

361—10.6(74GA,ch1228) Determination of validity.

10.6(1) *Dismissal.* A complaint determined to be not valid shall be dismissed. Notice of the dismissal stating the reason(s) for the dismissal shall be provided to the complainant and the alleged violator.

10.6(2) *Appointment of special counsel.* If a complaint is determined to be valid, the council shall request the chief justice of the supreme court to appoint special counsel to investigate the allegations of the complaint to determine whether probable cause exists to believe that a violation has occurred and whether an evidentiary hearing should be held. The special counsel may subpoena witnesses, books, papers, records or other real evidence during the course of the investigation which may assist in determining whether a violation of Iowa Code chapter 68B as amended by 1992 Iowa Acts, chapter 1228, has occurred.

10.6(3) *Report to council.* Upon completion of the investigation, the special counsel shall prepare a written report to the council stating whether there is probable cause to proceed with an evidentiary hearing on the matter.