

IOWA LAW ENFORCEMENT ACADEMY COUNCIL
CAMP DODGE
P.O. BOX 130
JOHNSTON, IOWA 50131-0130

In the Matter of: DANIEL MULDER, A Certified Iowa Law Enforcement Officer Respondent.	Case No. 25-050 WAIVER MODIFICATION ORDER
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The Iowa Law Enforcement Academy Council ("Council") and DANIEL MULDER ("Respondent") enter into this Waiver Modification Order ("Order") pursuant to Iowa Code section 17A.12(5)(2025) and 501 Iowa Administrative Code rule 16.12. Respondent enters into this Order with full knowledge of the right to demand a formal hearing before the Council upon the pending action to modify a waiver order prior to the imposition of a modification. Respondent expressly waives the right to a hearing and notifies the Council of his desire to resolve the pending matter through this informal disposition.

Respondent concedes the jurisdiction of the Council for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Council with the terms provided. Council approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Council.

STIPULATIONS

1. The Council granted the Respondent a waiver of 501 Iowa Administrative Code rule 10.1(5) on February 6, 2025.
2. The Council has authority under Iowa Code section 80B.13 and 501 Iowa Administrative Code chapter 16 to issue an order waiving in whole or part the requirements of a rule requested by a petitioner.
3. On October 2, 2025, the Council found probable cause to proceed to hearing to modify the issued waiver based upon the facts set forth in paragraph 4 below.
4. Respondent received a not suitable for law enforcement outcome on an MMPI.

SETTLEMENT AGREEMENT

5. This Waiver Order Modification constitutes the final resolution of a contested case proceeding and shall have the force and effect of an order entered following a contested case hearing.
6. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent agrees that his waiver order will be modified as follows:

i) The Waiver will be conditioned upon Respondent receiving a "suitable for law enforcement" outcome on a MMPI evaluation from Dr. Tatman, or another approved psychologist, who will have access to all psychological evaluations and materials.

LAW ENFORCEMENT OFFICER DECLARATION

I understand that this Waiver Modification Order is subject to the approval of the Council and will have no force or effect if it is not accepted by the Council.

I understand that I have the right to be represented by counsel in this matter. I understand State's counsel will present this Waiver Modification Order to the Council *ex parte*.

I agree to comply with the requirements set forth in this Waiver Modification Order and understand that my failure to do so can impact my future request for employment in law enforcement.

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Council and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Council's actions.

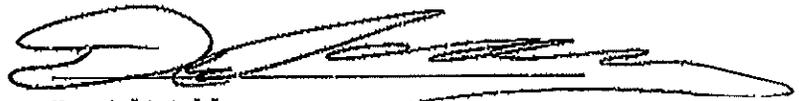
I understand this Waiver Modification Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of an order entered following a contested case hearing.

I understand that this Waiver Modification Order is a public record, which will become part of my permanent record maintained by the Iowa Law Enforcement Academy and will be available for public inspection and reproduction.

HAVING ACKNOWLEDGED MY RIGHTS AS OUTLINED ABOVE, I hereby formally waive my right to a formal accusation and hearing before the Council and request that the Waiver Order entered on February 6, 2025 be modified as agreed. I affirm that my decision is made voluntarily and knowingly.

26 Jan 2026

Date



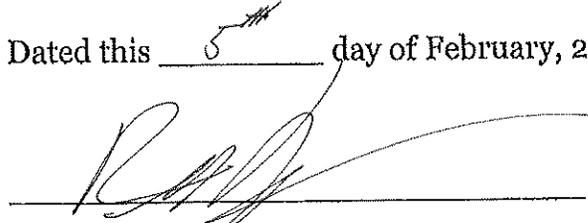
Daniel Mulder

ORDER

IT IS THE FINAL ORDER OF THE IOWA LAW ENFORCEMENT ACADEMY COUNCIL THAT:

1. Petitioner's request for waiver of 501 Iowa Administrative Code rule 10.1(5) is granted indefinitely so long as Petitioner receives a "suitable for law enforcement" outcome on a MMPI evaluation from Dr. Tatman, or another approved psychologist, who will have access to all psychological evaluations and materials.

Dated this 5 day of February, 2026.



