

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

REQUEST FOR WAIVER IN THE MATTER OF: MITCHELL NICHOLAS, Petitioner.	ORDER RE: WAIVER REQUEST
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The Iowa Law Enforcement Academy Council ("Council") received a waiver request pursuant to 501 Iowa Administrative Code rule 16.5 from Petitioner. The Petitioner requested waiver of 501 Iowa Administrative Code rule 4.1(5)(b), which states in part:

All instructor certification will be issued for a period of three years. Once certified, an instructor is certified to instruct throughout the state. At the end of a three-year period, certification may be renewed if the instructor has maintained the training requirements for certification, has instructed in a certified training program during the three-year period, remains in good standing, and is recommended by the administrator under whose supervision the individual has instructed.

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 August 6, 2026. Notice that the matter was set for consideration was provided to Petitioner.

FACTS

Petitioner is certified as a law enforcement officer and an approved defensive tactics instructor. His instructor approval expired on December 31, 2025. Petitioner was deployed from June 23, 2025 to July 2, 2026, and was therefore unable to attend a renewal course.

The Petitioner seeks a waiver of 501 Iowa Administrative Code rule 4.1(5)(b) to attend the defensive tactics instructor renewal course in order to maintain his defensive tactics instructor approval.

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 also determine the length of the waiver unless a specified time period is unrealistic. 501 Iowa Admin. Code r. 16.9(6).

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 had extenuating circumstances that caused his inability to attend an instructor renewal course prior to its expiration. The Council finds that the Petitioner's deployment constitutes an undue hardship.

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

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

Finally, the Council finds the public health, safety, and welfare will be adequately protected by a means other than that prescribed by the instructor renewal rule as Petitioner will still be required to attend the renewal course and show proficiency.

ORDER

IT IS THEREFORE ORDERED the Petitioner's request for waiver of 501 Iowa Administrative Code rule 4.1(5)(b) is granted. Petitioner may attend a defensive tactics renewal course so long as he does so within the next 180 days. Petitioner may not serve as an ILEA approved defensive tactics instructor until he completes the renewal course.

Dated this 6th day of August 2026.



Melissa Henderson, Chair
Iowa Law Enforcement Academy Council

Copy to:

Mitchell Nicholas
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.