**Section 310.220 Evidence**

a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Except as otherwise provided in this Section, the rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under those rules of evidence may be admitted unless precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. *Subject to the evidentiary requirements of this Section, a party may conduct cross-examination required for a full and fair disclosure of the facts. Notice may be taken of matters of which the circuit courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the* Office of the Comptroller's *specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.* [5 ILCS 100/10-40]

b) Hearsay is not admissible. In addition to any other exceptions to the hearsay rule that exists in Illinois, a statement shall 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 that Are Not Hearsay

1) Prior Statement by Witness. The declarant testifies at the trial or 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 trial, hearing or other proceeding, or in a deposition;

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 person.

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

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

B) a statement of which the party has manifested an adoption or belief in its truth;

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

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

E) a statement by a co-conspirator of a party during the course and in furtherance of the conspiracy.

(Source: Amended at 42 Ill. Reg. 16010, effective August 1, 2018)