

TALBOT COUNTY BOARD OF APPEALS RULES OF PROCEDURE

Rules of Evidence

Rule 1. In general..... 1

Rule 2. Probative evidence ..... 1

Rule 3. Hearsay ..... 1

Rule 4. Exclusions ..... 1

Rule 5. Rules of privilege ..... 2

Rule 6. Scope of evidence..... 2

Rule 7. Documentary evidence ..... 2

Rule 8. Official notice of facts..... 2

Rule 9. Evaluation..... 2

**Rule 1. In general**

(1) Each party in any hearing on an application shall offer all of the evidence that the party wishes to have made part of the record.

(2) If the Board has any evidence that the Board wishes to use in adjudicating the application, the Board shall make the evidence part of the record.

**Rule 2. Probative evidence**

The presiding officer may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence.

**Rule 3. Hearsay**

Evidence may not be excluded solely on the basis that it is hearsay.

**Rule 4. Exclusions**

The presiding officer may exclude evidence that is:

- (1) incompetent;
- (2) irrelevant;
- (3) immaterial; or
- (4) unduly repetitious.

**Rule 5. Rules of privilege**

The presiding officer shall apply a privilege that law recognizes.

**Rule 6. Scope of evidence**

On a genuine issue in any hearing on any application, each party is entitled to:

- (1) call witnesses;
- (2) offer evidence, including rebuttal evidence;
- (3) cross-examine any witness that another party or the Board calls; and
- (4) present summation and argument.

**Rule 7. Documentary evidence**

The presiding officer may receive documentary evidence:

- (1) in the form of copies or excerpts; or
- (2) by incorporation by reference.

**Rule 8. Official notice of facts**

(1) The Board may take official notice of a fact that is:

- (i) judicially noticeable; or
- (ii) general, technical, or scientific and within the specialized knowledge of the agency.

(2) Before taking official notice of a fact, the presiding officer:

- (i) before or during the hearing, by reference in a preliminary report, or otherwise, shall notify each party; and
- (ii) shall give each party an opportunity to contest the fact.

**Rule 9. Evaluation**

The Board may use its experience, technical competence, and specialized knowledge in the evaluation of evidence.