

Regulation 1008 - Discovery.

- (a) No discovery between the Executive Director or designee and the Respondent shall be permitted prior to the issuance of the Commission's Finding of Probable Cause, provided, however, that this limitation on discovery shall in no way limit the authority of the Commission or staff to conduct its investigation or to subpoena required documents or witnesses as reasonably necessary. No adjudicative hearing shall be scheduled until such time as the Executive Director or designee and the Respondent and/or counsel are afforded a reasonable opportunity to conduct discovery pursuant to this Regulation.
- (b) The Respondent and/or Respondent's counsel and the Executive Director or designee may request discovery only in accordance with this Regulation.
- (c) Within twenty (20) days after receiving a request, the party to whom the request is directed shall furnish the requesting party with:
 - (1) the names, addresses and official positions, if any, of all individuals who are known to have information which is relevant to the allegations contained in the Finding of Probable Cause;
 - (2) a copy of all documents which are known to be relevant to the allegations contained in the Finding of Probable Cause.
- (d) The obligation to provide discovery as specified in this Regulation shall be a continuing duty to disclose, and, if subsequent to compliance with the obligation to provide discovery either the Executive Director or designee or the Respondent and/or counsel discovers additional material which is subject to disclosure or has been requested under this Regulation, such disclosure shall be promptly made as required herein.
- (e) If at any time during the course of the proceedings the Commission finds that the Executive Director or designee, or the Respondent and/or counsel, has failed to comply with this Regulation, it may prohibit introduction into evidence of the material or the testimony which was not disclosed.
- (f) Except as provided for in this Regulation, no other discovery shall be permitted, including interrogatories, depositions or any other discovery mechanism, unless allowed by the Commission upon good cause shown.