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Ohio Revised Code

Section 4768.05 Authority to subpoena witnesses and to compel production of documents.

Effective: December 14, 2018
Legislation: House Bill 213 - 132nd General Assembly

The real estate appraiser board or the superintendent of real estate and professional licensing may compel, by order or subpoena, the attendance of witnesses to testify in relation to any matter over which the board or the superintendent has jurisdiction and that is the subject of the inquiry and investigation by the board or superintendent and may require the production of any book, paper, or document pertaining to such matter. For such purpose, the board or the superintendent has the same power as judges of county courts to administer oaths, compel the attendance of witnesses, and punish witnesses for refusal to testify. Service of the subpoena may be made by sheriffs or by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. Sheriffs or constables shall return such process and shall receive the same fees for doing so as are allowed for like service if service of the subpoena is made by sheriffs or constables. Witnesses shall receive, after their appearance before the board or the superintendent, the fees and mileage provided for under section 119.094 of the Revised Code. If two or more witnesses travel together in the same vehicle, the mileage fee shall be p aid to only one of those witnesses, but the witnesses may agree to divide the fee amongst themselves in any manner.

If any person fails to file any statement or report, obey any subpoena, give testimony, answer questions, or produce books, records, or papers as required by the board or the superintendent under this chapter, the board or the superintendent may apply to the court of common pleas of any county in the state setting forth the failure. Upon receiving such an application, the court may make an order awarding process of subpoena or subpoena duces tecum for the person to appear and testify before the board or the superintendent; order any person to give testimony and answer questions; and order any person to produce books, records, or papers, as required by the board or the superintendent. Upon the filing of such an order in the office of the clerk of the court of common pleas, the clerk, under the seal of the court, shall issue process or subpoena each day until the examination of the person is completed. The subpoena may contain a direction that the witness bring to the examination any books, records, or papers described in the subpoena. The clerk also shall issue, under the seal of the court, such other orders, in reference to the examination, appearance, and production of books, records, or papers, as the court directs. If any person summoned by

subpoena fails to obey the subpoena, to give testimony, to answer questions as required, or to obey an order of the court, the court, on motion supported by proof, may order an attachment for contempt to be issued against the person charged with disobedience of the order. If the person is brought before the court by virtue of the attachment, and if upon a hearing the disobedience appears, the court may order the offender to be committed and kept in close custody.