

**223—48.17(303,404A) Appeals.**

**48.17(1)** Applicants may appeal a decision of the SHPO on any of the following bases:

- a.* Action was outside statutory authority;
- b.* Decision was influenced by a conflict of interest;
- c.* Action violated state law or administrative rules;
- d.* Insufficient public notice was given; or
- e.* Alteration of the review and certification process was detrimental to the applicant.

**48.17(2)** Appeals in writing shall be delivered to the director of the department of cultural affairs within 30 days of the decision giving rise to the appeal. All appeals shall be directed to the Director, Department of Cultural Affairs, 600 E. Locust Street, Des Moines, Iowa 50319; telephone (515)281-7471.

**48.17(3)** All appeals shall contain:

- a.* The facts of the case;
- b.* Argument(s) in support of the appeal; and
- c.* The remedy sought.

**48.17(4)** The director of the department of cultural affairs shall consider and rule on an appeal after receiving all documentation from the appellant and shall notify the appellant in writing of the decision within 30 days. The decision of the director of the department of cultural affairs shall be final except as provided in Iowa Code sections 17A.19 and 17A.20.

**48.17(5)** Applicants may appeal SHPO decisions provided under subrule 48.6(5) regarding eligibility of a property to be placed on the National Register as determined during part one of the application and review process or regarding whether a proposed scope of work meets the Standards as determined during part two of the application and review process. The SHPO shall provide procedural guidance to the applicant should the applicant choose to appeal to the National Park Service under this subrule.

[ARC 7943B, IAB 7/15/09, effective 6/16/09]