21 NCAC 66 .0703 SUBPOENAS

(a) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.

(b) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified.

(c) Any such objection to a subpoena shall be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.

(d) The party who requested the subpoena, in such time as may be granted by the Board, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(e) After receipt of the objection and response thereto, if any, the Board shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties of an open hearing, 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.

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

History Note: *Authority G.S. 90-185; 150B-38; 150B-39;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.