

481—10.1 (10A) Definitions.

“*Administrative law judge (ALJ)*” means the person who presides over contested cases and other proceedings.

“*Agency*” means the agency as defined in Iowa Code subsection 17A.2(1) which has original subject matter jurisdiction in the contested case.

“*Appointing authority*” means the appointed or elected chief administrative head of a department, commission, board, independent agency, or statutory office or that person’s designee or in the case of gubernatorial appointees, the governor.

“*Board*” means a licensing board as defined in Iowa Code chapter 272C.

“*Department*” means the department of inspections and appeals (DIA).

“*Division*” means the division of administrative hearings in the department of inspections and appeals.

“*Ex parte*” means a communication, oral or written, to an ALJ or other decision maker in a contested case without notice and an opportunity for all parties to be heard.

“*Filing*” is defined in subrule 10.12(3) except where otherwise specifically defined by law.

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means.

“*Party*” means a party as defined in Iowa Code subsection 17A.2(5).

“*Personally investigated*” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case.

“*Presiding officer*” means, as used in the code of administrative judicial conduct, all persons who preside in contested case proceedings under Iowa Code section 17A.11(1) as amended by 1998 Iowa Acts, chapter 1202, section 15.

“*Proposed decision*” means the administrative law judge’s recommended findings of fact, conclusions of law, and decision and order in contested cases where the agency did not preside.