

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>CARL OLSEN, Petitioner,</p> <p>v.</p> <p>IOWA DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING, Respondent.</p>	<p>No. _____</p> <p><i>PETITION FOR JUDICIAL REVIEW OF A FINAL AGENCY DECISION</i></p>
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COMES NOW the Petitioner, Carl Olsen, and in support of the Petition for Judicial Review of a Final Agency Decision, pursuant to Iowa Code section 17A.19, states:

1. The agency action that is the subject of the Petition for Judicial Review is the November 7, 2023 decision denying a petition for rule making on the ground the department lacks the authority to make the rules. *See* Iowa Code section 17A.7.
2. The decision is the final agency action of the Iowa Department of Inspections, Appeals, and Licensing (the “**Department**”) for purposes of judicial review under Iowa Code Chapter 17A and attached as Exhibit 1.
3. Carl Olsen is a resident of Polk County. Venue in Polk County is proper under Iowa Code section 17A.19(2).
4. The constitutional issue raised before the Department is that Iowa Code section 124.204(8) is a legislative determination that burdens on the “free exercise” of religion, Iowa Const, art. 1, sec. 3, caused by the inclusion of plants and fungi in Chapter 124 be accommodated for their traditional religious use whenever possible, consistent with public health and safety, by administrative regulations.
5. Carl Olsen preserved this issue for judicial review and has exhausted any and all administrative remedies.

6. The Iowa Constitution and its federal counterpart, recognize Carl Olsen's fundamental right to the free exercise of religion, due process and equal protection.
7. The Department is vested with the authority to administer the regulatory provisions of Chapter 124.
8. The Department's action does not address the merits of Carl Olsen's constitutional claim and deprives Carl Olsen of a decision "in writing on the merits." Iowa Code section 17A.7(1) (2023); Iowa Code section 17A.19(10)(l) (2023); Iowa Code section 17A.19(10)(n) (2023).
9. The Department's action is unconstitutional as applied to Carl Olsen. Iowa Code section 17A.19(10)(a) (2023).

WHEREFORE, Carl Olsen respectfully prays for a ruling on judicial review that remands this matter to the Iowa Department of Inspections, Appeals, and Licensure with an order to create rules to evaluate applications for religious exceptions to Iowa Code Chapter 124 and grant any other relief appropriate under the circumstances.

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By: /s/ Carl Olsen

Original filed.

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