



## Item 4: Cost Recovery Upcr' Enforcement Committee

## Cost Recovery in Contested Discipline Cases

The Administrative Law Judge may order a licentiate found to have committed a violation or violations of the practice acts to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. (Bus. & Prof. Code § 125.3, subd. (a).)

If an order for payment of costs is made in a case and timely payment is not made by the respondent as directed, the board may enforce the order for repayment in any appropriate court. (Bus. & Prof. Code § 125.3, subd. (e).)

In a court action for recovery of costs, proof of the board's decision constitutes conclusive proof of the validity of the order for costs and of the terms for payment of the costs, so the award of costs is self-proving. (Bus. & Prof. Code § 125.3, subd. (f).)

## Judgment for Costs

The court may enter a judgment on the award of costs in a disciplinary case upon request by the board pursuant to Business and Professions Code section 125.3.

The process for requesting entry of judgment would consist of filing a form with the court clerk along with a certified copy of the decision in the discipline case and receiving a clerk's judgment for costs as a counter-transaction.

A judgment for costs constitutes a money judgment under the Enforcement of Judgment Law, Code of Civil Procedure sections 680.270, et seq., and all of the enforcement methods under that law would be available to the board.

# Abstract of Judgment

Recording an Abstract of Judgment places a general lien on all real property in the county where it is recorded and creates a public record of the debt.

If real property in the county is sold after general the lien is created, the judgment debt must be paid from the proceeds of the sale through escrow.

While it would be possible to foreclose on the lien to enforce the judgment, forcing the sale of any real property would rarely if ever be a feasible method of enforcing the judgment.

## Other Enforcement Methods

- Order of Examination
- Lien on Personal Property or Contingent Interests
- Wage Garnishment
- Bank Levy
- Till Tap and Keepers
- Seizure, Turnover or Assignment Orders