Ohio Administrative Code

Rule 4101:9-4-26 Subpoenas.

Effective: June 3, 2004

(A) In any investigation, the director or director's designee, may administer oaths, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and the production of documents and testimony. Subpoenas, including subpoenas duces tecum, may be issued for sworn statements, depositions and hearings. In addition, subpoenas may be issued in connection with a general investigatory request for production of documents. Subpoenas shall be issued according to the requirements of this rule.

(B) Subpoenas, including subpoenas duces tecum, which are issued for an administrative hearing shall be issued upon request of any party to said hearing or upon commerce's own initiative. Subpoenas, including subpoenas duces tecum, issued for such a hearing shall be issued by commerce in the manner required by section 119.09 of the Revised Code.

(C) Subpoenas, including subpoenas duces tecum, which are issued for a deposition sought in connection with an administrative hearing shall be issued upon request of any party to said hearing or upon the department's own initiative. Said subpoenas shall be issued by the department in that manner required by section 119.09 of the Revised Code.

(D) Subpoenas for a general investigatory request for production of documents may be issued by the director or the director's designee upon their own initiative. The director or the director's designee shall mail the subpoenas by certified mail, return receipt requested, not less than ten calendar days in advance of any date for compliance specified in such subpoena.

(E) Upon motion and for good cause shown, any subpoena issued pursuant to this rule may be quashed by the director. Motions to quash shall be in writing and shall be submitted prior to the sworn statement, deposition, hearing, or date of compliance specified in the general investigatory request for production of documents.