**Section 1100.70 Subpoenas**

a) All subpoenas shall be issued by the Board upon written application of a party to the Administrative Law Judge or hearing officer, or, in the event that an Administrative Law Judge or hearing officer has not been named, to the General Counsel. The application shall contain the name and address of the party and its representative, the name of the person to be subpoenaed, and, when applicable, a description of any documents to be produced.

b) A person objecting to the subpoena, including a subpoena duces tecum, may file a motion to revoke the subpoena. Any motion to revoke a subpoena shall be filed with the hearing officer or Administrative Law Judge or, in the event that a hearing officer or Administrative Law Judge has not been named, with the General Counsel. The motion must be filed by the date on which the person is required to appear or the documents are to be produced, and, in any event, no later than five days after service of the subpoena. Grounds for revocations of subpoenas shall include such factors as irrelevance, burdensomeness of compliance, or privilege.

c) Witnesses appearing at a hearing pursuant to subpoenas are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Circuit Courts Act [705 ILCS 35]. Witness fees and mileage shall be paid by the party at whose request the subpoena was issued.

d) A subpoena duces tecum shall specify the date for production of the documents. If the date so specified is other than at the hearing, the date specified for production shall be a date in advance of the hearing, which shall be no less than 10 days after the receipt of the subpoena by the person or entity to whom it is directed.

e) A party may be awarded its costs and reasonable attorney's fees incurred in seeking enforcement of a subpoena when the noncompliant party has, in refusing to comply with the subpoena, made allegations or denials without reasonable cause that are found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation.

(Source: Amended at 41 Ill. Reg. 10566, effective August 1, 2017)