**Section 1240.110 Subpoenas**

The Board, upon the request of an Administrative Law Judge (ALJ) or upon the written application of a party, shall have the power to issue subpoenas for witnesses and subpoenas for documents.

a) Subpoenas for Witnesses

1) A party's written application for subpoenas for witnesses must be directed to the ALJ, and must contain the following information:

A) the title and case number of the proceeding;

B) the name, address and phone number of the party requesting the subpoena and its representative;

C) the name of the person to be subpoenaed; and

D) the date, time and place of the appearance to be commanded.

2) Applications must be filed with the Board and served on the other parties to the case at least 10 days before the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request. Upon request, the Board will mail the subpoenas to the applicant.

3) The party requesting the subpoenas shall be responsible for serving the subpoenas on the witnesses at least 5 days before the hearing date. The party requesting the subpoenas shall also 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 of Illinois, pursuant to Section 4.3 of the Circuit Court Act [705 ILCS 35/4.3]. The requesting party 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.

4) Board employees shall not be subpoenaed to testify regarding matters that occurred during their employment with the Board.

5) Subpoenas shall remain in effect throughout the course of the proceedings.

b) Subpoenas for Documents (Subpoena Duces Tecum)

1) A party's written application for subpoenas for documents must be directed to the ALJ and must contain the following information:

A) the title and case number of the proceeding;

B) the name, address and phone number of the party requesting the subpoena and its representative;

C) a detailed description of the books, papers, documents or other objects to be produced pursuant to the subpoena;

D) the name of the person to be served with the subpoena; and

E) the date, time and place of production to be commanded.

2) Applications must be filed with the Board and served on the other parties to the case at least 10 days before the hearing and 10 days before the date on which the documents are to be produced. The date and time for production of documents may be prior to the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request. Upon request, the Board will mail the subpoenas to the applicant.

3) The party requesting the subpoenas shall be responsible for serving the subpoenas at least 5 days before the hearing date and 5 days before the date on which the documents are to be produced.

4) Confidential Board documents as defined in 2 Ill. Adm. Code 2501.20(c) shall not be subpoenaed.

c) Motions to Revoke Subpoenas

A person objecting to the subpoena may file a motion to revoke the subpoena. The motion must be filed at least 3 days prior to the hearing and shall be filed with the ALJ assigned to the case. Grounds for revocation shall include irrelevance, undue burden and privilege.