

(2) BY INCORPORATION BY REFERENCE.

(G) OFFICIAL NOTICE OF FACTS.

THAT IS:

(1) THE AGENCY MAY TAKE OFFICIAL NOTICE OF A FACT

(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
AGENCY:

(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.

(H) EVALUATION.

THE AGENCY MAY USE ITS EXPERIENCE, TECHNICAL COMPETENCE, AND
SPECIALIZED KNOWLEDGE IN THE EVALUATION OF EVIDENCE.

REVISOR'S NOTE: This section is new language derived
without substantive change from former Art. 41, §
252(a), (c), (d), and the second sentence and the
first clause of the first sentence of (b).

Subsection (a)(1) and (2) of this section is revised
to state separately the duty of each "party" to offer
evidence and the duty of the agency -- which may or
may not be a party -- to make its evidence part of the
record.

In subsection (e)(2) of this section, the word "offer"
is substituted for the former word "present", to
conform to subsection (a) of this section.

In subsection (g)(1) of this section, the word
"official" is added to modify the word "notice", to
conform to the revision of former Art. 41, §
252A(a)(3) in § 10-210(3).

The introductory language of subsection (g)(2) of this
section, "[b]efore taking official notice of a fact,"
is added for clarity.

Defined terms: "Agency" § 10-201
"Contested case" § 10-201
"Includes"; "including" § 1-101