

WAC 491-04-200 How is evidence presented? All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.05.452

(1) Documentary evidence not submitted in advance as required in WAC 491-04-190 shall not be allowed into evidence unless there is a clear showing that the offering party had good cause for his or her failure to produce the evidence sooner.

(2) Any objections to evidence must be filed in writing prior to the hearing or the evidence will be deemed as admitted, unless such evidence is properly first presented at hearing under subsection (1) hereof. The board chair may permit a party to object to evidence at a later time upon a clear showing of good cause for failure to have filed such written objection.

(3) When only portions of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(4) No former employee of the board shall appear, except with the permission of the board, as an expert witness on behalf of other parties in a proceeding in which he or she previously took an active part in the investigation as a representative of the board.

(5) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the board chair, be grounds for striking all testimony previously given by such witness on related matter.

(6) Any party bound by a stipulation or admission of record may, at any time prior to closure of the hearing, be permitted to withdraw the same in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the right of other parties to the proceeding.

[Statutory Authority: RCW 41.24.290(2). WSR 13-21-050, § 491-04-200, filed 10/11/13, effective 11/11/13.]