**Section 475.90 Discovery**

a) Within 14 business days after a hearing officer has been appointed, the State Superintendent shall provide the licensee the full investigative file pertaining to the matters at issue, excluding only documents that are protected by a specific privilege. Parties shall exchange, and provide a copy to the hearing officer of, the documents or exhibits to be used at the hearing and list of witnesses to be called at the hearing no later than 14 days prior to the hearing, or by a deadline otherwise set by the hearing officer.

b) Evidence depositions may be taken with approval of the hearing officer for reasons of unavailability or for other good cause shown. The depositions may be taken orally before any person designated by the hearing officer and having the power to administer oaths. Any party desiring to take the evidence deposition of a witness shall make application in writing to the hearing officer, supported by affidavit, setting forth:

1) The reasons why the deposition should be taken, including the reasons why the evidence deposition should be allowed in lieu of live testimony at the hearing; that is, a statement as to why the witness shall be unavailable to testify at hearing, or what other good cause exists to allow the witness to testify through an evidence deposition rather than live testimony at the hearing;

2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

3) The name and address of each witness; and

4) The subject matter concerning which the witness is expected to testify.

c) Discovery depositions may be taken with approval of the hearing officer, under the following circumstances.

1) A party desiring to take the discovery deposition of a witness may make application in writing to the hearing officer, setting forth:

A) the reasons why the deposition should be taken, including that, to the best of the party's knowledge, the individual to be deposed has not testified previously in a related matter such as a trial or other hearing;

B) that the deposition is necessary for a just disposition of any issue in a hearing;

C) the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

D) the name and address of each witness; and

E) the subject matter concerning which the witness is expected to testify, for the purpose of allowing the hearing officer to determine if the deposition should be pursued.

2) The hearing officer may allow a party to take a discovery deposition upon a finding that:

A) the individual to be deposed has not testified previously in a related matter such as a trial or other hearing; and

B) the deposition is necessary for a just disposition of any issue in a hearing.

d) Notwithstanding anything to the contrary in subsection (c) of this Section, the parties shall have the right to conduct a deposition of an expert witness (only if the expert witness has been identified as a witness who will testify at the hearing) and may do so by providing notice to the other party and the hearing officer, setting forth:

1) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; and

2) The name and address of the expert witness.

e) Any depositions shall be conducted pursuant to the Illinois Code of Civil Procedure [735 ILCS 5]. Depositions may be taken by contemporaneous transmission from a different location (i.e., video-conference technology) by agreement of the parties. Any notice of deposition shall be given by the party taking the deposition to every other party.

f) The hearing officer shall allow for interrogatories and requests for production of documents, provided that:

1) A party may not serve more than 30 interrogatories, including subparts on any other party, except upon agreement of the parties or leave of the hearing officer granted upon a showing of good cause; and

2) Interrogatories and requests for production shall be restricted to the subject matter of the Statement of Charges or defense and shall avoid placing undue detail, excessive burden, or expense on the answering party.

g) The hearing officer may allow for other discovery if appropriate to a just disposition of any issue in a hearing.