

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 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. Subpoenas shall be issued upon receipt of a written request from a respondent or respondent's representative which identifies the 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;and witness and mileage fees shall be borne by the respondent. ~~Such witness~~ Witness and mileage fees shall be the same as paid by the common pleas courts of Ohio as outlined in section 2335.06 of the Revised Code.
- (D) Failure to obey subpoena. On the failure of any person to obey a subpoena, the commission may 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 a~~ person to show cause why he or she shall not be held in contempt and ~~such~~ further relief as may be appropriate.

Effective: 10/12/2019  
Five Year Review (FYR) Dates: 10/18/2018 and 10/12/2024

CERTIFIED ELECTRONICALLY

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Certification

10/02/2019

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Date

Promulgated Under: 119.03  
Statutory Authority: 4112.04  
Rule Amplifies: 4112.04, 4112.05  
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