

721—3.3(17A) General information.

3.3(1) *Legal representation.* Individuals, at their own expense, may be represented by counsel at contested case hearings. If the individual is not represented by counsel, the presiding officer may meet with the individual to explain the individual's rights and responsibilities in the contested case process.

3.3(2) *Prehearing conference.* At the discretion of the presiding officer or on the motion of any party to the contested case, a prehearing conference may be held for the purpose of settlement of the case, facilitating the hearing, or facilitating the decision of the presiding officer. Notice shall be given to the parties of the time and place of the conference and its purpose. A record shall be made of all agreements and actions resulting from any conference. The presiding officer may issue an order setting forth all agreements and actions.

3.3(3) *Informal settlement.* Individuals are encouraged to meet informally with agency representatives to resolve issues that might result in a contested case. If a settlement is reached, it shall be set out in writing. The agreement, when signed by the individual and the appropriate representative of the agency, is binding on the individual and the agency.

3.3(4) *Waiver.* Any of the rights established in Iowa Code chapter 17A or these rules may be waived by the individual.

3.3(5) *Ex parte communications.* No person shall engage in ex parte communication prohibited by Iowa Code subsections 17A.17(1) and 17A.17(2). The recipient of any prohibited ex parte communication shall submit the communication if written, or a summary of the communication if oral, for inclusion in the record of the contested case proceeding. When the presiding officer is the recipient of such communication, an order shall be entered placing it in the record. Any party shall be given an opportunity to respond to statements made in such a communication.

[ARC 7059C, IAB 8/23/23, effective 9/27/23]