

497—2.2(23) Investigations—board action.

2.2(1) Referral to staff. Upon acceptance of a complaint, the board's staff shall work with the complainant and the subject of the complaint toward an informal, expeditious resolution. If the complaint is not resolved, the staff shall initiate an investigation to determine whether there is probable cause to believe a violation of Iowa Code chapter 21 or 22 or rules of the board has occurred. Offers to settle a complaint during the informal resolution process or as part of a settlement negotiation under rule 497—2.4(23) shall not be presented either to the board or admitted in a subsequent contested case proceeding as evidence that a violation of Iowa Code chapter 21 or 22 or rules of the board has occurred.

2.2(2) Subpoenas. Investigations may include the issuance and enforcement of investigative subpoenas requiring the production of books, papers, records, electronic records and other real evidence, as well as requiring the attendance and testimony of witnesses.

2.2(3) Completion. Upon completion of an investigation, staff shall make a report to the board and may provide a recommendation for board action.

2.2(4) Board action. Upon receipt and review of the staff investigative report and any recommendations, the board may:

- a.* Redirect the matter for further investigation;
- b.* Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c.* Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d.* Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

[ARC 0741C, IAB 5/15/13, effective 7/1/13; ARC 2139C, IAB 9/16/15, effective 10/21/15; ARC 2914C, IAB 1/18/17, effective 2/22/17; ARC 4754C, IAB 11/6/19, effective 12/11/19]