

**481—1.4(10A,17A) Subpoenas.**

**1.4(1)** *Issuance of subpoenas.* The director, or designee of the director, is authorized to issue subpoenas in accordance with the provisions of Iowa Code sections 10A.104(6), 10A.209, and 17A.13. In connection with audits, appeals, investigations, inspections, hearings, and any other permissible matters conducted by the department, the director, or designee of the director, may, upon written request or the director's own initiative, issue the following:

- a. Subpoenas duces tecum for the production and delivery of books, papers, records, and other real evidence; and
- b. Subpoenas for the appearance of persons to provide statements, statements under oath, and depositions.

**1.4(2)** *Contents of subpoenas.* Each subpoena shall contain the following:

- a. The name and address of the person to whom the subpoena is directed;
- b. The date, time, and location for the appearance of the person;
- c. A description of the books, papers, records, or other real evidence requested;
- d. The date, time, and location for production, inspections, or copying of the books, papers, records, or other real evidence;
- e. The signature and address of the director or designee;
- f. The name, address, and telephone number of a department employee who can be contacted for purposes of providing clarification or assistance in compliance with the subpoena;
- g. The date of issuance; and
- h. A return of service.

**1.4(3)** *Motions to quash or modify subpoena.* A person who desires to challenge a subpoena directed to that person must, within ten days after service of the subpoena, or before the time specified for compliance, if such time is less than ten days, file with the director a motion to quash or modify the subpoena. Upon receipt of a timely motion to quash or modify a subpoena, the director or the director's designee may issue a decision or request an administrative law judge to issue a decision. Oral argument may be scheduled and conducted at the discretion of the director, the director's designee, or the administrative law judge. The director, the director's designee, or the administrative law judge may quash or modify the subpoena, deny the motion, or issue other appropriate orders. A person who is aggrieved by a ruling of an administrative law judge and who desires to challenge that ruling must appeal the ruling to the director by serving the director, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. The decision of the director or the director's designee is final for purposes of judicial review.

**1.4(4)** *Failure to comply with subpoena.* If the person to whom the subpoena is directed refuses or fails to obey the subpoena, the director, or the director's designee, may cause a petition to be filed in the Iowa district court seeking an order for the person's compliance.

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