

263—9.4(368) Filing of documents. Once a party has filed an appearance, it shall serve any document that it files on the board or committee on all other parties and such filing shall contain proof of service. All parties may request reproducible documents to the proceedings that were filed on the board or committee prior to said parties' admittance and shall pay for said documents at a rate of 10 cents for each page. After a party has been admitted, any document filed on the board or committee by that party but not served on all other parties may be taken note of by the board or committee and, if so noted, all parties shall be given a copy of the document and shall have an opportunity to comment on said document either orally or in writing as the board or committee so specifies. Any document filed on the board or committee by those who are not parties or who are not properly seeking to be admitted as parties may be taken note of by the board or committee and, if so noted, all parties shall be given a copy of the document and shall have an opportunity to comment on said document either orally or in writing as the committee so specifies. Those who are not parties or who are not properly seeking to be admitted as parties shall receive reproducible documents to the proceedings only upon written request to the committee chairperson, and the cost of the reproduction may be charged to the requesting party at the rate of 10 cents for each page. Except as otherwise provided by law, a document is deemed filed at the time it is received by the staff of the board.

9.4(1) Form of motions.

a. No technical form for motions is required. However, prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

b. Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by the committee.

c. In ruling on a motion, the committee may consider a failure to respond within the required time period as evidence of a lack of objection to the motion.

9.4(2) Proof of service.

a. Proof of mailing includes either a legible United States Postal Service nonmetered postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the (insert board title) and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed or state interoffice mail).

(Date)

(Signature)

b. Electronic service. The committee chairperson may by order permit service or filing of a particular document by facsimile, E-mail or similar electronic means, unless precluded by a provision of law. In the absence of such an order, a facsimile or electronic transmission shall not satisfy service or filing requirements, but may be used to supplement service or filing when rapid notice is desirable.

9.4(3) Time requirements.

a. Time shall be computed as provided in Iowa Code subsection 4.1(34).

b. For good cause, the committee may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the committee shall afford all parties an opportunity to be heard or to file written arguments.