**Section 100.140 Subpoenas**

a) The Chief Administrative Law Judge, or their designated ALJ, will issue subpoenas for the attendance of witnesses or production of books, records, documents or other evidence; provided, however, that nothing in this Section shall limit the Secretary's or Director's powers to request, demand or, subpoena information or testimony under applicable law.

b) Any Petitioner seeking issuance of a subpoena shall submit a request in writing to the Chief Administrative Law Judge. A proposed subpoena shall be attached to the request.

c) The request shall set forth facts to demonstrate that the documents or testimony sought are relevant to the case pending before the Division and are not otherwise excludable by law or by rule.

d) A request for subpoena may be denied if insufficient information is provided in the request to make such a determination.

e) Except for Division investigators and examiners who participated in the investigation of the case, the Chief Administrative Law Judge shall not generally issue subpoenas for the testimony of Department or Division officers or employees.

f) Upon refusal by an ALJ to issue any subpoena, the Petitioner will be entitled to a Hearing before another ALJ, to be conducted as a matter of record.

g) Service of subpoenas pursuant to this Section shall be done, and payment of witness fees and expenses after the appearance of the witness shall be calculated, in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.