**Section 2720.225 Subpoenas**

a) A party may request the Referee to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall be made either in writing or on the record. The Request for Subpoena shall:

1) Identify the witness or documents sought;

2) State the facts that will be proven by each witness and each document sought.

b) The Referee shall grant or deny the request either on the record or in writing. If the Referee grants the Request for Subpoena, he shall if necessary, reschedule the hearing for a specific date. The Referee shall deny the Request for Subpoena only if he finds that the evidence sought is immaterial, irrelevant or cumulative. If the Referee denies the Request for Subpoena, he shall proceed to conduct the hearing. The specific reasons for the denial shall be part of the record on appeal.

c) If a party, or any person or organization within the control of a party, fails to obey a subpoena of a Referee, the Referee shall treat the evidence required by the subpoena but not produced as establishing the truth of the position of the party who subpoenaed the documents. If a nonparty fails to obey a subpoena, the party seeking enforcement of the subpoena, or its attorney, shall prepare an application to the circuit court of the county in which the hearing is pending requesting enforcement of the subpoena pursuant to Section 1002 of the Act and shall present the application to the Referee. If the Referee is satisfied that the subpoena was properly served and that the application is in proper form, the Referee shall sign the application. The party seeking enforcement of the subpoena, or its attorney, may then file and prosecute the application to the Circuit Court.

d) At the request of the party seeking enforcement of the subpoena to the Circuit Court, all proceedings affected by the subpoena evidence shall be stayed pending judicial resolution of the enforcement issue.

(Source: Amended at 11 Ill. Reg. 14338, effective August 20, 1987)