

Kansas Administrative Regulations

Department of Insurance Assistant Commissioner, Securities Division

Article 11.—Administrative Procedure

81-11-10. Evidence.

The presiding officer may relax the rules of evidence if it will aid in ascertaining the facts. The presiding officer shall admit hearsay evidence not otherwise admissible:

(a) unless a party objects to the proffered evidence and states that;

(1) the party knows that a fact contained therein and offered to prove the truth of the matter is false; or

(2) the party does not know whether a fact contained therein and offered to prove the truth of the matter is true and the presiding officer finds that after being given a reasonable time the party has been unable to ascertain the truth of the matter and has made a diligent effort to do so; or

(b) if the presiding officer finds that the evidence will aid in ascertaining the facts; or

(c) if the evidence proffered consists of answers to questionnaires directed to persons allegedly solicited to purchase or sell securities who are so numerous that it is impractical to call them as witnesses, all answers to questionnaires which were returned to the questioning party are proffered, and the evidence is offered to show a pattern in the alleged solicitations or in the class of persons allegedly solicited. The presiding officer may allow any other party a reasonable time to direct cross-examination questionnaires to and receive answers from such or similar persons allegedly solicited.

(Authorized by K.S.A. 1984 Supp. 17-1270 and K.S.A. 17-1282; implementing K.S.A. 17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986.)

***** Authenticated Kansas Administrative Regulation *****