**Section 2725.232 Depositions**

a) Where any hearing is pending under this Part, the Director's Representative shall order the taking of a person's deposition, specifying the subject matter to be covered, under oral examination or written questions for use as evidence at the hearing if:

1) It appears to the Director's Representative that the deposition of such person is necessary for the preservation of relevant testimony because of a substantial possibility it would be unavailable at the time of the hearing (i.e. potential witness is moving out of state, incarcerated, etc.); and,

2) Such request is made by a motion of a party who gives notice of this motion to any other parties to the issue and to the Office of Legal Counsel of the Agency.

b) The taking of depositions shall be in accordance with the rules for the taking of depositions in civil cases, and the order for the taking of a deposition may provide that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place.

c) Any other parties and the Agency shall have the right to confront and cross-examine any witness whose deposition is taken. The other parties and the Agency may waive such right in writing, filed with the Director's Representative.

d) Depositions shall be taken in the county of residence or of employment of the witness, as specified in Rule 203 of the Rules of the Illinois Supreme Court, unless the witness waives such right in writing.

e) Failure to obey an order for deposition shall result in the same sanctions as provided in Section 2725.230 for failure to comply with a subpoena.