

Subpoenas for purposes of hearing.

- (A) Upon written request, the board shall issue subpoenas for purposes of hearing to compel the attendance and testimony of witnesses and production of books, records and papers. Each subpoena shall indicate on whose behalf the witness is required to testify. Copies of such subpoenas shall be issued to each representative of record~~, the representatives as identified in rule 4731-13-01 of the Administrative Code.~~
- (B) For purposes of a hearing conducted ~~under~~ pursuant to Chapter 119. of the Revised Code, subpoena requests shall specify the name and address of the individual to be served and the date and time at which ~~they are~~ the individual is to appear. With respect to the production of books, records and papers, such request may specify a date of compliance not more than seven days prior to hearing.
- (C) Except upon leave of the board or its ~~attorney~~ hearing examiner, subpoena requests are to be filed with the board as provided in rule 4731-13-08 of the Administrative Code at least fourteen days in advance of the requested date of compliance in order to allow sufficient time for preparation and service of the subpoenas.
- (D) In the event that the number of subpoenas requested appears to be unreasonable, the board or its ~~attorney~~ hearing examiner may require a showing of necessity ~~therefor,~~ therefore and, in the absence of such showing, may limit the number of subpoenas. Absent such a limitation, subpoenas shall be issued within five days of request. Failure to issue subpoenas within this time may constitute sufficient grounds for the granting of a continuance.
- (E) After the hearing has commenced the ~~attorney~~ hearing examiner may order the issuance of subpoenas for purposes of hearing to compel the attendance and testimony of witnesses and production of books, records and papers. Copies of such subpoenas shall be issued to each representative of record~~, the representatives as identified in rule 4731-13-01 of the Administrative Code.~~
- (F) Upon motion and for good cause, the ~~attorney~~ hearing examiner may order any subpoena be quashed. Motions to quash shall be made in the manner provided in rules 4731-13-07 and 4731-13-08 of the Administrative Code, except that motions to quash shall be filed at least five days prior to the date of compliance. The non-moving party may file a response no later than four days after service of the motion to quash or at least one day prior to the date of compliance whichever is earlier. Unless a motion to quash has been granted, a witness shall attend the hearing to which he or she was subpoenaed. The board shall make a reasonable attempt to contact any witness whose subpoena has been quashed.
- (G) Witnesses ~~may~~ shall not be subpoenaed to prehearing conferences.

Effective: 02/28/2004

R.C. 119.032 review dates: 11/17/2003 and 03/25/2007

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05
Rule Amplifies: 119.09
Prior Effective Dates: 6/30/89, 3/27/97