

(Adopted April 7, 1978)(Amended February 2, 1979)

RULE 1219. EVIDENCE

- (a) Although technical rules of evidence ordinarily need not be applied, substantial rights of the parties shall be preserved. Relevant and material evidence shall be admissible, but there shall be excluded such evidence as is unduly repetitious or cumulative, or such evidence as is not of the kind which would affect reasonable and fair-minded men in the conduct of their daily affairs.
- (b) Oral evidence shall be taken only on oath or affirmation.
- (c) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matters relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.
- (d) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.
- (e) The Presiding Officer shall rule on the admissibility of all evidence. Such rulings may be reviewed by the District Board pursuant to Rule 1215 in determining the matter on its merits. In extraordinary circumstances where prompt decision by the District Board is necessary to promote substantial justice, the Presiding Officer may refer the matter to the District Board for determination pursuant to Rule 1215. The number of witnesses to be heard on any issue may be limited

appropriately or the production of further evidence upon any issue may be called for.

- (f) When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary and need not be taken.
- (g) If relevant and material matter offered in evidence is embraced in a document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence, but at the discretion of the Presiding Officer, the relevant and material matter may be read into the record or copies thereof received as an exhibit. Other parties shall be afforded opportunity to examine the document, and to offer in evidence other portions thereof believed material and relevant.
- (h) When exhibits are offered in evidence, the original shall be furnished to the Clerk of the Board and a copy to the Presiding Officer, to each Board member hearing the case, to the reporter and to each party, unless the Presiding Officer directs otherwise.
- (i) Upon any filing of specific documentary evidence as a part of the record, the Presiding Officer may require the production of further evidence within a specified time, and shall reserve exhibit numbers therefore.