

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures–Hearings

Article 2. Administrative Hearing Procedures for Petitions for Review of Executive Officer Decisions

Subarticle 3. Ex Parte Communications

§ 60055.15. Applicability to the State Board.

The provision of Subarticle 3 governing ex parte communications to the hearing officer also governs ex parte communications with members of the state board on matters that may come before them pursuant to Subarticles 4 and 9. Nothing in this provision shall be construed to prohibit ex parte communications, after a proposed decision has been forwarded to the state board, between members of the state board and the hearing officer who prepared the decision, a hearing officer from the State Office of Administrative Hearings (OAH) not previously involved in the case, or outside legal counsel to the state board. Nor shall anything in this provision be construed to prohibit communications between members of the state board and staff of the state board (including staff counsel), provided reasonable notice and opportunity to participate in such communications either in person or by telephone has been provided to all parties. For purposes of this section, reasonable notice shall be deemed as 24-hours or greater advance notice.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); Section 43105, Health and Safety Code; and Sections 11430.70-11430.80 Government Code.

REFERENCE