**Section** **1620.1380** **Subpoenas**

The Chairperson and the Administrative Law Judge, if any, shall have authority to issue subpoenas in the name of the Commission to compel the presence of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

a) Subpoenas may be issued upon written request of either party if:

1) the request is reasonably designed to produce or lead to the production of evidence related to the alleged violation;

2) the terms of compliance are reasonable given the time frames and other circumstances;

3) the party seeking the subpoena has attempted and failed to obtain the subject of the subpoena through other means; and

4) the subpoena is properly prepared and presented for signature.

b) Subpoenas for testimony of witnesses at hearing will be granted in the absence of compelling circumstances to the contrary.

c) Witnesses may be subpoenaed to give sworn evidentiary depositions, subject to cross-examination, if and only if they are unable to attend the hearing.

d) The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena.  Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.

e) The person requesting a subpoena shall be responsible for its service in accordance with the Illinois Code of Civil Procedure [735 ILCS 5] and the Illinois Supreme Court Rules.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)