**Section 100.230 Evidence and Standard of Proof**

a) *Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. 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, however, except when 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.* [5 ILCS 100/10-40(a)]

b) *Testimony shall be taken only on oath or affirmation. Subject to the evidentiary requirements of this Section, a Party may conduct cross-examination required for a full and fair disclosure of the facts.* [5 ILCS 100/10-40(b)]

c) 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 ALJ.

d) Official notice may be taken of past Hearings and of any matter of which the

Circuit Courts of Illinois may take judicial notice. In addition, official 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 staff memoranda and data, and they shall be afforded an opportunity to contest the material so noticed. The Department's and the ALJ's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

e) If a person appears for a Hearing and refuses to testify on the grounds that any

answer may tend to incriminate themself, the ALJ may take an adverse inference from the refusal to testify and shall consider the adverse inference in addition to other evidence. If a person appears and refuses to testify without asserting the right against self-incrimination, the ALJ shall enter any appropriate order as is required by the evidence and this Part.

f) The ALJ may, on their 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.

g) Unless otherwise required by law, the standard of proof in any contested case Hearing conducted by the Department will be the preponderance of the evidence.