

**265—9.7(16) Application for waiver of participation requirements.** The division board shall consider applications for waiver of the requirements of Iowa Code section 16.91(5).

**9.7(1)** Applications for waiver of participation requirements shall be in writing and directed to the division board. The application shall:

- a.* State which participation requirements are requested to be waived; and
- b.* Include adequate supporting information and argument so that the division board may make an informed decision on the request.

**9.7(2)** The applicant may request to appear before the division board but shall not be required to make a personal appearance.

*a.* If the applicant appears before the division board regarding the application, the applicant may present additional evidence, including the testimony of witnesses, in support of the application for waiver.

*b.* If the applicant does not make a personal appearance before the division board regarding the application, the division board may proceed to make a decision based on the application and the supporting information submitted with the application for waiver.

**9.7(3)** The division will inform participating abstractors and participating attorneys in the county for which the waiver is requested, the Iowa State Bar Association, the Iowa Land Title Association, and any person requesting such information that an application for waiver has been made to the division. Interested parties may submit evidence or statements in support of or in opposition to the application in writing or by personal appearance before the division board. Notification to interested parties is not a requirement for the division board to consider the waiver, and failure to inform interested parties of an application for waiver shall not void or otherwise nullify any action or decision of the division board.

**9.7(4)** The division board may grant the waiver if the board finds:

*a.* That the requirements of Iowa Code section 16.91(5) impose a hardship to the attorney or abstractor; and

*b.* That the waiver is:

- (1) Clearly in the public interest; or
- (2) Absolutely necessary to ensure availability of title guaranties throughout the state.

**9.7(5)** The decision of the division board shall be final agency action.