**Section 9030.50 Subpoena Practice**

a) Issuance

A blank form of subpoena for the attendance of witnesses or the production of documents will be furnished by the Secretary of the Commission upon request of the parties or their attorneys.

b) Use

Unless otherwise agreed by the parties, witnesses or documents may only be subpoenaed to appear or be produced at the time and place set for hearing of the cause.

c) Service

Service of the subpoena is required and payment of the statutory fee and travel expense (see Sections 16 and 20 of the Act and 705 ILCS 35/4.3) must accompany the service.

d) Failure to Honor Subpoena

1) Upon failure of any person, firm or organization to obey a subpoena of the Commission, a party seeking enforcement of the subpoena (or counsel) shall prepare an Application to the Circuit Court of the county in which the hearing or claim is pending requesting enforcement of the subpoena pursuant to Section 16 of the Act. The party seeking enforcement shall present, file and serve on the opposing party the Application, together with the original subpoena and proof of service to the Arbitrator or Commissioner designated to hear the claim. If no Arbitrator or Commissioner has been designated, the Application shall be presented to the Chairman of the Commission.

2) A hearing under 50 Ill. Adm. Code 9020.70 shall be held at which the Commissioner or Arbitrator to whom the Application is presented shall determine if the subpoena requested relevant information and was properly issued and served, and if the Application is proper in form. If the Commissioner or Arbitrator so finds, he or she shall sign the Application. The party seeking enforcement of the subpoena (or counsel) may then file and prosecute the Application in the Circuit Court.

(Source: Amended at 40 Ill. Reg. 15732, effective November 9, 2016)