**Section 205.120 Ex Parte Communications**

a) After service of the notice of the License Hearing on the parties, and until such time a formal written Dates Order is executed by the Board, any communication, directly or indirectly, in connection with any matter regarding the award of racing dates, between any Board member, Racing Board employee or hearing officer, with any party or representative of any party to the License Hearing shall be considered ex parte pursuant to Section 10-60(a) of the IAPA.

b) Pursuant to Section 20(e-10) of the Act [230 ILCS 5/20(e-10)], ex parte communication shall be allowed provided that such communications are in the best interest of racing. The phrase "best interest of racing" includes, among other factors, the quality and integrity of racing, public interest, State revenue and the availability of wagering opportunities.

c) Pursuant to Section 10-60(c) of the IAPA, any ex parte communication received by any Board employee, Board member or hearing officer shall be made a part of the record of the License Hearing, including all written communications, all written responses to the communications and a memorandum stating the substance of all oral communications and all responses made, and the identity of each person from whom the ex parte communication was received.

d) Communications between Board employee and the applicants pursuant to Section 21(a) of the Horse Racing Act [230 ILCS 5/21(a)] regarding the correction of deficiencies of the application within the prescribed 21 day time period after submission of the application shall not be considered ex parte communication under this Section.

e) Communications regarding matters of procedure and practice, such as format of applications, number of copies required, manner of service and status of proceedings are not considered ex parte communication under this Section.

f) Ex parte communications pursuant to this Section shall not be exempt from the provisions of the Open Meetings Act [5 ILCS 120].

(Source: Amended at 29 Ill. Reg. 20033, effective November 28, 2005)