**Section 1.44 Discovery**

a) Upon written request of any party, the following discovery procedures shall be ordered by the administrative law judge when necessary to expedite the proceedings, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing:

1) production or inspection of documents, books, and records pertinent to the case;

2) depositions;

3) interrogatories.

b) The administrative law judge shall restrict such discovery when necessary to prevent undue delay or harassment.

c) The administrative law judge shall order, upon written request of any affected party, a list of persons who may have knowledge of facts concerning the subjects of inquiry at the hearing.

d) Any person, including a party who is deposed, interrogated or required to submit documents under this Section, may be examined regarding any matter, not privileged, which is relevant to the subject matter of the formal administrative proceeding, or which may lead to the discovery of such relevant information.

e) All depositions and interrogatories may be used as the admission of the deposed or interrogated party. Upon application to the administrative law judge, either before or after the taking of such deposition or interrogation and upon a showing that at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the administrative law judge shall order that the deposition or interrogatories be used as evidence in the hearing.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)