

**63G-4-206 Procedures for formal adjudicative proceedings -- Hearing procedure.**

- (1) Except as provided in Subsections 63G-4-201(3)(d)(i) and (ii), in all formal adjudicative proceedings, a hearing shall be conducted as follows:
  - (a) The presiding officer shall regulate the course of the hearing to obtain full disclosure of relevant facts and to afford all the parties reasonable opportunity to present their positions.
  - (b) On the presiding officer's own motion or upon objection by a party, the presiding officer:
    - (i) may exclude evidence that is irrelevant, immaterial, or unduly repetitious;
    - (ii) shall exclude evidence privileged in the courts of Utah;
    - (iii) may receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document; and
    - (iv) may take official notice of any facts that could be judicially noticed under the Utah Rules of Evidence, of the record of other proceedings before the agency, and of technical or scientific facts within the agency's specialized knowledge.
  - (c) The presiding officer may not exclude evidence solely because it is hearsay.
  - (d) The presiding officer shall afford to all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.
  - (e) The presiding officer may give persons not a party to the adjudicative proceeding the opportunity to present oral or written statements at the hearing.
  - (f) All testimony presented at the hearing, if offered as evidence to be considered in reaching a decision on the merits, shall be given under oath.
  - (g) The hearing shall be recorded at the agency's expense.
  - (h) Any party, at the party's own expense, may have a person approved by the agency prepare a transcript of the hearing, subject to any restrictions that the agency is permitted by statute to impose to protect confidential information disclosed at the hearing.
  - (i) All hearings shall be open to all parties.
- (2) This section does not preclude the presiding officer from taking appropriate measures necessary to preserve the integrity of the hearing.

Renumbered and Amended by Chapter 382, 2008 General Session