

24 NCAC 06A .0308 EX PARTE COMMUNICATION

- (a) Unless required for disposition of an ex parte matter authorized by law, a Responsible Party with a disciplinary matter before the Commission, the Sports Betting Committee, or hearing officer, or attorney or other representative for a Responsible Party with a disciplinary matter before the Commission, the Sports Betting Committee, or hearing officer, shall not communicate, directly or indirectly, with any hearing officer or member of the Commission in connection with any issue of fact or question of law at issue in the disciplinary matter except on written notice and opportunity for all parties to participate.
- (b) This prohibition begins at the time of the Notice of the Disciplinary Hearing.
- (c) When the disciplinary matter is in front of the Sports Betting Committee, the members of the Sports Betting Committee may only communicate with other members of the Commission that are also members of the Sports Betting Committee about issues related to the proceeding. When the disciplinary matter is in front of the Commission, a Commission member may communicate with other members of the Commission about issues related to the proceeding.
- (d) A hearing officer or Commission member may have the aid and advice of the Commission staff other than the hearing officer or the staff which has been or is engaged in investigating or prosecuting functions in connection with the case under consideration or a case with related factual issues or similar legal issues.
- (e) This Rule does not apply to a Commission employee or party representative with professional training in accounting, actuarial science, economics, or financial analysis insofar as the case involves financial practices or conditions.
- (f) In the event such ex parte communication occurs, the Commission, the Sports Betting Committee, or the hearing officer may make such orders to take such action as fairness requires. Upon notice and hearing, the Commission, the Sports Betting Committee, or the hearing officer may take such Disciplinary Action as is appropriate in the circumstances against any Person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1C-008;
Eff. January 8, 2024;
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