

IN THE COURT OF APPEALS OF IOWA

No. 3-275 / 12-1982
Filed April 24, 2013

KEVIN KILGORE,
Petitioner-Appellant,

vs.

IOWA STATE APPEAL BOARD,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Eliza J. Ovrom,
Judge.

Petitioner appeals the district court's dismissal of his petition for judicial review which challenged the Iowa State Appeal Board's order sustaining the budgets of Ringgold County and Ringgold County Assessor. **JUDICIAL REVIEW DECISION AFFIRMED, AND MOTION DENIED.**

Kevin Kilgore, Diagonal, appellant pro se.

Thomas J. Miller, Attorney General, Jeffrey S. Thompson, Deputy Attorney General, and Meghan Lee Gavin, Assistant Attorney General, for appellee.

Considered by Vaitheswaran, P.J., and Tabor and Mullins, JJ.

MULLINS, J.

Kevin Kilgore appeals the district court's order affirming the Iowa State Appeal Board's order sustaining the 2013 fiscal year budgets for Ringgold County and Ringgold County Assessor. Kilgore raises two issues in his appeal, which are: (1) "The Ruling and Order on Petition for Judicial Review does not adjudicate the issues in the appeal nor the additional issues presented to the Court." and (2) "The scope of review for ALL District Court appellate proceedings is de novo, and the jurisdictional authority (tribunal/adjudicative body) is responsible to provide the record on appeal."

It appears Kilgore's first issue is that the district court did not address all of his claims raised in his petition for judicial review. He does not indicate which of his many issues raised in his petition were not addressed by the district court. Our review of the district court's order reveals a well-written decision that addressed and rejected each of Kilgore's nineteen claims of error. Because we find no error in the opinion and because Kilgore has failed to articulate his claim on appeal and failed to cite authority, his claim is waived. See Iowa R. App. P. 6.903(2)(g)(3).

Kilgore's assertion that the district court failed to apply a de novo scope of review when deciding his petition for judicial review is rejected. See Iowa Code § 17A.19(10) (2011); *Burton v. Hilltop Care Ctr.*, 813 N.W.2d 250, 255–57 (Iowa 2012) As a law action, the appropriate scope of review is correction of errors at law. See Iowa R. App. P. 6.907. In addition, the standard of review for judicial review petitions is articulated in section 17A.19(10). *Burton*, 813 N.W.2d at 255–

57. The district court properly articulated and applied the correct scope and standard of review.

Finally, Kilgore's request to have the agency transfer a certified agency record was properly rejected by the district court because this case is not a contested case, and therefore, it falls outside of Iowa Code section 17A.19(6). We find no error in the district court's rejection of this request by Kilgore. The district court properly permitted either party to offer additional documents or exhibits for the court to consider subject to the rights of the other party to object. See Iowa Code § 17A.19(7) ("In proceedings for judicial review of agency action a court may hear and consider such evidence as it deems appropriate.").

As we find no error in the district court's orders and as Kilgore has failed to articulate and support his claims on appeal, we affirm the district court's order pursuant to Iowa Court Rule 21.29(1)(c) and (d).

We are also in receipt of Kilgore's "Motion for Amendment of Petition and Modification of District Court Record" filed April 10, 2013. We have considered the motion and find that it should be denied.

JUDICIAL REVIEW DECISION AFFIRMED, AND MOTION DENIED.