

ACTION: FINAL
FILED

DATE: 10/07/2002
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4112-3-13

Subpoenas.

- (A) Issuance of subpoenas. A commissioner may issue a subpoena to compel the attendance of witnesses or the production of evidence, including, but not limited to, books, records, correspondence, or other documents relating to any matter under investigation by the commission or as otherwise permitted under Chapter 4112. of the Revised Code. The director or the director's designee may sign and issue subpoenas on behalf of the commission. Subpoenas issued on behalf of the commission for a public hearing may be issued by ~~a hearing examiner~~ an administrative law judge . Subpoenas issued under this rule shall be governed by division (B)(3) of section 4112.04 of the Revised Code, the "Ohio Rules of Civil Procedure," and rule 4112-3-12 of the Administrative Code.
- (B) Issuance of subpoena at the request of respondent. ~~A commissioner or a hearing examiner may issue a subpoena to compel the attendance of witnesses or the production of documents at a public hearing at the request of a respondent.~~ Subpoenas shall be issued upon receipt of a written request from a respondent or respondent's attorney representative which identifies the ~~matter in question~~ case caption and complaint number and contains the name and address of the person to be served. Subpoena requests for the production of documents must specify the documents to be produced. Subpoenas issued at the request of a respondent shall contain the name and address of the respondent and shall state that they were issued at the respondent's request. Subpoenas issued on behalf of a respondent shall be sent to the respondent and served by the respondent, consistent with the "Ohio Rules of Civil Procedure."
- (C) Fees. Where a subpoena or subpoena for production of evidence is issued upon the application of the respondent, the cost of service, witness and mileage fees shall be borne by the respondent. ~~Where a subpoena or subpoena to produce documentary evidence is issued at the instance of the commission or any commissioner or a hearing examiner, the cost of such service, witness and mileage fees shall be borne by the commission.~~ Such witness and mileage fees shall be the same as paid by the common pleas courts of Ohio.
- (D) Failure to obey subpoena. On the failure of any person to obey a subpoena ~~or subpoena to produce evidence issued at the instance of the commission, or any commissioner or a hearing examiner,~~ the commission may, ~~through the commission attorney,~~ make application to the common pleas court of the county in which the witness resides, was served or transacts business, for an order from the court for such person to show cause why he or she shall not be held in contempt and such

further relief as may be appropriate pursuant to ~~division (B) of section 4112.04 and section 4112.11 and 4112.99 of the Revised Code, and civil rule 37.~~

Replaces: 4112-3-13

Effective: 10/17/2002

R.C. 119.032 review dates: 8/1/2002 and 08/01/2007

CERTIFIED ELECTRONICALLY

Certification

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Date

Promulgated Under: 119.03
Statutory Authority: 4112.04(A)(4)
Rule Amplifies: 4112.04, 4112.05
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7/12/1989, 8/10/1997