

CHAPTER 1
ORGANIZATION AND OPERATION

181—1.1(546,17A) Purpose. This chapter describes the organization and operation of the department of commerce (hereafter referred to as the “department”), including the offices where, and the means by which any interested person may obtain public information and make submittals or requests.

181—1.2(546,17A) Scope of rules. The rules for the department of commerce are promulgated under Iowa Code chapters 17A and 546 and shall apply to all matters before the department. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various divisions of the department from any duty under the laws of this state.

181—1.3(546,17A) Waiver. The purpose of these rules is to facilitate the business before the department and to promote a just resolution of controversies. Consistent with this purpose, the application of any of these rules, unless otherwise provided for by law, may be waived by the department to prevent undue hardship to a party to a departmental proceeding or to a person transacting business with the department. The reasons for granting a waiver of a departmental rule shall be stated in writing and shall be made a part of the record of the proceeding or a part of the departmental file in other matters.

181—1.4(546,17A) Duties of the department. The commerce department administers and coordinates the various regulatory, service, and licensing functions of the state regarding the conduct of business and commerce in the state. The department consists of the director’s office, an office of administrative services, and the following divisions: banking, credit union, savings and loan, utilities, insurance, alcoholic beverages, and professional licensing and regulation.

1.4(1) Office of administrative services. The office of administrative services coordinates personnel services and shared administrative support services for the department, coordinates the development of the department’s annual budget, and maintains monitoring and control systems for the department.

1.4(2) Banking division. The banking division regulates and supervises state banks, regulated loan companies, industrial loan companies, and performs other duties assigned to it by law.

1.4(3) Credit union division. The credit union division regulates and supervises the operation of credit unions within the state; the credit union review board performs duties assigned to it by Iowa Code chapter 533.

1.4(4) Savings and loan division. The savings and loan division regulates and supervises savings and loan associations and savings banks which operate within the state.

1.4(5) Gaming division. Rescinded IAB 11/23/94, effective 11/4/94.

1.4(6) Utilities division. The utilities division regulates and supervises all public utilities which operate within the state, and enforces the laws promulgated under Iowa Code chapters 476, 476A, 478, and 479. The division performs other duties assigned to it by law.

1.4(7) Insurance division. The insurance division regulates and supervises the conduct of the business of insurance within the state, and enforces the laws promulgated under Title XX, and Iowa Code chapters 502, 503, 505 to 523C, and 535C. The division performs other duties assigned to it by law.

1.4(8) Alcoholic beverages division. The alcoholic beverages division supervises and regulates all matters relating to alcoholic beverages within the state, and enforces the laws promulgated under Iowa Code chapter 123.

1.4(9) Professional licensing and regulation division. The professional licensing and regulation division coordinates and administers the licensing and regulation of the engineering and land surveying examining board, the accountancy examining board, the real estate commission, the architectural examining board, the real estate appraisers examining board, and the landscape architectural examining board. The commission and boards within this division retain the regulatory and licensing powers conferred upon them by the statutes creating the commission and boards.

181—1.5(546,17A) Definitions.

“*Administrator of alcoholic beverages*” means the chief executive officer of the alcoholic beverages division of the department of commerce.

“*Administrator of professional licensing and regulation*” means the chief administrative officer of the professional licensing and regulation division of the department of commerce.

“*Administrator of public utilities*” means the chief administrative officer of the utilities division.

“*Commissioner of insurance*” means the chief executive officer of the insurance division of the department of commerce.

“*Department*” means the department of commerce.

“*Director*” means the director of the department of commerce.

“*Person*” means an individual, corporation, partnership, association, professional corporation, licensee or permittee.

“*Superintendent of banking*” means the chief administrative officer of the banking division of the department of commerce.

“*Superintendent of credit unions*” means the chief administrative officer of the credit union division of the department of commerce.

“*Superintendent of savings and loan associations*” means the administrator of the professional licensing and regulation division of the department of commerce.

“*Utilities board*” means the board composed of three persons, who are appointed by the governor subject to confirmation by the senate, and who serve as the policymaking body for the utilities division. The chairperson of the utilities board shall be the administrator of the utilities division.

