

**1405.1700 RULES OF EVIDENCE.**

Subpart 1. **Right to present evidence.** All persons shall have the right to present evidence, rebuttal testimony, and argument with respect to the issues and to cross-examine witnesses.

Subp. 2. **Witnesses.** Any person may be a witness or present witnesses on the person's behalf at the hearings. Direct testimony shall be admitted as allowed by part 1405.0800.

Subp. 3. **Admissible evidence.** The administrative law judge may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence on which prudent persons are accustomed to rely in the conduct of their serious affairs. The administrative law judge shall give effect to the rules of privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial, or unduly repetitious may be excluded.

Subp. 4. **Submission of evidence.** Evidence must be offered to be considered. All evidence to be considered in the case, including all records and documents (except tax returns and tax reports) in the possession of the board or a true and accurate photocopy thereof, shall be offered and made a part of the record in the case. No other factual information or evidence (except tax returns and tax reports) shall be considered in the determination of the case.

Subp. 5. **Documentary evidence.** Documentary evidence in the form of copies or excerpts may be received or incorporated by reference in the discretion of the administrative law judge.

Subp. 6. **Administrative notice of facts.** The administrative law judge may take notice of judicially cognizable facts but shall do so on the record and with the opportunity for any person to rebut.

Subp. 7. **Burden of proof.** Any route or site proposer must prove the facts at issue by a preponderance of the evidence, unless the substantive law provides a different burden.

Subp. 8. **Weight of testimony.** Oral testimony received without benefit of oath or affirmation and written submissions that are not subject to cross-examination shall be given such weight as the administrative law judge deems appropriate.

**Statutory Authority:** *MS s 116C.66; 216E.16*

**History:** *L 1984 c 640 s 32; 17 SR 1279*

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