

## IN CONTESTED CASES:

(A) 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.

(B) 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 THE 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.

(C) EVERY PARTY SHALL HAVE THE RIGHT OF CROSS-EXAMINATION OF THE WITNESSES WHO TESTIFY, AND SHALL HAVE THE RIGHT TO SUBMIT REBUTTAL EVIDENCE.

(D) AGENCIES MAY TAKE NOTICE OF JUDICIALLY COGNIZABLE FACTS AND IN ADDITION MAY TAKE NOTICE OF GENERAL, TECHNICAL, OR SCIENTIFIC FACTS WITHIN THEIR SPECIALIZED KNOWLEDGE. PARTIES SHALL BE NOTIFIED EITHER BEFORE OR DURING HEARING, OR BY REFERENCE IN PRELIMINARY REPORTS OR OTHERWISE, OF THE MATERIAL SO NOTICED, AND THEY SHALL BE AFFORDED AN OPPORTUNITY TO CONTEST THE FACTS SO NOTICED. AGENCIES MAY UTILIZE THEIR EXPERIENCE, TECHNICAL COMPETENCE AND SPECIALIZED KNOWLEDGE IN THE EVALUATION OF THE EVIDENCE PRESENTED TO THEM.

241.

IN A CONTESTED CASE, WHENEVER A MAJORITY OF THE OFFICIALS OF THE AGENCY WHO ARE TO RENDER THE FINAL DECISION HAVE NOT HEARD THE EVIDENCE, THE DECISION, IF ADVERSE TO A PARTY TO THE PROCEEDING OTHER THAN THE AGENCY ITSELF, SHALL NOT BE MADE UNTIL A PROPOSAL FOR DECISION, INCLUDING FINDINGS OF FACT AND CONCLUSIONS OF LAW, HAS BEEN SERVED UPON THE PARTIES, AND AN OPPORTUNITY HAS BEEN AFFORDED TO EACH PARTY ADVERSELY AFFECTED TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO A MAJORITY OF THE OFFICIALS WHO ARE TO RENDER THE DECISION, WHO SHALL PERSONALLY CONSIDER THE WHOLE RECORD OR THOSE PORTIONS AS MAY BE CITED BY THE PARTIES.

242.

(A) ANY PARTY AGGRIEVED BY A FINAL DECISION IN A CONTESTED CASE, WHETHER THE DECISION IS AFFIRMATIVE OR NEGATIVE IN FORM, IS ENTITLED TO JUDICIAL REVIEW THEREOF UNDER THIS SUBTITLE.

(B) PROCEEDINGS FOR REVIEW SHALL BE INSTITUTED IN THE CIRCUIT COURT OF ~~THE AGENCY'S~~ WASHINGTON COUNTY. THE COURT, IN ITS DISCRETION, MAY PERMIT OTHER INTERESTED PERSONS TO INTERVENE.