

**201—12.23(17A) Ex parte communications—bias.** Unless required for the disposition of ex parte matters, specifically authorized by statute, no party to a contested case or person with a personal interest in that case may communicate directly or indirectly with the administrative law judge, nor shall the presiding officer communicate directly or indirectly with that party or person, concerning any issues of fact or law in that case. When such a communication occurs, each party shall be given written notice of the communication, containing either the text of a written communication or a summary of an oral communication, and the time, place and means of the communication. After the notice all parties have the right, upon written demand, to respond to the communication at a hearing convened especially for that purpose.

**12.23(1) Inclusive in the record.** Any ex parte communication prohibited by Iowa Code section 17A.17(2) received by the administrative law judge shall be included in the record. If written, the text shall be entered into the record; if oral, the administrative law judge shall summarize the communication and enter that summary into the record.

**12.23(2) Penalties.** If a party knows or reasonably should know that the communication was prohibited by Iowa Code section 17A.17(2), the director may censure that person or suspend or revoke that person's right to practice before that agency. In the case of prohibited communication which has a substantial and adverse impact upon the opposing party's case, the director may enter a decision against the party making the communication. Any administrative law judge who violates the provisions of section 17A.17 or of this rule may be censured, suspended or dismissed by the director of the department of corrections.