**Section 3730.208 Discovery**

a) Hearing Officer

1) The Hearing Officer may order production of documents or things, depositions, or interrogatories in his or her discretion upon the written request of any party or by the Department on its own motion, either by an order directed to a party or by subpoena directed to a non-party:

A) when necessary to expedite the proceedings;

B) to ensure a clear or concise record;

C) to ensure a fair opportunity to prepare for the hearing; or

D) to avoid surprise at the hearing.

2) The Hearing Officer shall restrict such discovery when necessary to prevent undue delay or harassment.

b) The Hearing Officer may in his or her discretion order the following discovery upon written request of any party:

1) a list of witnesses who are known to the party, who have knowledge of the occurrence or other relevant facts;

2) a list of expert witnesses who may be called at the hearing, which shall be submitted to all parties prior to the hearing; and

3) reasonable inspection of the premises by experts.

c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Section may be examined regarding any matter, not privileged, that is relevant to the subject matter of the pending case, or that may lead to the discovery of relevant information.

d) All depositions and interrogatories taken pursuant to this Section shall be for purposes of discovery only, except as provided in this Section. The depositions and interrogatories may be used for purposes of impeachment and as admissions of the deposed or interrogated party. Upon application to the Hearing Officer either before or after the taking of depositions or interrogatories and upon showing that, at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the Northeastern Illinois Metropolitan Region (specifically the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry and Will), or other exceptional circumstances, the Hearing Officer may order that the deposition or interrogatories be used as evidence in the hearing.

e) Upon transcription of the deposition, it shall be made available to the deponent for examination and signature, unless signature is waived both by the deponent and by the parties who are represented at the deposition. Any changes in form or substance that the deponent desires to make shall be entered upon the deposition by the court reporter taking the same with a statement of the reasons given by the deponent making them. The deposition shall then be signed by the deponent unless the deponent is ill or cannot be found or refuses to sign, in which event the court reporter's certification shall state the reason for the omission of the signature.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)