

10-209. CONSIDERATION OF OTHER EVIDENCE.

IN THE DETERMINATION OF A CONTESTED CASE, THE AGENCY MAY CONSIDER ONLY EVIDENCE THAT IS IN THE RECORD.

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

The former reference to "other factual information" is deleted as unnecessary in light of the broad reference to "evidence".

Defined terms: "Agency" § 10-201
"Contested case" § 10-201

10-210. CONTENTS OF RECORD.

UNLESS LAW PROVIDES FOR A DE NOVO REVIEW, THE AGENCY ADJUDICATING A CONTESTED CASE SHALL MAKE A RECORD THAT INCLUDES:

- (1) ALL MOTIONS AND PLEADINGS;
- (2) ALL DOCUMENTARY EVIDENCE THAT THE AGENCY RECEIVES;
- (3) A STATEMENT OF EACH FACT OF WHICH THE AGENCY HAS TAKEN OFFICIAL NOTICE;
- (4) ANY STAFF MEMORANDUM SUBMITTED TO AN INDIVIDUAL WHO IS INVOLVED IN THE DECISION MAKING PROCESS OF THE CONTESTED CASE BY AN OFFICIAL OR EMPLOYEE OF THE AGENCY WHO IS NOT AUTHORIZED TO PARTICIPATE IN THE DECISION MAKING PROCESS;
- (5) EACH QUESTION;
- (6) EACH OFFER OF PROOF;
- (7) EACH OBJECTION AND THE RULING ON THE OBJECTION;
- (8) EACH FINDING OF FACT OR CONCLUSION OF LAW PROPOSED BY:
 - (I) A PARTY; OR
 - (II) A HEARING OFFICER;
- (9) EACH EXCEPTION TO A FINDING OR CONCLUSION PROPOSED BY A HEARING OFFICER; AND
- (10) EACH INTERMEDIATE PROPOSED AND FINAL RULING BY OR FOR THE AGENCY, INCLUDING EACH REPORT OR OPINION ISSUED IN CONNECTION WITH THE RULING.