

[(c)](D) The [agency] PRESIDING OFFICER may exclude evidence that is:

- (1) incompetent;
- (2) irrelevant;
- (3) immaterial; or
- (4) unduly repetitious.

[(d)](E) The [agency] PRESIDING OFFICER shall apply a privilege that law recognizes.

[(e)](F) On a genuine issue in a contested case, each party is entitled to:

- (1) call witnesses;
- (2) offer evidence, including rebuttal evidence;
- (3) cross-examine any witness that another party or the agency calls; and
- (4) present summation and argument.

[(f)](G) The [agency] PRESIDING OFFICER may receive documentary evidence:

- (1) in the form of copies or excerpts; or
- (2) by incorporation by reference.

[(g)](H) (1) The agency OR THE OFFICE may take official notice of a fact that is:

(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] PRESIDING OFFICER:

(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)](I) The agency OR THE OFFICE may use its experience, technical competence, and specialized knowledge in the evaluation of evidence.

[10-209.] 10-214. CONSIDERATION OF OTHER EVIDENCE.

[In the determination of a contested case, the agency may consider only evidence that is in the record.]

(A) FINDINGS OF FACT MUST BE BASED EXCLUSIVELY ON THE EVIDENCE OF RECORD IN THE CONTESTED CASE PROCEEDING AND ON MATTERS OFFICIALLY NOTICED IN THAT PROCEEDING.