

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 121 – EVIDENCE

(Adopted 8/12/69, Renumbered 8/17/76, Revised 11/21/78)

- A. Oral evidence shall be taken only on oath or affirmation. (Reference Health and Safety Code Section 40830)
- B. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.
- C. 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 rely 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 action. 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 objections 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.
- D. Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at a hearing, the chairman of the Hearing Board shall issue a subpoena pursuant to Article 3, Chapter 8, Part 3, Division 26 of the Health and Safety Code. (Reference Health and Safety Code Section 40840) (Added 11/21/78)