**Section 2123.220 Evidence**

a) Except as otherwise provided herein, the rules of evidence applicable to all contested cases will be the rules of evidence which are applicable in civil cases in the State of Illinois.

b) Hearsay is not admissible. In addition to any other exceptions to the hearsay rule which exists in Illinois, a statement may be admitted if it has circumstantial guarantees of trustworthiness, and if the probative value of the statement outweighs any prejudice resulting from an inability to cross-examine the declarant.

c) Statements which are not hearsay:

1) Prior statement by witness. The declarant testifies at the hearing and is subject to cross-examination concerning the statement, and the statement is:

A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a hearing or other proceeding, or in a deposition; or

B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive; or

C) one of identification of a person made after perceiving the declarant; or

2) Admission by party-opponent. The statement is offered against a party and is:

A) declarant's own statement in either the declarant's individual or a representative capacity; or

B) a statement of which the declarant has manifested the declarant's adoption or belief in its truth; or

C) a statement by a person authorized by the declarant to make a statement concerning the subject; or

D) a statement by the declarant's agent or servant concerning a matter within the scope of the declarant's agency or employment, made during the existence of the relationship; or

E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy.