

193E—4.56(543B) Recovery of hearing fees and expenses. The commission may assess the licensee with certain fees and expenses relating to a disciplinary hearing, only if the commission finds the licensee did violate Iowa Code chapter 543B or administrative rules of the commission.

4.56(1) The commission 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 fee 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 commission, at its discretion, may assess an appropriate amount up to but not exceeding specific fees established by this subrule and the actual normally acceptable cost, fee or expenses involved.

4.56(2) Fees, costs, and expenses assessed pursuant to this rule shall be calculated by the executive secretary or other designated person and may be entered into the commission disciplinary order specifying the amount to be reimbursed and the time period in which the amount assessed must be paid by the licensee.

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

b. If the assessment and time period are not included in the disciplinary order, the commission shall have to the end of the sixth month after the date the state of Iowa paid the expenditure(s) to assess the licensee for such expenditure by commission action.

4.56(3) Fees, costs, and expenses assessed by the commission pursuant to this rule shall be allocated to the expenditure category of the licensing commission in which the disciplinary procedure or hearing was incurred. The fees, costs and expenses shall be considered repayment receipts as defined in Iowa Code section 8.2.

4.56(4) The failure to comply with payment of a commission-assessed cost, fee, or expense, within the time specified, shall be considered prima facie evidence of a violation of Iowa Code sections 543B.29(3) and 543B.34(2).

However, no action may be taken against the licensee without a hearing as provided in Iowa Code section 543B.35.