

PART 1316 — ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

SUBPART D — ADMINISTRATIVE HEARINGS

§1316.59 Submission and receipt of evidence.

- (a) The presiding officer shall admit only evidence that is competent, relevant, material and not unduly repetitious.
- (b) Opinion testimony shall be admitted when the presiding officer is satisfied that the witness is properly qualified.
- (c) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer, except that a party will be permitted to challenge such authenticity at a later time upon a showing of good cause for failure to have filed such written objection.
- (d) Samples, if otherwise admissible into evidence, may be displayed at the hearing and may be described for purposes of the record, or may be admitted in evidence as exhibits.
- (e) Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded opportunity to controvert such fact.
- (f) The presiding officer shall file as exhibits copies of the following documents:
- (1) The order to show cause or notice of hearing;
 - (2) Any notice of waiver or modification of rules made pursuant to **Sec. 1316.44** or otherwise;
 - (3) Any waiver of hearing (together with any statement filed therewith) filed pursuant to **Sec. 1316.49** or otherwise;
 - (4) The prehearing ruling, if any, made pursuant to **Sec. 1316.55**;
 - (5) Any other document necessary to show the basis for the hearing.