

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

April 10, 1996

| | | |
|---------------------------|---|----------------------------|
| IN RE CHARGE OF JUAN |) | |
| CARLOS CUNI BARO |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| Complainant, |) | |
| |) | |
| v. |) | 8 U.S.C. §1324b Proceeding |
| |) | OCAHO Case No. 95B00118 |
| HYATT REGENCY LAKE |) | |
| TAHOE, |) | |
| Respondent. |) | |
| _____ |) | |

NOTICE OF EX PARTE COMMUNICATION

On April 8, 1996, Juan Carlos Cuni Baro (Baro) served the attached article upon the Court with the accompanying letter, which I have not read. These documents were not served on the other parties to this case and therefore they are ex parte communications. The Rules of Practice and Procedure provide that “[a] party or participant who makes a prohibited ex parte communication . . . may be subject to any appropriate sanction or sanctions, including but not limited to, exclusion from the proceedings and adverse ruling on the issue which is the subject of the prohibited communication.” 28 C.F.R. §68.36(b).

Baro, as the individual who filed a charge with the Office of Special Counsel for Immigration Related Unfair Employment Practices which resulted in the filing of a complaint, is a party in this case. See 28 C.F.R. §68.2(o). As a party, Baro is bound by the Rules of Practice and is prohibited from making ex parte communications with the Court. Should Baro file any other materials with

6 OCAHO 854

the Court, he is ordered to serve copies on counsel for both the Complainant and Respondent as identified in the Certificate of Service. As previously stated, I am attaching a copy of the letter and article to this Notice. Should any party engage in further ex parte communications, they will be subject to any sanction provided for by the Rules of Practice and Procedure.

ROBERT L. BARTON, JR.
Administrative Law Judge