Ricardo Martinez II, Chair
Iowa Law Enforcement Academy Council

Copy to:

Daniel Mulder
RESPONDENT

IOWA LAW ENFORCEMENT ACADEMY COUNCIL
CAMP DODGE
P.O. BOX 130
JOHNSTON, IOWA 50131-0130

<p>REQUEST FOR WAIVER IN THE MATTER OF:</p> <p>DANIEL MULDER, Petitioner.</p>	<p>ORDER RE: WAIVER REQUEST</p>
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The Iowa Law Enforcement Academy Council (“Council”) received a waiver request pursuant to 501 Iowa Administrative Code 16.5 from Petitioner. The Petitioner requested waiver of 501 Iowa Administrative Code rule 10.1(5), which states in part:

In no case shall any person hereafter be selected or appointed as a reserve peace officer unless the person:

Is of good moral character as determined by a thorough background investigation, including a fingerprint search conducted on local, state and national fingerprint files, and has not been convicted or adjudicated of any offense listed in 501–2.1(5)“a”.

The Petitioner was pro se. The Council has authority under 501 Iowa Administrative Code Chapter 16 to initiate waiver proceedings upon application. The matter was heard on February 6, 2025. Petitioner appeared and testified at the proceeding.

FACTS

Petitioner was convicted of making false reports to law enforcement in 2014 and received a deferred judgment. Since that time, Petitioner has learned from his mistake and has worked for the department of corrections for four years, serving on their CERT team and as an instructor for cell extraction, personal safety, restraints and non-lethal weapons. Petitioner also worked as a supervisor of Public Safety and Communications for a health system. Petitioner has not had any further interactions with law enforcement other than for traffic violations.

The Petitioner seeks a waiver of 501 Iowa Administrative Code rule 10.1(5) so he may become certified as a reserve peace officer for the Manson Police Department.

CONCLUSIONS OF LAW

Pursuant to 501 Iowa Administrative Code 16.3, the Council must find by clear and convincing evidence:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

The Council must find all four factors exist in order to grant the petition for waiver. *Id.* In addition, the Council is required to consider the following as a part of the fourth factor:

1. The nature and seriousness of the crime;
2. The time elapsed since the crime was committed;
3. The degree of rehabilitation which has taken place since the crime was committed;
4. The likelihood that the person will commit the same crime again;
5. The number of criminal convictions; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

501 Iowa Admin. Code 2.1(5)(b). The Council must also determine the length of the waiver unless a specified time period is unrealistic. 501 Iowa Admin. Code 16.9(6).

501 Iowa Administrative Code 1.1 defines “convicted” or “conviction” as “a finding of guilt, a plea of guilty, a deferred judgment, a deferred or suspended sentence, and an adjudication of delinquency as a juvenile.” Within 501 Iowa Administrative Code 2.1(5), moral turpitude is defined as “an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. It is conduct that is contrary to justice, honesty or good morals.”

APPLICATION OF LAW

The Council has considered all relevant information and applied all applicable law. The Council finds that the Petitioner met his burden as outlined above.

First, Petitioner has matured and learned from his errors. He has worked in the corrections system for four years and developed skills relevant to law enforcement. He has a K-9 that is DOE certified but cannot advance further in training unless Petitioner is certified. The Council finds that prohibiting him from becoming a reserve peace officer after his contributions to his community and the health system would constitute an undue hardship.

Second, the Council does not find that granting a waiver would prejudice the substantial legal rights of any person.

Third, the moral character requirement is not mandated by statute or another non-waivable provision of law.

Finally, Petitioner would have to meet all other minimum requirements and complete all required reserve peace officer training in order to become certified. In addition, due to the time elapsed since the offense, the rehabilitation demonstrated, the underlying circumstance of the offense which have now resolved, and other mitigating factors demonstrate that the public health, safety, and welfare will be adequately protected by a means other than that prescribed by the moral character rule. As a temporary waiver is not practical, the waiver is deemed indefinite.

ORDER

THEREFORE, the Petitioner's request for waiver of 501 Iowa Administrative Code 10.1(5) is granted indefinitely.

Dated this 6th day of February 2025.



Ricardo Martinez II, Chair
Iowa Law Enforcement Academy Council

Copy to:

Daniel Mulder
PETITIONER

Appeal Rights

Please see Iowa Admin. Code 501-16.15 and Iowa Code section 17A.19 for your appeal rights. Any appeal must be filed within 30 days from the date of the Order.