

657—36.6 (17A,124B,147,155A,272C) Informal settlement.**36.6(1)** *Negotiating parties.*

a. A contested case may be resolved by informal settlement. The respondent or the board may initiate negotiation of an informal settlement.

b. The board chairperson may designate the executive director or one or more board members with authority to negotiate on behalf of the board.

36.6(2) *Waiver of notice and opportunity to be heard.* The decision to enter into informal settlement negotiations is voluntary on the part of the respondent. By entering into informal settlement negotiations, the respondent waives the right to seek disqualification of a board member pursuant to Iowa Code section 17A.17 and 657—35.9(17A) based on that board member's participation in the settlement negotiations. Upon initiation of negotiation, the assistant attorney general is authorized to discuss informal settlement with the board's designee. Consent to negotiation by the respondent also constitutes a waiver of notice and opportunity to be heard pursuant to Iowa Code section 17A.17 during informal settlement negotiation.

36.6(3) *Board approval.* All informal settlements are subject to approval of a majority of the full board. If the board fails to approve an informal settlement, it shall be of no force or effect to either party.

36.6(4) *Participation of designee.* A board member who is designated to act in negotiation of an informal settlement may review investigative material in the course of conducting the negotiation. The designated board member is not disqualified from participating in the adjudication of the contested case by virtue of reviewing the investigative material or having participated in negotiation discussions.

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