

11—7.26(8A,17A) Decisions.

7.26(1) *Final decision of department.* When the department presides over the reception of evidence at the hearing, its decision is a final decision.

7.26(2) *Proposed decision.* When the department does not preside at the reception of evidence, the presiding officer shall make a proposed decision.

A ruling dismissing all of a party's claims or a voluntary dismissal is a proposed decision under Iowa Code section 17A.15.

7.26(3) *Contents of decision.* The proposed or final decision or order shall:

- a. Be in writing or stated in the record.
- b. Include findings of fact. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings.
- c. Include conclusions of law stated separately from findings of fact and supported by cited authority or a reasoned opinion.

d. Be based on the record of the contested case. The record of the contested case shall include all materials specified in Iowa Code subsection 17A.12(6). This record shall include any request for a contested case hearing and other relevant procedural documents regardless of their form.

7.26(4) *Proposed decision becomes final.* The proposed decision of the presiding officer becomes the final decision of the department without further proceedings unless there is an appeal to, or review on motion of, the department within the time provided in rule 11—7.27(8A,17A).

7.26(5) *Reports.* The department shall send to the division a copy of any request for review of a proposed decision issued by a presiding officer from the department of inspections and appeals. The department shall notify the division of the results of the review, the final decision and any judicial decision issued.