181—1.6(546,17A) Central offices and communications. Correspondence and communications with the department of commerce shall be addressed or directed to the department’s central office located at the Lucas State Office Building, East 12th and Grand Avenue, Des Moines, Iowa 50319, (515)281-7405. The central office is the principal custodian of departmental orders, statements of law or policy issued by the department, legal documents, and other public documents on file with the department.

1.6(1) Correspondence and communications with the banking division shall be addressed or directed to its central office located at 200 East Grand Avenue, Suite 300, Des Moines, Iowa 50309, (515)281-4014.

1.6(2) Correspondence and communications with the professional licensing and regulation division shall be addressed or directed to its central office located at 1918 S.E. Hulsizer, Ankeny, Iowa 50021, (515)281-3183.

1.6(3) Correspondence and communications with the alcoholic beverages division shall be addressed or directed to its central office located at 1918 S.E. Hulsizer, Ankeny, Iowa 50021, (515)281-7400.

1.6(4) Correspondence and communications with the insurance division shall be addressed or directed to its central office located at the Lucas State Office Building, East 12th and Grand Avenue, Des Moines, Iowa 50319, (515)281-5705.

1.6(5) Correspondence and communications with the utilities division shall be addressed or directed to its central office located at the Lucas State Office Building, East 12th and Grand Avenue, Des Moines, Iowa 50319, (515)281-5979.

1.6(6) Correspondence and communications with the savings and loan division shall be addressed to 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

1.6(7) Correspondence and communications with the credit union division shall be addressed or directed to its central office located at 200 East Grand Avenue, Suite 370, Des Moines, Iowa 50309, (515)281-6514.

181—1.7(546,17A) Custodians of records, filings and requests for public information. Unless otherwise specified by the department or the rules of its various divisions, each division is the principal custodian of its own divisional orders, statements of law or policy issued by the respective divisions,

legal documents and other public documents on file with the department or its respective divisions. This is true in particular for the Iowa fair information practices Act. The responsibility for complying with that Act shall be upon the individual divisions. Each division shall promulgate rules pursuant to Iowa Code chapter 17A governing the manner in which documents may be filed with the respective divisions. Each division shall promulgate rules pursuant to Iowa Code chapters 17A, 21, and 22 governing the manner in which interested persons may obtain public information regarding that division.

1.7(1) An interested party may examine all public records promulgated or maintained by the department of commerce in the discharge of its function at its central office during regular business hours. The department's central office is open from 8 a.m. until 4:30 p.m., Monday through Friday; the office is closed on Saturdays, Sundays, and official state holidays, designated according to state law.

1.7(2) All pleadings, petitions for rule making, petitions for declaratory rulings, and other documents filed with the department of commerce shall be filed with the director and shall be officially filed upon receipt of the document. All such documents shall be filed within the time limits established by law or these rules.

181—1.8(546,17A) Division administrators' responsibilities.

1.8(1) *Rule making.* Except to the extent that rule-making authority is vested in a policy-making commission, each division administrator has the authority to promulgate rules pursuant to Iowa Code chapter 17A to implement the duties of the division. Such rules are not subject to review by the department director. All applicable rules previously promulgated by the divisions shall remain in effect until amended by the divisions.

1.8(2) *Decision making.* Except to the extent that decision-making authority is vested in a licensing and regulation commission or other body, decisions of the division administrator with respect to duties assigned to the division under the law are final agency actions pursuant to chapter 17A. Decisions by either the commissions or division administrators are not subject to review by the department director.

1.8(3) *Supervision.* Each division administrator has the authority to hire, allocate, develop, and direct employees and other resources assigned to the division by law.

1.8(4) *Establish fees.* Except to the extent otherwise vested in a policy-making commission, each division administrator has the authority to establish fees assessed to the regulated industry. The fees so established are not reviewable by the department director.

1.8(5) *Expenditure authorization.* Each division administrator may authorize expenditures from any appropriation or trust fund established on the behalf of the division.

These rules are intended to implement Iowa Code sections 17A.3 and 546.2.

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