

**Federal Aviation Administration, DOT**

**Pt. 17**

(3) Ex parte communications regarding solely matters of agency procedure or practice are not prohibited by this section.

[Doc. No. 27783, 61 FR 54004, Oct. 16, 1996. Re-designated at Amdt. 16-1, 78 FR 56148, Sept. 12, 2013]

**§ 16.303 Procedures for handling ex parte communications.**

A decisional employee who receives or who makes or knowingly causes to be made a communication prohibited by § 16.303 shall place in the public record of the proceeding:

- (a) All such written communications;
- (b) Memoranda stating the substance of all such oral communications; and
- (c) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (a) and (b) of this section.

[Doc. No. 27783, 61 FR 54004, Oct. 16, 1996. Re-designated at Amdt. 16-1, 78 FR 56148, Sept. 12, 2013]

**§ 16.305 Requirement to show cause and imposition of sanction.**

(a) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of § 16.303, the Associate Administrator or his designee or the hearing officer may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(b) The Associate Administrator may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the FAA, consider a violation of this subpart sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

[Doc. No. 27783, 61 FR 54004, Oct. 16, 1996. Re-designated at Amdt. 16-1, 78 FR 56148, Sept. 12, 2013]

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