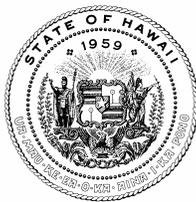


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## **MEMORANDUM**

**TO:** All Interested Parties

**FROM:** Real Estate Branch

**SUBJECT:** Prohibited Communications with a Commissioner of the Real Estate Commission ("Commission")

It is sometimes tempting for an applicant to discuss the applicant's pending or future application to the Commission by directly contacting one of the nine Commissioners. This contact can be in person, via the telephone, fax, email, written correspondence, or any other form of communication. While the contact may be intended to only seek information, it may be viewed as an attempt to influence the individual Commissioner and have the appearance of impropriety. The contacted Commissioner must disclose the contact and may be precluded from discussing and voting upon the application. Please remember that individual Commissioners cannot make decisions independently; the Commissioners can only take action as a whole body, and the whole Commission must have access to the same information in the same manner at the same time at a duly-noticed Commission meeting.

Thus, an applicant risks having a Commissioner who might have voted favorably upon an application not being able to participate in the matter. This may result in further complications if the Commissioner's vote is needed to carry a motion.

Similarly, a licensee risks disqualification of an individual Commissioner when contacting the Commissioner regarding a pending or future complaint against the licensee. Because this matter may come before the whole Commission in its adjudicatory function, the law prohibits one party (the licensee) from contacting the judge (the Commission) without the participation of the other party, the Regulated Industries Complaints Office. Although the licensee may have no ill intent, the law strictly prohibits this *ex parte* communication. Again, the contacted Commissioner may be precluded from discussing and voting upon this disciplinary matter.

Any person seeking general information or confirmation that all submitted documents have been received is encouraged to contact the Commission's staff to avoid any appearance of impropriety and conflicts of interest.