

**497—2.2 (84GA,ch1115) Investigations—board action.**

**2.2(1) Referral to staff.** Upon acceptance of a complaint, the board shall work with the executive director toward an informal, expeditious resolution. If the complaint is not resolved, the staff shall initiate an investigation to determine whether there is probable cause to believe a violation of Iowa Code chapter 21 or 22 has occurred.

*a. Statements inadmissible and confidential.* Statements made in the course of discussions undertaken to attempt to reach an informal, expeditious resolution cannot be admitted in subsequent contested case proceedings and shall not be related by any participating board member or staff to nonparticipating board members who may later be assigned to hear and decide the contested case.

*b. Board member participation.* A board member who participates in discussions undertaken to attempt to reach an informal, expeditious resolution shall not participate in subsequent contested case proceedings or any appeal from a proposed decision to the full board.

**2.2(2) Subpoenas.** Investigations may include the issuance and enforcement of investigative subpoenas requiring the production of books, papers, records, electronic records and other real evidence, as well as requiring the attendance and testimony of witnesses.

**2.2(3) Completion.** Upon completion of an investigation, staff shall make a report to the board and may provide a recommendation for board action.

**2.2(4) Board action.** Upon receipt and review of the staff investigative report and any recommendations, the board may:

- a.* Redirect the matter for further investigation;
- b.* Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c.* Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d.* Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.