaimer notifying the reader that the boards play no role in the solicitation of advertising, and do not explicitly or implicitly endorse any advertiser or any good or service advertised in the newsletter.

1.9(8) Commencing with the first bureau newsletter distributed on or after July 1, 2008, newsletter circulation may, at the administrator's sole discretion, include additional licensees within the division of banking, including but not limited to the following: state banks (Iowa Code chapter 524), debt management companies (Iowa Code chapter 533A), money services providers (Iowa Code chapter 533C), delayed deposit services providers (Iowa Code chapter 533D), mortgage bankers, mortgage brokers, and mortgage originators (Iowa Code chapter 535B), regulated loan companies (Iowa Code chapter 536), industrial loan companies (Iowa Code chapter 536A), and state chartered savings and loans (Iowa Code chapter 534). If the administrator expands the circulation as provided in this subrule, the newsletter may include advertising consistent with this rule on the topics listed in subrule 1.9(6) as such topics would apply to the additional types of licensees.

These rules are intended to implement Iowa Code section 546.10.

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