**Section 1620.820 Ex Parte Communications**

a) Any State officer or employee who receives an ex parte communication from a non-interested party as excluded by Section 5-50(b-5) and Section 5-50(d) of the State Officials and Employee Ethics Act [5 ILCS 5-50(b-5) and (d)] or an ex parte communication from any person that imparts or requests material information or makes a material argument regarding an agency's rulemaking pursuant to Section 5-165 of the Illinois Administrative Procedure Act [5 ILCS 100/5-165] shall report this communication within 7 days to his or her agency's ethics officer.

b) *Any ethics officer who receives a report of ex parte communications described in subsection (a) shall forward the report to the Commission* within seven days, except with respect to communications related to the agency's rulemaking pursuant to Section 5-165 of the Illinois Administrative Procedure Act, which may be reported to the Commission at the same time the agency files its Second Notice with the Joint Committee on Administrative Rules. Any ex parte communication that the ethics officer reasonably believes is an attempt to influence through duress, coercion or the direct or indirect offer or promise of anything of value to any person or entity in consideration for any benefit or preference must be reported to the Executive Ethics Commission by the next business day. The report shall include:

1) *all written ex parte communications, including all written responses to the communications;*

2) *a memorandum prepared by the ethics officer containing:*

A) *the nature and substance of all oral ex parte communications;*

B) *the identity and job title of the person to whom each communication was made;*

C) *all responses made and the identity and job title of the person making each response;*

D) *the identity of each person from whom the written or oral ex parte communication was received and the date of receipt;*

E) *the individual or entity represented by that person;*

F) *any action the person requested or recommended; and*

G) *any other pertinent information.* [5 ILCS 430/5-50(c)]

c) For reporting of ex parte communications under Section 5-165 of the IAPA, repetitive, bulk public comment (e.g., form letters, petitions) may be reported in the following manner.

1) Identification of the persons and or entity that authored the comment (if known), with address and phone number;

2) Identification of any other entities in support of or opposition to the rulemaking and of the comment received by the agency;

3) Provision of a sample of the public comment and, where different form letters are used, a sample of each;

4) Submission of a tabulation of the number of persons supporting/opposing each type of public comment received by the agency; and

1. Retention by the agency of all comments received.

d) Reports received under this Section shall be considered by the Commission for possible action pursuant to Section 20-15(2) of the Act. Reports received by the Commission shall be maintained in accordance with the State Records Act [5 ILCS 160].

(Source: Amended at 42 Ill. Reg. 13550, effective June 26, 2018)