

## **3818 EX PARTE COMMUNICATIONS**

3818.1 *An ex parte* communication is any oral or written communication that is:

- (a) To or by a Commissioner or member of the Commission's staff;
- (b) Regarding the merits or factual substance of a particular case; and
- (c) Not made:
  - (1) At a scheduled hearing;
  - (2) In a filing that is also served on all required parties; or
  - (3) With reasonable prior notice and opportunity, under the circumstances, for all parties to be present for, to be a party to, or to be simultaneously made aware of the contents of the communication.

3818.2 *Ex parte* communications shall be prohibited unless:

- (a) The communication is specifically authorized by law;
- (b) The communication concerns administrative or procedural matters, and any reference to the merits is merely incidental; or
- (c) The communication is made in the course of another proceeding of the Commission to which the communication primarily relates and that is on the public record.

3818.3 *Ex parte* communications regarding a particular case shall be prohibited any time after the petition initiating the case has been filed with the Rent Administrator and until the time that all possible appeals of the case are completed.

3818.4 Any *ex parte* communication made in violation of this section that comes to the attention of the Commission shall be made part of the record, and the Commission shall provide an opportunity for rebuttal by other parties by serving each party with a copy of any such communication or a memorandum describing the communication, within five (5) days of the communication.

3818.5 If the Commission determines that a communication was knowingly made (or caused to be made) by a party acting in violation of this section, the Commission may, to the extent consistent with the interest of justice and applicable law, require the party to show cause why his or her appeal, claim, or interest in the proceeding should not be dismissed, denied, or otherwise adversely affected.

## District of Columbia Municipal Regulations

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1347 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).