

RULE 1218. EX PARTE COMMUNICATIONS

- (a) In any proceeding conducted pursuant to this Regulation, except to the extent required for the disposition of ex parte matters as authorized by law:
 - (1) No interested person outside the District shall make or knowingly cause to be made to any Board member or hearing officer who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;
 - (2) No Board member or hearing officer who is or may reasonably be expected to be involved in the decisional process of the proceeding shall make or knowingly cause to be made to any interested person outside the District an ex parte communication relevant to the merits of the proceeding;

- (b) A Board member or hearing officer who is or may reasonably be expected to be involved in the decision process of such proceeding who receives, or who makes or knowingly cause to be made, a communication prohibited by this Rule shall place on the public record of the proceeding:
 - (1) all such written communications;
 - (2) memoranda stating the substance of all such oral communications; and
 - (3) all written responses and memoranda stating the substance of all oral responses to the material described in clauses (1) and (2) of this subparagraph.

- (c) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this subsection, the Presiding Officer may, to the extent, consistent with the interest of justice and the policy underlying this Regulation, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

- (d) The prohibitions of this Rule shall apply beginning at such time as the agency may designate, but in no cases shall they begin to apply later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.