**Section 310.140 Discovery**

a) Discovery shall not be the subject of motions presented to the Comptroller or hearing officer, except when a motion is made alleging failure to comply with this provision, and requesting relief in the form of dismissal of the case, or recommendation to the Comptroller based on the pleadings without a hearing.

b) Upon written request served on the opposing party, any party shall be entitled to:

1) The name and address of any witness who may be called to testify;

2) Copies of any document which may be offered as evidence; and

3) A description of any other evidence which may be offered.

c) The above information will be provided within ten days of service of a request.

d) Whether or not a request is made, during discovery a licensee shall be entitled to any exculpatory evidence in the Comptroller's or the Department's possession. Exculpatory evidence is any evidence which tends to support the licensee's position or to call into question the credibility of a Department witness; and

e) Upon a written request served on the licensee, at any time after a Complaint is filed, or at any stage of the hearing, the licensee will be required to produce documents, books, records or other evidence which relate directly to conduct of the licensed business.

f) Nothing in this Section shall prevent the parties in a contested case from agreeing to a mutual exchange of information which is more extensive than what is provided for herein. Where the parties agree to the use of an evidence deposition, such agreement will be in writing, and will operate as a waiver of any objection not made during the deposition, except for an objection that the testimony of the witness is not relevant to the case.

g) This provision will be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.