

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

---

REQUEST FOR WAIVER  
IN THE MATTER OF:

**BRETT PRESTON,**

Petitioner.

)  
)  
)  
)  
)  
)

**ORDER RE:  
WAIVER REQUEST**

---

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 a waiver of 501 Iowa Administrative Code rule 3.1(6), which states:

Should a person employed as a law enforcement officer fail to achieve certification within the time period or any extensions allowed by rule 501—3.1(80B), that person shall not be eligible for employment as and shall not serve as a regular or a reserve law enforcement officer in the state of Iowa for a period of not less than 12 months from the date the time period in which to achieve certification specified in rule 501—3.1(80B) expired, or from the date that the person was last employed as a regular law enforcement officer in the state of Iowa, whichever comes first.

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. Notice that the matter was set for consideration was provided to Petitioner.

**FACTS**

Petitioner was hired by the Estherville Police Department on April 25, 2025. He sustained an injury during the 3<sup>rd</sup> week of Basic Academy that required a period of healing. Due to the required care, he did not complete the required training and obtain his certification prior to April 25, 2026 as required by 501 Iowa Administrative Code rule 3.1(3). On April 2, 2026, the Council granted a 180-day extension of time for Petitioner to obtain his certification up to and including October 22, 2026.

A secondary injury was discovered in April 2026 that required additional care and healing time. Petitioner continues to work on light duty restrictions. He is committed to resuming his required training as soon as he is recovered and able to return to full duty. Petitioner has been proactive in seeking extensions from Council.

Iowa Administrative Code rule 501–3.1(6) would bar Petitioner from continuing to work toward his certification as a law enforcement officer after October 22, 2026. It is clear from the record that the only reason Petitioner has not completed training on time is due to an unexpected work injury. There is no information that Petitioner failed to meet the performance standards required of a new law enforcement officer or that there have been any negative performance concerns.

### **SUMMARY 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 find all four factors exist in order to grant the petition for waiver. *Id.* 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 his burden as outlined above.

Petitioner will not achieve his law enforcement certification within one year as required by rule 501–3.1 as he continues to be on light duty restrictions caused by a work injury. The Council finds a bar preventing Petitioner from continuing to serve as a law enforcement officer would create an undue hardship.

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

Third, the requirement that an individual be barred from employment as a law enforcement officer for not obtaining certification within a year is not mandated by statute or another non-waivable provision of law.

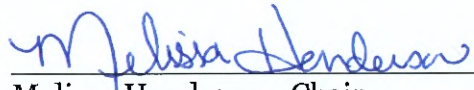
Finally, Petitioner would have to complete all required law enforcement officer training in order to obtain his certification, thus demonstrating that the public health, safety, and welfare will be adequately protected by a means other than that prescribed by the employment bar rule.

Therefore, the Council finds that all requirements have been met by clear and convincing evidence to waive 501 Iowa Administrative Code rule 3.1(6).

### **ORDER**

**THEREFORE**, the Petitioner's request for waiver of 501 Iowa Administrative Code rule 3.1(6) is granted. Petitioner's bar from serving as a law enforcement officer is waived so long as he obtains his law enforcement officer certification no later than October 22, 2027.

Dated this 6<sup>th</sup> day of August 2026.



Melissa Henderson, Chair  
Iowa Law Enforcement Academy Council

Copies to:

Brett Preston  
PETITIONER

### **Appeal Rights**

Please see Iowa Admin. Code rule 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.