

WAC 242-03-640 Official notice—Material facts. (1) In the absence of conflicting evidence, the board or presiding officer, upon oral or written request made by any party before or during a hearing, or upon the board's own motion, may officially notice the following kinds of material facts:

(a) Business customs. General customs and practices followed in the transaction of business.

(b) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency.

(c) Technical or scientific facts. Facts of a technical or scientific nature within the board's specialized knowledge.

(2) Whenever official notice of material facts is requested, the requesting party, or board, if on its own motion, shall notify the other parties of the material fact(s) proposed to be officially noticed, and the other parties shall be afforded the opportunity to contest such facts and materials.

(3) Statement of official notice.

(a) In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished by any party and whether or not admissible under the rules of evidence.

(b) If official notice of a material fact is taken, it shall be clearly and precisely stated and made part of the record.

(c) Where a decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision.

[Statutory Authority: RCW 36.70A.270 (4) and (7). WSR 16-02-114, § 242-03-640, filed 1/6/16, effective 2/6/16. Statutory Authority: RCW 36.70A.270(7). WSR 11-13-109, § 242-03-640, filed 6/21/11, effective 7/22/11.]