

The word "oral", which formerly modified the word "proceedings", is deleted as surplusage.

Defined term: "Contested case" § 10-201

10-212. EXAMINATION OF EVIDENCE.

IF A MAJORITY OF THE OFFICIALS WHO ARE TO MAKE THE FINAL DECISION IN A CONTESTED CASE HAVE NOT HEARD THE EVIDENCE AND THE PROPOSED DECISION IS ADVERSE TO A PARTY OTHER THAN THE AGENCY, THE OFFICIALS MAY NOT MAKE THE FINAL DECISION UNTIL:

(1) THE AGENCY:

(I) SERVES ON EACH PARTY THE PROPOSED DECISION, INCLUDING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AND

(II) GIVES EACH PARTY WHOM THE PROPOSED DECISION AFFECTS ADVERSELY AN OPPORTUNITY TO:

1. FILE EXCEPTIONS; AND

2. PRESENT ARGUMENT TO A MAJORITY OF THE OFFICIALS WHO ARE TO MAKE THE FINAL DECISION; AND

(2) A MAJORITY OF THE OFFICIALS WHO ARE TO MAKE THE FINAL DECISION CONSIDER PERSONALLY EACH PART OF THE RECORD THAT THE PARTY CITES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 253.

Defined terms: "Agency" § 10-201

"Contested case" § 10-201

"Includes"; "including" § 1-101

10-213. EX PARTE COMMUNICATIONS.

(A) GENERALLY PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL WHO IS NOT AUTHORIZED TO PARTICIPATE IN THE DECISION MAKING PROCESS OF A CONTESTED CASE MAY NOT COMMUNICATE EX PARTE WITH AN INDIVIDUAL WHO IS INVOLVED IN THE PROCESS WITH REGARD TO ANY ISSUE OF LAW OR FACT IN THE CONTESTED CASE.

(2) AN INDIVIDUAL WHO IS INVOLVED IN THE DECISION MAKING PROCESS MAY COMMUNICATE WITH MEMBERS OF AN ADVISORY STAFF OF THE AGENCY OR ANY COUNSEL FOR THE AGENCY WHO OTHERWISE DOES NOT PARTICIPATE IN THE CONTESTED CASE.

(B) DISCLOSURE.