



Ohio Administrative Code Rule 4117-1-09 Subpoenas; witness fees.

Effective: [October 25, 2010](#)

(A) Upon application of any party, a board member, or the administrative law judge assigned to conduct a hearing or the board may issue subpoenas requiring attendance and testimony of witnesses and the production of any evidence, including, but not limited to, books, records, correspondence, or documents in their possession or under their control. Application for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the witness whose appearance is requested, the time, date, and place of hearing, and the name and address of the party at whose request it was issued, and the proceeding involved. A subpoena duces tecum shall describe with particularity the documents sought to be produced. Any person served with a subpoena who opposes compliance with it may file promptly, but in no event later than the time specified for compliance, a motion to quash the subpoena. The board may also issue subpoenas upon its own motion. The person requesting a subpoena is responsible for service of that subpoena and shall complete an affidavit of service and file it with the board via electronic mail.

(B) Upon the failure of any person to comply with a subpoena issued by the board, a board member, or an administrative law judge, the board may institute proceedings in the appropriate court of common pleas for an order enforcing said subpoena.

(C) Witnesses subpoenaed to appear before the board, a board member, or an administrative law judge shall be paid the same fees and mileage that are paid witnesses in the courts of Ohio, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of Ohio pursuant to section 2335.06 of the Revised Code.

(D) Public employees shall be paid witness fees only if subpoenaed to appear at a hearing that they attend during time other than regularly scheduled workhours. Public employees shall be paid by their employer for time they are absent from their work to attend hearings, including board-directed mediations, provided the public employee was subpoenaed or was a party. No employee shall be required to take leave in lieu of pay for attendance. Mileage shall be paid only to persons incurring



unreimbursed travel expenses to attend a hearing. Neither parking costs nor food and lodging are reimbursable by the board. Witness fees and mileage shall be taxed as costs to the party requesting the subpoenas.

(E) Mileage and witness fees shall not be paid to any witness who fails to register at the hearing for which the witness was subpoenaed.

(F) Parties may not subpoena themselves.

(G) In the case of fact-finding or conciliation hearings, the board will issue a subpoena only upon the request of the fact-finder, fact-finding panel, or the conciliator.