**Section 1700.130 Subpoenas**

a) The Administrative Law Judge may issue subpoenas for the attendance of witnesses or production of specific books, records, documents or other evidence.

b) Any respondent or petitioner seeking issuance of a subpoena shall submit a request in writing to the ALJ.

c) The request shall demonstrate that the documents or testimony sought are relevant and material to the proceeding pending before the Department and are not otherwise excludable by law or by rule.

d) Except for Department investigators, examiners, and professional coordinators who participated in the investigation of the case, the ALJ should not generally issue subpoenas for the testimony of Department officers or employees or Board members.

e) Subpoenas shall be personally served by a person not less than 18 years of age, or served by certified mail with return receipt signed by private delivery service, by U.S. regular mail, postage prepaid or email. The return of service shall be delivered to the Secretary, and be made part of the record. Each party shall be responsible for the service of the subpoenas that party has requested.

f) The date of service for purposes of computing the time for filing a petition to quash or modify a subpoena shall be the date the subpoena is received. All petitions to quash or modify subpoenas shall be served on the party that requested the subpoena within 14 days after service of the subpoena. The petition to quash, if made prior to or during the hearing, shall be filed with the ALJ.

g) The ALJ, upon motion made promptly, at or before the time specified in the subpoena for compliance, may deny or modify the subpoena if it is insufficient, unreasonable, is oppressive or requests material that:

1) Does not meet the requirements of this Section and Illinois code of Civil Procedure;

2) Was improperly served;

3) Fails to allow a reasonable time for compliance;

4) Requires a person who is not a party or an officer of a party to travel to a hearing more than 25 miles from where that person resides, is employed, or regularly transacts business, except when the person may be ordered to appear by telephone;

5) Requires disclosure of a privileged or other protected information; or

6) Subjects a person or entity to undue burden or expense.

h) The ALJ will rule upon motions to quash or modify material requested in the subpoena. The ALJ may deny, limit or condition the production of information when necessary to prevent undue delay, undue expense, harassment or oppression. The ALJ can take these actions if the subpoena does not sufficiently describe the evidence whose production is required, or if, the subpoena is otherwise invalid.

i) If a party or organization within control of a party fails to obey a subpoena, and the ALJ finds the subpoena to have been validly served and the material requested to be relevant and material, the ALJ may impose appropriate non-monetary sanctions, including but not limited to: prohibiting testimony by the party who has refused to comply with the subpoena; drawing an adverse inference against the party required to comply; or recognizing the evidence required by the subpoena but not produced as establishing the truth of the position of the party who subpoenaed the document.

j) Witnesses summoned before the ALJ, other than those summoned by the Department, shall be paid the same fees and mileage that are paid to witnesses in the court of the county where the hearing is being held. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

k) Subpoenas shall be enforced in the same manner as subpoenas issued by the circuit courts of this State of Illinois.

(Source: Amended at 47 Ill. Reg. 13886, effective September 18, 2023)