**Section 240.1861 Subpoenas**

a) Any party to proceedings brought under this Subpart may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.

b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.

c) The Hearing Officer shall issue subpoenas within 7 calendar days from receipt of a request made in accordance with subsection (b) and deliver the subpoena to the Petitioner, who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he has actual knowledge, if a voucher for payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Prima facie evidence of service of a subpoena may be proven by a return receipt signed by the witness or his or her authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricted delivery, with a State voucher for the fee and mileage enclosed.

d) Any person served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this Section shall set forth a factual and/or legal basis for granting that relief.

e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days after receipt of the motion.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)