21 NCAC 10 .0709 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a Board Hearing or for the purposes of discovery, shall:

(1) be made in writing to the Board;
(2) identify any document sought;
(3) include the full name and home or business address of all persons to be subpoenaed; and
(4) if known, include the date, time, and place for responding to the subpoena.

The Board shall issue the requested subpoenas within three days of receipt of the request.

(b) Subpoenas shall contain the following:

(1) the caption of the case;
(2) the name and address of the person subpoenaed;
(3) the date, hour, and location of the hearing in which the witness is commanded to appear;
(4) a particularized description of the books, papers, records, or objects the witness is directed to bring with him to the hearing, if any;
(5) the identity of the party on whose application the subpoena was issued;
(6) the date of issue;
(7) the signature of the presiding officer or his designee; and
(8) a "return of service." The "return of service" form as filled out, shall show:
    (A) the name and capacity of the person serving the subpoena;
    (B) the date on which the subpoena was delivered to the person directed to make service;
    (C) the date on which service was made;
    (D) the person on whom service was made;
    (E) the manner in which service was made; and
    (F) the signature of the person making service.

(c) Subpoenas shall be served in a manner set forth in Rule 45 of the N.C. Rules of Civil Procedure.

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office. Written objections shall comply with Rule 45 of the N.C. Rules of Civil Procedure.

(e) The party who requested the subpoena may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness with the filing of the response with the Board.

(f) After receipt of the objection and response thereto, if any, the Board shall issue a notice of a Hearing on the motion to the party who requested the subpoena and the party challenging the subpoena to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

(g) After the close of such Board Hearing, a majority of the Board members hearing the contested case shall rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

History Note: *Authority G.S. 150B-38; 150B-39; 150B-40;*
Eff. January 1, 2020;
Readopted Eff. April 1, 2026.