**Section 2725.230 Subpoenas**

a) The Director's Representative may issue a subpoena to compel the attendance of a witness or the production of documents when such witness or the production of documents when such witness or document has or contains relevant evidence but is not being presented by the party, witness or holder of a document. A party may also request the Director's Representative to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall be either in writing or on the record and shall:

1) Identify the witness or document sought;

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

b) The Director's Representative shall grant or deny the request, either in writing or on the record. If the Request for Subpoena is granted, the Director's Representative shall, if necessary, reschedule the hearing to a specific date. The Request for Subpoena shall be denied only if the Director's Representative finds that the evidence sought is immaterial, irrelevant or cumulative. If the Request for Subpoena is denied, the Director's Representative shall proceed to conduct the hearing, and the specific reasons for denial of the Request for Subpoena shall be made part of the record on appeal.

c) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare an application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena pursuant to Section 1002 of the Act and shall present the application to the Director's Representative. If satisfied that the subpoena was properly served and that the application is in proper form, the Director's Representative shall sign the application and the party seeking enforcement of the subpoena, or its attorney, may then file and prosecute the application to the circuit court. In such instance, the matter shall be contained pending the outcome of enforcement of the subpoena.