**Section 107.321 Assessment Considerations**

In assessing a civil penalty under Section 107.320, the assessment is made only after considering:

a) The nature and circumstances of the violation;

b) The extent and gravity of the violation;

c) The degree of the respondent's culpability;

d) The respondent's history of prior offenses;

e) The respondent's ability to pay;

f) The effect on the respondent's ability to continue in business; and

g) Such other matters as justice may require.