

RULE 5120 EVIDENCE (Adopted May 21, 1992; Amended December 17, 1992; Amended December 16, 1993)

1.0 Requirements

- 1.1 Oral evidence shall be taken only on oath or affirmation.
- 1.2 Each party shall have these rights:
 - 1.2.1 To call and examine witnesses;
 - 1.2.2 To introduce exhibits;
 - 1.2.3 To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination;
 - 1.2.4 To impeach any witness regardless of which party first called the witness to testify; and
 - 1.2.5 To rebut the evidence against the witness.
- 1.3 If the respondent does not testify in his or her own behalf, he or she may be called and examined as if under cross-examination.
- 1.4 The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relying on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.
- 1.5 Testimony must be taken from any person in the public at large who has an interest in the variance proceeding. That person may testify without being a party in the variance proceeding.

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