



Ohio Administrative Code

Rule 124-11-17 Subpoenas.

Effective: [March 24, 2014](#)

(A) Consistent with Chapter 124-9 of the Administrative Code, a party may request the board to issue subpoenas for documents and subpoenas for up to five witnesses. The party shall file with the board a list of witnesses and a summary of each witness's testimony prior to the issuance of the subpoenas. If a party deems it necessary to subpoena more than five witnesses, prior approval is required and the board will rule on the need to call any of the witnesses the party requests to be subpoenaed.

(B) Subpoenas shall be issued in either of two ways:

(1) The board shall supply subpoenas to the parties who are responsible for completing and serving subpoenas. A subpoena is deemed served when:

(a) It is personally served upon the person; or

(b) It is received by the person at the person's last known address by certified mail, return receipt requested; or

(c) It is left at the usual place of residence, or last known address of the person, with an adult residing therein, or is left with the subpoenaed witness's government employer who has agreed to timely provide the subpoena to the witness.

(d) If the service by certified mail under paragraph (B)(1)(b) of this rule is returned with an endorsement showing the service was refused or unclaimed, then the subpoena may be sent by ordinary mail, evidenced by a certificate of mailing; and

(e) The party serving the subpoena shall file a copy of the subpoena, properly endorsed as to service, at or prior to the hearing for which the subpoena was issued.



(2) The board shall mail subpoenas by ordinary United States mail to the last known address of the person as directed by the party requesting the subpoena.

(a) The board shall not mail subpoenas fewer than fourteen calendar days in advance of a hearing. If subpoenas cannot be mailed more than fourteen calendar days in advance of a hearing, the board shall, on request, hold the subpoenas so they can be served on the witness at the hearing subject to the provisions contained within paragraph (C) of this rule.

(b) If the board is requested to serve the subpoena by ordinary mail, then the subpoena is deemed delivered.

(C) To be enforceable, witnesses shall receive their subpoenas at least seven calendar days prior to the hearing. Subpoenas duces tecum shall be received at least ten calendar days prior to the record hearing. Absent proof a witness has received a subpoena in a timely manner, the board shall not enforce the subpoena nor hold the record open for the testimony of an unsubpoenaed non-appearing witness.

(D) Hearings shall not be continued due to the absence of a witness subpoenaed under paragraph (B) of this rule.

(E) The board will not re-issue subpoenas when a hearing has been continued unless the party requesting the subpoenas files a timely request to do so.

(F) Upon motion and for good cause, the board may quash any subpoena. Motions to quash shall be filed with the board and served upon the opposing party prior to a hearing. Unless a motion to quash has been granted, a witness shall attend the hearing to which he or she was subpoenaed subject to the provisions contained within paragraph (C) of this rule.

(G) Witnesses may not be subpoenaed to prehearings.

(H) No character witness shall be subpoenaed to attend hearings. This prohibition does not pertain to witnesses testifying to the credibility of another witness.