



## Ohio Administrative Code

### Rule 5101:9-22-10 Issuance of a subpoena for investigation by the Ohio department of job and family services (ODJFS).

Effective: June 15, 2021

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(A) ODJFS' office of legal and acquisition services may in its discretion, and pursuant to section 5101.37 of the Revised Code, issue subpoenas using the JFS 05607 "Subpoena," to compel the attendance of witnesses or the production of documents as necessary for agency investigations, audits or hearings.

(B) To request a subpoena, the initiating office shall complete all information on the JFS 05607 except for the "subpoena number," certification of chief legal counsel, and "return of subpoena" section. The completed JFS 05607 shall be attached to a memorandum signed by the chief of the initiating office and the appropriate deputy director. This memorandum shall summarize the factual basis of the investigation and shall provide justification for the issuance of the subpoena including why the witnesses or documents are necessary to the investigation and an explanation of why the information cannot be obtained without a subpoena. The subpoena and attached memorandum are forwarded to the chief legal counsel or a designee for review and issuance.

(C) If the subpoena request is approved by the chief legal counsel or designee, the office of legal and acquisition services shall assign a subpoena number and the chief legal counsel or designee shall sign, date, and seal the subpoena.

(D) The JFS 05607 shall be served by an employee of the initiating office or other person appointed pursuant to section 5101.38 of the Revised Code. After service, the authorized subpoena server shall complete and sign the "return of subpoena" section of the JFS 05607, including indicating whether service was made by personal service; registered mail, return receipt requested; regular mail; or other method. A copy of the completed JFS 05607 shall be returned to the office of legal and acquisition services for inclusion in the subpoena log.

(E) The office of legal and acquisition services shall maintain a subpoena log to include a copy of each subpoena issued and served by ODJFS. The initiating office shall maintain all other records required by division (A) of section 5101.37 of the Revised Code.



(F) Fees and mileage for witnesses shall be the same as those allowed in division (A) of section 119.094 of the Revised Code and shall be paid by ODJFS from the funding source for the ODJFS work unit out of which the facts arose or were discovered, requiring an audit, hearing or investigation. No officer or employee of a county department of job and family services (CDJFS), child support enforcement agency (CSEA), or public children services agency (PCSA) is entitled to witness fees or mileage if the CDJFS, CSEA, or PCSA employing the witness is the subject of the investigation. Employees of ODJFS are not entitled to witness fees or mileage under these subpoena issuance procedures. However, ODJFS employees may be eligible for mileage under regular ODJFS travel expense reimbursement.