**Section 100.130 Discovery**

a) Discovery shall not be the subject of motions presented to the ALJ, except when a motion is made alleging failure to comply with this provision and requesting appropriate relief.

b) Upon a written request served on the opposing Party, or by order of the ALJ, a Party shall be entitled to:

1) The name and address of any witness who may be called to testify, including identification of any witness to be offered as an expert;

2) Copies of any document that may be offered as evidence;

3) A description of any other evidence that may be offered;

4) With respect to a request from the Petitioner of sufficient particularity to identify the evidence sought, nonprivileged and nonconfidential evidence in the Department's possession that tends to support the Petitioner's position or to demonstrate a potential conflict of interest of a Department witness; and

5) With respect to a request from the Petitioner, a copy of any nonprivileged and nonconfidential Division investigative report that purports to be a memorandum of interview of the Petitioner.

c) The information listed in subsection (b) shall be provided within 30 days after service of a request or as otherwise directed by an ALJ. In the event that the Division withholds any evidence asserted to be privileged or confidential (see subsections (b)(4) and (b)(5)), the Division shall give notice to the other Party that it is doing so and provide a general description of the evidence withheld. Notwithstanding any provision of this Section, the other Party may file a motion regarding the Division’s withholding of evidence asserted to be privileged or confidential.

d) Upon a written request served on the Petitioner, at any time after a Petition for Hearing is filed, or at any stage of the Hearing, the Petitioner will be required to produce documents, books, records, or other evidence that relate directly or indirectly to the Petitioner's conduct at issue in the contested Administrative Decision; provided, however, that nothing in this Section shall limit the Secretary's or Director’s powers to request, demand, or subpoena information or testimony under applicable law.

e) Nothing in this Section shall prevent the Parties in a contested case from agreeing to a mutual exchange of information that is more extensive than what is provided for in this Section.

f) This provision will be construed to impose a continuing obligation upon the Parties to exchange new information as it becomes available.

g) No depositions will be taken, interrogatories proposed, or other discovery mechanism used without the mutual agreement of the Parties. However, subject to privilege as applied in civil cases in the circuit courts of this State and to grants of confidentiality under applicable law, a Party may serve on any other Party a written request for the admission of genuineness of any relevant document. The request shall be served and responded to in the manner set forth by Illinois Supreme Court Rule 216. The ALJ may provide additional time to respond for good cause.

h) Service of notice upon a Party's officers, directors or equivalent, employees, or agents of the Division’s intention to take the Party’s testimony at a Formal Hearing is sufficient to require the Party's attendance at the Formal Hearing at the Party's own cost.

i) No file of a Division examiner, investigator, attorney, or any other employee shall be subject to discovery, except as provided in subsection (b).