

§9055. Ex parte communications; separation of functions

1. Communication prohibited. In any adjudicatory proceeding, no agency members authorized to take final action or presiding officers designated by the agency to make findings of fact and conclusions of law may communicate directly or indirectly in connection with any issue of fact, law or procedure, with any party or other persons legally interested in the outcome of the proceeding, except upon notice and opportunity for all parties to participate.

[PL 1985, c. 506, Pt. A, §5 (AMD).]

2. Communication permitted. This section shall not prohibit any agency member or other presiding officer described in subsection 1 from:

A. Communicating in any respect with other members of the agency or other presiding officers; or [PL 1977, c. 551, §3 (NEW).]

B. Having the aid or advice of those members of the agency member's or other presiding officer's own agency staff, counsel or consultants retained by the agency who have not participated and will not participate in the adjudicatory proceeding in an advocate capacity. [RR 2023, c. 2, Pt. B, §81 (COR).]

[RR 2023, c. 2, Pt. B, §81 (COR).]

SECTION HISTORY

PL 1977, c. 551, §3 (NEW). PL 1979, c. 425, §11 (AMD). PL 1985, c. 506, §A5 (AMD). RR 2023, c. 2, Pt. B, §81 (COR).

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