

193D—4.44(544B,272C) Recovery of hearing fees and expenses. The board may assess the landscape architect certain fees and expenses relating to a disciplinary hearing, only if the board finds that the landscape architect did violate Iowa Code chapter 544B and rules of the landscape architectural examining board.

4.44(1) The board may assess an amount up to the following costs under this rule:

- a.* For conducting a disciplinary hearing, an amount not to exceed \$75.
- b.* All applicable costs involved in the transcript including, but not limited to, the services of the court reporter at the hearing, transcription, duplication, and postage or delivery costs.
- c.* All normally accepted witness expenses and fees for a hearing or the taking of depositions. This shall include, but not be limited to, the cost of an expert witness and the cost involved in telephone testimony.

d. All normally applicable costs involved in depositions including, but not limited to, the services of the court reporter recording the deposition, transcription, duplication, and postage or delivery costs.

e. The board, at its discretion, may assess an appropriate amount up to but not exceeding the \$75 fee established by this subrule and the actual acceptable costs, fees, and expenses involved.

4.44(2) Fees, costs, and expenses assessed pursuant to this rule shall be calculated and may be entered into the disciplinary order specifying the amount to be reimbursed and the time period in which the amount assessed must be paid by the landscape architect.

a. When it is impractical or not possible to include the assessment and time period in the disciplinary order in a timely manner, or if the expenditures occur after the disciplinary order, the board, by a majority vote of the members present, may assess the amount to be reimbursed and the time period in which payment is to be made by the landscape architect.

b. If the assessment and the time period are not included in the disciplinary order, the board shall have to the end of the sixth month after the date the state of Iowa paid the expenditures to assess the landscape architect for such expenditure.

4.44(3) Fees, costs, and expenses assessed by the board pursuant to this rule shall be allocated to the expenditure category in which the disciplinary procedure of hearing was incurred. The fees, costs, and expenses shall be considered repayment receipts as defined in Iowa Code section 8.2.

4.44(4) The failure to comply with payment of the assessed costs, fees, and expenses within the time specified by the board shall be considered prima facie evidence of a violation of Iowa Code chapter 544B. However, no action may be taken against the landscape architect without a hearing as provided in this chapter.