

**129—6.31 (8B,17A) Stays of office actions.****6.31(1) *When available.***

*a.* Any party to a contested case proceeding may petition the office for a stay of an order issued in that proceeding or for other temporary remedies, pending review by the office. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The CIO may rule on the stay or authorize the presiding officer to do so.

*b.* Any party to a contested case proceeding may petition the office for a stay or other temporary remedies pending judicial review of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy. Seeking a stay from the office is required to exhaust administrative remedies prior to seeking a stay from the district court.

**6.31(2) *When granted.*** In determining whether to grant a stay, the CIO or the presiding officer shall consider the factors listed in Iowa Code section 17A.19(5) “*c.*”

**6.31(3) *Vacation.*** A stay may be vacated by the issuing authority upon application of the office or any other party.

[ARC 2542C, IAB 5/25/16, effective 6/29/16]