**Section 1001.790 Hearing Expenses, Fees, and Costs**

a) Expenses assessed against each party to the hearing provided in Section 30 of the Act shall include, but not be limited to, the following:

1) A $250 processing fee;

2) A refundable $2,500 hearing deposit;

3) Any hearing officer expense incurred, regardless of whether a hearing or mandatory settlement conference is held or the case is dismissed by agreement of the parties or order of the Board;

4) Any other expenses incurred by the Board or the Secretary after the filing of a Notice of Protest directly relating to that particular case, regardless of whether a hearing or mandatory settlement conference is held or the case is dismissed by agreement of the parties or order of the Board.

b) Costs that are to be assessed against the party that has not substantially prevailed, as required in Section 13 of the Act, must be reasonable and include the following:

1) All expenses incurred by the Board as provided in subsection (a) above;

2) Attorney's fees;

3) Expert witness fees;

4) Court reporting and deposition expenses;

5) Witness fees;

6) Document production, photocopies, and preparation of trial exhibits;

7) Postage, mailing, faxing, or other electronic communication expenses;

8) Any other expense that the Board deems appropriate in a particular case.

c) Attorney's fees and expert witness fees awarded to a party will be based upon the hourly rate or fee that is usual and customary for the area in which the hearing is held. Neither shall include transportation, lodging, or meal expenses.

d) Late penalty fee. If the liable party under Section 13 of the Act fails to pay any fees assessed in excess of the $2,500 hearing deposit within 60 days of the date of the “Notice of Hearing Costs and Fees”, the Board will assess a late fee of $2,500 against that party for failure to pay fees in a timely manner. The Board, subject to administrative review, may rule that the $2,500 hearing deposit and the additional $2,500 late fee shall be used to pay any remaining hearing costs and expenses due.

(Source: Amended at 47 Ill. Reg. 10998, effective July 10, 2023)