

CHAPTER 7
CONSENT FOR THE SALE OF GOODS
AND SERVICES

481—7.1(68B) General prohibition. An official of the department shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the department without obtaining written consent as provided in these rules.

481—7.2(68B) Definitions.

“*Compensation*” means remuneration for the sale of goods and services, including cash or other forms of payment.

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

“*Official*” means an officer of the state of Iowa receiving a salary or per diem whether elected or appointed or whether serving full-time or part-time. Official includes, but is not limited to, supervisory personnel and members of state agencies and does not include members of the general assembly or legislative employees.

Where the term “official” is used in this chapter, it includes a firm of which any of those persons is a partner and a corporation of which any of those persons hold 10 percent or more of the stock, either directly or indirectly, and the spouse and minor children of any of those persons.

“*Sale of goods or services*” means the receipt of compensation by an official for providing goods or services.

481—7.3(68B) Conditions of consent for officials. Consent to sell goods or services shall not be given to an official unless all of the following conditions are met:

1. The official’s job duties or functions are not related to the department’s regulatory authority over the individual, association, or corporation.
2. The selling of the goods or services does not affect the official’s job duties or functions.
3. The selling of the goods or services does not include acting as an advocate on behalf of the individual, association, or corporation to the department.
4. The selling of the goods or services does not result in the official selling goods or services to the department on behalf of the individual, association, or corporation.

481—7.4(68B) Application for consent. A written application for consent shall be signed by the official and filed with the department in advance of the proposed sale of goods or services. An application shall be considered filed when all the information specified in subrule 7.4(1) is received by the department.

7.4(1) The written application shall include the following information:

- a. The name and address of the prospective employer or recipient of the goods or services;
- b. The direct or indirect relationship of the department to the regulated entity;
- c. The anticipated date(s) of employment or delivery of the goods or services;
- d. A description or list of the goods or services to be supplied, detailing the duties or functions to be performed;
- e. The amount and form of compensation; and
- f. An explanation of why the proposed sale of goods or services will not create a conflict of interest or provide financial gain by virtue of the official’s position within the department.

7.4(2) Consent or denial of consent shall be given in writing by the department in a timely manner. If the consent is denied, the department shall state the reason(s) for the denial.

481—7.5(68B) Effect of consent. The consent is valid only in relation to the specific facts, dates, and circumstances described in the application. Consent can be revoked at any time by reasonable prior written notice to the official.

481—7.6(22,68B) Public information. The application and consent are public records and are available for public examination, except where the record is exempt from disclosure under Iowa law.

481—7.7(68B) Appeal. An official may grieve the decision in accordance with 581—Chapter 12 of the Iowa department of personnel rules.

These rules are intended to implement Iowa Code section 68B.4.

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