

**WAC 456-10-565 Official notice.** (1) The board may take official notice of the following:

(a) Any judicially cognizable facts;

(b) Any matter of public record;

(c) Technical or scientific facts within the agency's specialized knowledge; and

(d) Codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association.

(2) If any decision is stated to rest in whole or in part upon official notice of a fact to which the parties have not had a prior opportunity to controvert, any party may controvert such fact by exception pursuant to WAC 456-10-730 if such notice is taken in a proposed decision or by a petition for reconsideration if notice of such fact is taken in a final decision pursuant to WAC 456-10-755. Such controversion shall concisely and clearly set forth the sources, authority, and other data relied upon to show the existence or nonexistence of the fact assumed or denied in the decision.

(3) A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

[Statutory Authority: RCW 82.03.170. WSR 05-13-141, § 456-10-565, filed 6/21/05, effective 8/1/05; WSR 89-10-057 (Order 89-03), § 456-10-565, filed 5/2/89.]