

161—4.32(216) Assessment of costs of hearing.

4.32(1) *General rule.* If the complainant or the commission prevails in the hearing, the respondent shall pay the “contested case costs” incurred by the commission. If the respondent prevails in the hearing, the commission shall itself bear the “contested case costs” incurred by the commission.

4.32(2) *Mixed results.* Where the complainant or commission is successful as to part of the remedies sought at the hearing and unsuccessful as to part of the remedies, the administrative law judge may recommend an equitable apportionment of “contested case costs” between the commission and the respondent.

4.32(3) *Costs allowable.* The following “contested case costs” and no others will be assessed or apportioned as provided in subrule 4.32(1) or 4.32(2):

- a.* The daily charge of the court reporter for attending and transcribing the hearing.
- b.* All mileage charges of the court reporter for traveling to and from the hearing.
- c.* All travel time charges of the court reporter for traveling to and from the hearing.
- d.* The cost of the original of the transcripts of the hearing.
- e.* Postage incurred by the administrative law judge in sending by mail (regular or certified) any papers which are made part of the record.

4.32(4) *Remedial orders.* This rule does not affect those costs which may be recoverable under Iowa Code section 216.15(8)“a”(8).