

that it violates constitutional provisions or exceeds the statutory or Charter authority of the agency or was adopted without compliance with statutory rule-making procedures.

(f) On petition of any interested person or corporation, any agency may issue a declaratory ruling with respect to the applicability to any person, corporation, property or state of facts of any rule or statute enforceable by it. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a Court. Such a ruling is subject to review in the Circuit Court for Howard County in the manner provided for the review of decisions in contested cases. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, disposition and review by the Court.

#### 22.203—Adjudication

(a) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place and issues involved but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practical, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The agency shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe shorthand notes unless requested for purposes of rehearing or Court review. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order or default. Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

(b) Agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable and prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(c) All evidence, including records and documents in the possession of the agency, of which it desires to avail itself, shall be offered and made a part of the record in each case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(d) The same officers to preside at the reception of evidence shall make the decision required by this subtitle, except where such officers become unavailable to the agency. Save to the extent required for the disposition of ex parte matters as authorized by law, no such officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for any agency. No officer, employee or agent engaged in the performance of investigating or prosecuting functions for any agency in any case shall in that or a factually related case, participate or advise in the decision except as witness or counsel in public proceedings.

(e) Every party shall have the right of cross-examination of the witnesses who testify, and shall have the right to submit rebuttal evidence.