**Section 1700.150 Evidence at Hearings**

a) Evidence at hearings shall be governed by Section 10-40 of the Illinois Administrative Procedure Act.

1) *Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in Illinois circuit courts shall be followed* (see Supreme Court of Illinois Rules of Evidence). *Evidence not admissible under those 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. 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.*

2) *Subject to the evidentiary requirements of subsection* (a)(1), *a party may conduct cross-examination required for a full and fair disclosure of the facts.*

3) *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* Department'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* Department's *experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.* [5 ILCS 100/10-40].

4) All exhibits for any party shall be clearly marked for identification. A sufficient number of copies shall be made prior to the commencement of the hearing and when admitted into evidence by the Administrative Law Judge.

5) The ALJ may, on the ALJ's own initiative or at the request of any party or witness, enter a protective order to prevent exposure in the public domain of records or other information that is of a sensitive or confidential nature.

b) Parties may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding, provided that the ALJ may require proof of any fact necessary to adjudicate the facts at issue.

c) Unless otherwise provided by law or stated in this Part, the standard of proof in any contested case hearing conducted under the Lottery Law shall be the preponderance of the evidence as required by Section 10-15 of the Illinois Administrative Procedure Act.

(Source: Amended at 47 Ill. Reg. 13886, effective September 18, 2023)