**Section 1.75 Procedures for Conducting Administrative Hearing: Rules of Evidence**

a) All hearings conducted in any proceeding shall be open to the public. Pursuant to authority of a Department licensing Act or the rules thereof, which are listed in 2 Ill. Adm. Code 700, the Department shall hold hearings immediately when there is imminent danger to the public health, safety or welfare.

b) The Director or an administrative law judge shall conduct hearings in accordance with the authority set forth in Section 1.22 of this Part. Continuances and extensions of time shall be granted in accordance with the provisions of 8 Ill. Adm. Code 1.90.

c) The Director or the administrative law judge shall direct all parties to enter their appearances on the record.

d) The following shall be the order of all contested case hearings, subject to modification by the administrative law judge for good cause (e.g., bad weather):

1) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint;

2) Presentation of opening statements;

3) Complainant's or petitioner's case in chief;

4) Respondent's case in chief;

5) Complainant's or petitioner's case in rebuttal;

6) Respondent's closing argument;

7) Complainant's or petitioner's closing argument;

8) Presentation and argument of all motions prior to final order.

e) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Department shall constitute a default.

f) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department or its administrative law judge may call upon any party or the technical staff of the Department of Agriculture or other Departments of State Government or on the University of Illinois for further evidence or material when necessary for the disposition of the case.

g) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Immaterial, irrelevant or unduly repetitious material shall be excluded. All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director or administrative law judge and also in formulating the findings of fact and conclusions of law (if any) which support the decision. A copy of the whole or any part of an admissible book, record, paper or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. If, in the judgment of the Director or administrative law judge, such immaterial or irrelevant matter would unnecessarily encumber the record, such book, paper or document will not be received in evidence as a whole, but the material or relevant portions thereof, if otherwise admissible, may be read into the record or a true copy thereof supplied in the form of an exhibit.

h) Rules of evidence, official notice of matters of which Circuit Courts of this State may take judicial notice, and official notice of generally recognized technical or scientific facts within the agency's specialized knowledge shall be in accordance with Section 10-40 of the Illinois Administrative Procedure Act.

i) The Department shall record the proceedings, and no other tape or video camera recordings of the hearings by the respondent or the public shall be permitted. The Department's record of the proceedings shall be the official transcript. Any party may request a copy of the transcript from the official reporter, and such party shall be responsible for all costs associated with the transcription.

j) The procedures set forth in Section 10-60 of the Illinois Administrative Procedure Act relative to ex parte contacts shall be followed. Any communication made openly or on the record at a scheduled hearing, conference or discovery procedure, regardless of whether all the parties are present, shall be considered as authorized ex parte communication.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)