

**TALBOT COUNTY CIVIL MONETARY PENALTY HEARINGS
RULES OF EVIDENCE**

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Rule 1. In general

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

(2) The Hearing Officer ("Officer") shall advise each party of all information on which the Officer may rely in reaching a decision, shall give each party an opportunity to respond or comment on that information, and shall make all such information a part of the record.

Rule 2. Probative evidence

The 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 Officer may exclude evidence that is:

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

Rule 5. Rules of privilege

The Officer shall apply a privilege that law recognizes.

Rule 6. Scope of evidence

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

- (1) Call witnesses;
- (2) Offer evidence, including rebuttal evidence;
- (3) Cross-examine any witness that another party or the Officer calls; and
- (4) Present summation and argument.

Rule 7. Documentary evidence

The 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 Officer 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 County enforcement agency.

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

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

Exhibit A

Rule 9. Evaluation

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