**Section 120.420 Subpoenas**

a) The ALJ shall, on the written application of any party, issue subpoenas to a party allowing that party to require the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents. The Director shall have the authority to sign and issue subpoenas on behalf of the Department. Applications for subpoenas made before or during the hearing shall be filed with the ALJ. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.

b) Subpoenas may be served by personal delivery, by certified mail with return receipt signed by private delivery service, or by U.S. regular mail, postage prepaid. Any person served with a subpoena, whether ad testificandum (for witness testimony) or duces tecum (for document production), who does not intend to comply with the subpoena, shall, within 5 days after the date of service of the subpoena, petition in writing to revoke the subpoena. The date of service for purposes of computing the time for filing a petition to revoke shall be the date the subpoena is received. All petitions to revoke subpoenas shall be served on the party at whose request the subpoena was issued. The petition to revoke, if made prior to or during the hearing shall be filed with the ALJ.

c) The ALJ, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable, is oppressive or requests material that is irrelevant. The ALJ will rule upon motions to quash or modify material requested in the subpoena. The ALJ may deny, limit or condition the production of information when necessary to prevent undue delay, undue expense, harassment or oppression. The ALJ can take these actions if the subpoena does not describe with sufficient particularity the evidence whose production is required, or if, for any other reason sufficient in law, the subpoena is otherwise invalid. The ALJ can also take these actions to protect materials from disclosure consistent with a protective order issued by the ALJ. If the Request for Subpoena is denied or modified, the ALJ shall proceed to conduct the hearing, and the specific reasons for denying or modifying the request shall be made part of the record.

d) If a party or organization within control of a party fails to obey a subpoena, and the ALJ finds the subpoena to have been validly served and the material requested to be relevant and material, the ALJ may impose such sanctions as are appropriate, including but not limited to: prohibiting testimony by the party who has refused to comply with the subpoena; drawing an adverse inference against the party required to comply; or recognizing the evidence required by the subpoena but not produced as establishing the truth of the position of the party who subpoenaed the document. If a nonparty fails to obey a subpoena, the party seeking enforcement shall be responsible for preparing an application for enforcement and shall file it in a court of appropriate jurisdiction.

e) Witnesses summoned before the ALJ, other than those summoned by the Department, shall be paid the same fees and mileage that are paid witnesses in the court of the county where the hearing is being held. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)