**Section 270.440 Subpoenas**

a) Generally

The Department/other entity may issue subpoenas to compel the attendance of a witness or the production of documents before or during an administrative hearing, on its own motion, or at a party's request.

1) The request for subpoena shall be granted only if the requester demonstrates that the information to be produced by the subpoena is necessary, relevant, and not unduly repetitious.

2) The ruling on the request for subpoena may be delayed until after available evidence has been submitted.

b) Service

When a request for subpoena is granted, the requesting party shall be responsible for service of the subpoena. Subpoenas will be served pursuant to Section 270.424.

c) Record

Subpoenas, requests for subpoenas, denials of requests for subpoenas, and the specific reasons for denying, revoking or modifying subpoenas will be made part of the record.

d) Failure to Comply

1) If a party fails to obey a subpoena and the Department/other entity finds that subsections (a) and (b) have been satisfied, appropriate sanctions may be imposed, including, but not limited to, disallowing testimony by the party who has refused to comply or drawing an adverse influence against the party refusing to comply.

2) If a non-party fails to obey a subpoena, the party seeking enforcement will be responsible for preparing an application for enforcement and filing that application in a court of appropriate jurisdiction.

(Source: Added at 42 Ill. Reg. 9226, effective July 1, 2018)