

351—1.3(68B) Processing of advisory opinion requests; routine administrative advice.

1.3(1) Requests for board advisory opinions shall be sent to the board's legal counsel in writing.

1.3(2) After receiving a qualified opinion request, the board's legal counsel shall prepare a draft opinion for board review. Upon an affirmative vote, the board will issue an advisory opinion. Advice contained in an advisory opinion, if followed, constitutes a defense to a subsequent complaint that is based on the same facts and circumstances.

1.3(3) A person who receives an advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

1.3(4) Advisory opinions are public records and shall be made available via the board's website.

1.3(5) Nothing in this rule precludes board staff from providing oral or written routine administrative advice when presented with oral or written inquiries from any person.

1.3(6) Nothing in this rule precludes a person who has received routine administrative advice from petitioning for a declaratory order. The board will refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the original opinion.

This rule is intended to implement Iowa Code section 68B.32A(12).

[ARC 0233D, IAB 4/29/26, effective 6/3/26]