

**657—35.24(17A,272C) Settlement agreements.**

**35.24(1)** *Initiation and participation.* A contested case may be resolved by settlement agreement. Settlement negotiations may be initiated by any party at any stage of a contested case. No party is required to participate in the settlement process.

**35.24(2)** *Assistant attorney general and board chair discussion of possible settlement.* If the respondent initiates or consents to settlement negotiations, the assistant attorney general prosecuting the case may discuss settlement with the board chair without violating the prohibition against ex parte communications in Iowa Code section 17A.17 and without disqualifying the board chair from participating in the adjudication of the contested case. The full board shall not be involved in settlement negotiations until a proposed settlement agreement executed by the respondent is submitted to the board for approval.

**35.24(3)** *Board consideration of proposed settlement.* By signing the proposed settlement agreement, the respondent authorizes an assistant attorney general to have ex parte communications with the board related to the terms of the proposed settlement. If the board fails to approve the proposed settlement agreement, it shall be of no force or effect to either party and shall not be admissible at hearing. Upon rejecting a proposed settlement agreement, the board may suggest alternative terms of settlement, which the respondent is free to accept or reject.

**35.24(4)** *Public record.* A settlement agreement is a permanent public record open for inspection under Iowa Code chapter 22.

[ARC 3344C, IAB 9/27/17, effective 11/1/17]