

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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| CARL OLSEN, Petitioner, v. IOWA DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING, Respondent. | NO.: CVCV066447 RESPONDENT'S ANSWER |
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COMES NOW the Iowa Board of Pharmacy¹ (“Respondent”), and for its Answer to Petitioner’s Petition for Judicial Review (“Petition”), respectfully states:

1. Paragraph 1 of the Petition does not require a response.
2. Paragraph 2 of the Petition is admitted in part and denied in part. Paragraph 2 is denied in that the decisionmaker in this case is the Iowa Board of Pharmacy – not the Iowa Department of Inspections, Appeals, and Licensing. Paragraph 2 is admitted insofar as the final agency decision of the Respondent is attached to the Petition as Exhibit 1.
3. Paragraph 3 is denied in part for lack of information as to Olsen’s residence. Paragraph 3 is admitted in part insofar as the Respondent, upon information and belief, believes venue to be proper.
4. Paragraph 4 is denied.
5. Paragraph 5 is admitted in part and denied in part. Paragraph 5

¹ Petitioner Olsen has erroneously named the decisionmaker “Agency” in this case as the Iowa Department of Inspections, Appeals, and Licensing. The decisionmaker “Agency” in this action is the Iowa Board of Pharmacy. A Motion to Correct or Recast Pleadings in this matter has been filed contemporaneously herewith.

is admitted insofar as Olsen has exhausted his administrative remedies. The remainder of Paragraph 5 is denied.

6. Paragraph 6 is admitted.

7. Paragraph 7 is admitted with the following addition: “While the Board may have regulatory authority, such regulatory authority does not extend so far as to create exceptions to the legislative scheme.”

8. Paragraph 8 is denied.

9. Paragraph 9 is denied.

WHEREFORE, Respondent respectfully requests that the Court issue a briefing schedule in this matter, and after review of the briefing, affirm the Respondent’s Final Order, and dismiss the Petition for Judicial Review.

Respectfully submitted,

BRENNNA BIRD
ATTORNEY GENERAL OF IOWA

/s/ Lindsey L. Browning
LINDSEY L. BROWNING
Assistant Attorney General
Agency Counsel Division
Office of the Attorney General of Iowa
1305 E. Walnut Street
Des Moines, IA 50319
Telephone: (515) 281-6690
Facsimile: (515) 281-4209
E-mail: lindsey.browning@ag.iowa.gov
ATTORNEY FOR RESPONDENT
IOWA BOARD OF PHARMACY

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