

[(b)](C) An individual who is involved in the decision making process and who is personally aware of an ex parte communication [that is made in violation of subsection (a) of this section] shall:

(1) GIVE NOTICE TO ALL PARTIES;

[(1)](2) include in the record of the contested case:

(i) each written communication received;

(ii) a memorandum that states the substance of each oral communication received;

(iii) each written response to a communication; and

(iv) a memorandum that states the substance of each oral response to the communication; and

[(2)](3) send to each party a copy of each communication, memorandum, and response.

[(c)](D) A party may rebut an ex parte communication if the party requests the opportunity to rebut within 10 days after notice of the communication.

[(d)](E) (1) To eliminate the effect of an ex parte communication that is made in violation of [subsection (a) of] this section, the [hearing] PRESIDING officer OR, IF THE PRESIDING OFFICER IS A MULTIMEMBER BODY, THE INDIVIDUAL BOARD OR COMMISSION MEMBER, may:

(i) withdraw from the proceeding; or

(ii) terminate the proceeding without prejudice.

(2) An order to terminate the proceeding without prejudice shall state the last date by which a party may reinstitute the proceeding.

10-220. PROPOSED DECISIONS AND ORDERS.

(A) IF THE OFFICE CONDUCTS A HEARING UNDER THIS SUBTITLE, THE OFFICE SHALL PREPARE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, OR ORDERS IN ACCORDANCE WITH THE AGENCY'S DELEGATION UNDER § 10-205 OF THIS SUBTITLE.

(B) THE OFFICE SHALL SEND ITS PROPOSED FINDINGS, CONCLUSIONS, OR ORDERS:

(1) TO THE PARTIES AND THE AGENCY DIRECTLY; OR

(2) IF THE AGENCY'S DELEGATION UNDER § 10-205 OF THIS SUBTITLE REQUIRES, TO THE AGENCY FOR DISTRIBUTION BY THE AGENCY TO THE PARTIES.

(C) (1) WITHIN 60 DAYS AFTER RECEIPT OF THE OFFICE'S PROPOSED FINDINGS, CONCLUSIONS, OR ORDER UNDER SUBSECTION (B)(2) OF THIS SECTION, THE AGENCY SHALL: