

Rule 16: Attorney's Fees Awarded To Respondents.

16.01 **Qualifications for an Application for an Award of Attorney's Fees.** An award of attorney's fees to a respondent may be made when:

- A) The Commission initiated the charge filed against the respondent; and
- B) The respondent prevails after a final hearing on the merits; and
- C) The respondent is an individual whose net worth is less than \$250,000 at the time of the commencement of the first hearing or is any individual, partnership, corporation, association or private organization doing business and located in the state, which is independently owned and operated, not dominant in its field, and which employs one hundred (100) or fewer persons at the time of the commencement of the first hearing; and
- D) The award is required by law.

16.02 **Time and Method of Application.** If a respondent qualifies to apply for an award of attorney's fees as specified in Rule 16.01 of the Commission Rules and Regulations above, it may petition for an award of attorney's fees within thirty days after the date when it receives the Commission Decision and Order which finds in favor of the respondent after a final hearing on the merits. No evidence as to the appropriateness of an award of attorney's fees to the respondent will be accepted until after a final Decision and Order on the merits of the complaint.

16.03 **Hearing and Decision on Respondent's Request For Attorney's Fees.** When the Commission receives a Petition For Award of Attorney's Fees to Respondent which appears to meet the qualifications set forth in 16.01 above, it will schedule a hearing on the Petition. Three Commissioners will review the transcript of the hearing along with exhibits, the petition and memoranda and decide whether to award attorney's fees. The respondent must prove that an award of attorney's fees is required by law.