

COMAR 28.02.01

.14 Subpoenas.

A. Issuance of Subpoenas. On request of a party, or at the direction of a judge, the Office may issue subpoenas requiring the attendance and testimony of witnesses and the production at the hearing of any tangible items in the possession or under the control of the witness.

B. Requests.

(1) A request for a subpoena shall be made, in writing, to the Office.

(2) To the extent practicable, subpoena requests shall be filed at least 10 days before the hearing.

(3) A request for a subpoena shall specify the:

(a) Name and full address of the person to be subpoenaed; and

(b) Name, full address, and telephone number of the party requesting the subpoena.

(4) A subpoena that requests the production of tangible items, books, papers, or other documents shall describe those items with particularity.

(5) A subpoena that requests the production of medical records shall be made in accordance with Health-General Article, §4-306, Annotated Code of Maryland.

C. Delivery of Subpoenas.

(1) Subpoenas may be served:

(a) By personal delivery by an individual 18 years old or older who is not a party to the proceeding;

(b) By certified mail to the person at the address specified in the subpoena request; or

(c) If served by the Office, by U.S. Mail, or other personal or courier delivery.

(2) Unless the subpoena request specifies otherwise, the subpoena shall be mailed by the Office as provided in §C(1) of this regulation.

(3) The subpoena may not be enforced pursuant to State Government Article, §9-1605(d)(2), Annotated Code of Maryland, absent proof of service by certified mail or personal delivery.

(4) Costs of certified mailing or personal delivery of subpoenas are the responsibility of the person requesting service.

(5) Proof of service of subpoenas by certified mail or personal delivery is the responsibility of the person requesting the subpoenas.

(6) The party requesting the subpoena is responsible for notifying the person subpoenaed if the hearing is cancelled or postponed. Subpoenas shall remain in effect until the conclusion of the hearing.

D. Return of service shall be made as follows:

(1) When service is by certified mail, by the filing of the original return receipt; and

(2) When service is by personal delivery, by the filing of an affidavit, signed by the person who made service, containing:

(a) The name of the person served;

(b) The date on which the person was served;

(c) The particular place of service; and
(d) A statement that the affiant is 18 years old or older and not a party to the proceeding.

E. Objections to Subpoenas. A person may object to a subpoena by filing with the Office a motion to quash or for other relief.

F. Enforcement of Subpoenas. If a person fails to comply with a properly served subpoena, at the request of an administrative law judge, the Office may apply to the appropriate circuit court for an order to show cause why the person should not be committed to jail for refusal to comply with a subpoena.