

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

REQUEST FOR WAIVER IN THE MATTER OF: GUSTAVO MURTHA, Petitioner.	ORDER RE: WAIVER REQUEST
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The Iowa Law Enforcement Academy Council ("Council") received a waiver request pursuant to 7 Iowa Administrative Code rule 2504.2 from Petitioner. The Petitioner requested waiver of 501 Iowa Administrative Code rule 2.1(1), which states in part:

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

...

Is a citizen of the United States...

The Petitioner was pro se. The Council has authority under 7 Iowa Administrative Code Chapter 2504 to initiate waiver proceedings upon application. The matter was heard on August 6, 2026. Petitioner appeared and testified at the informal hearing.

FACTS

Petitioner holds permanent resident status and filed a petition to remove conditions in March 2025 and his application for naturalization in February 2026. Petitioner has retained an attorney to assist with his citizenship application and the USCIS website shows processing in the Des Moines office is currently taking 10.5 months. Petitioner is hopeful his naturalization application will be adjudicated in another 4 to 5 months.

Petitioner earned his BA in Liberal Arts and his MA in Business Administration while studying in the United States. He has served as a soccer coach and is involved in the community. Petitioner has resided in the United States since 2018. Petitioner initially became interested in serving as a law enforcement officer and attended Marshalltown's citizen's academy.

The Petitioner seeks a waiver of 501 Iowa Administrative Code rule 2.1(1) so he may become a law enforcement officer.

CONCLUSIONS OF LAW

Pursuant to Iowa Code section 17A.9A(2), 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 also determine the length of the waiver unless a specified time period is unrealistic. Iowa Code § 17A.9A(3).

APPLICATION OF LAW

The Council has considered all relevant information and applied all applicable law. The Council finds that the Petitioner met not his burden as outlined above.

First, while Petitioner has started the process to become a U.S. citizen, the process is not yet complete and he has two applications pending with USCIS that must be adjudicated. Given the special demands of the police function to enforce and execute the laws, the Council finds that denying the waiver at this time does not constitute an undue hardship.

Second, the Council finds that granting a waiver would prejudice the substantial legal rights of U.S. citizens.

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

Finally, the Council finds the public health, safety, and welfare will not be adequately protected by a means other than that prescribed by the citizenship rule.

ORDER

THEREFORE, the Petitioner's request for waiver of 501 Iowa Administrative Code 2.1(1) is denied at this time.

Dated this 10th day of August 2026.



Melissa Henderson, Chair
Iowa Law Enforcement Academy Council

Copy to:

Gustavo Murtha
PETITIONER

Appeal Rights

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

