**Section 395.309 Prehearing Conferences, Settlement Conferences, Subpoenas and Depositions**

a) Pre-hearing Conferences: The Board may, on its own motion or on motion of any other party to the appeal, set a pre-hearing conference. The Board's decision whether to conduct a pre-hearing conference will be based on the complexity of the appeal, the issues in controversy and the potential for settlement. The Board shall issue a pre-hearing conference order setting forth the matters agreed to and rulings as to disputed matters. The order shall be served concurrently upon all parties and the Board shall control the subsequent course of the proceedings. The purpose of the pre-hearing conference shall be to:

1) ascertain the positions of the parties;

2) promote the narrowing of witnesses;

3) allow for the admissions of fact and stipulation of evidence;

4) exchange witness lists;

5) aid in the simplification of the evidence and disposition of the proceedings; or

6) reach a compromise settlement agreeable to the parties.

b) Settlement Conferences: At any stage of the appeal and at its direction, the Board may order a settlement conference and require the participation of the parties. Within 15 Days after the beginning of a settlement conference, the parties shall inform the Board in writing whether a settlement was reached. Settlement conferences need not be recorded.

c) Subpoenas: At any stage of the appeal and at its direction, the Board may issue subpoenas requiring the attendance and the giving of testimony by witnesses, or the production of books, papers, records, accounts, memoranda or other materials relevant to the appeal. Subpoenas may be issued either upon the Board's own motion or upon the written request of any party with a showing of the relevancy of the request to the issues in the hearing. In cases in which the Board receives a request for a subpoena, the Board shall grant or deny the request, either in writing or on the record. If any party fails or neglects to appear or testify or produce books, papers and records pursuant to the issuance of a subpoena by the Board, the Board may request the assistance of the Attorney General to invoke the aid of the circuit court within the jurisdiction in which the hearing is being held to request that the party be ordered to appear before the Board to testify or produce the requested evidence.

1) Service: The movant shall serve the subpoena on the other party or witness if the movant's request for a subpoena is granted. Service of a subpoena must be completed 10 Days before the date of the required appearance or production. The movant shall be responsible for payment of the witness fees for attendance, subsistence and mileage at the time the subpoena is served. Witnesses appearing at a hearing pursuant to subpoena are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State, pursuant to Section 4.3 of the Circuit Court Act [705 ILCS 35/4.3]. The movant must tender all fees with the subpoena. A witness appearing at the request of the Board shall submit the subpoena with a voucher when claiming reimbursement.

2) Modification: The Board, upon motion made before the time initially specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable, oppressive or irrelevant. The Board shall rule upon motions to quash or modify material requested in the subpoena, or denying, limiting or conditioning the production of information when necessary to prevent undue delay, undue expense, harassment or oppression, or to protect materials from disclosure. If the request for a subpoena is denied or modified, the Board shall proceed to conduct the hearing and the reasons for denying or modifying the request shall be made part of the record.

d) Depositions: Discovery depositions and evidence depositions may be taken of a witness or a party only upon order of the Board, either at its own initiative or upon motion of a party. The Board shall rule on such motions at its discretion. In taking such a deposition, the procedures in Illinois Supreme Court Rules (S.Ct. Rules 201 through 230) shall be followed, except as modified by order of the Board. Discovery depositions shall not be allowed into evidence in any matter before the Board.

e) Stipulations: At the discretion of the Board, the parties may, by stipulation in writing filed with the Board at any stage of the proceeding, or orally made at the hearing, agree upon any pertinent facts in the proceeding. In making its findings, the Board need not be bound to any such stipulation.