21 NCAC 46 .2013 SUBPOENAS

- (a) A party shall file and serve a request for a subpoena, attaching a proposed subpoena. A form of subpoena is available on the Board's website at ncbop.org/lawandrules.htm. The Board may issue the subpoena in accordance with G.S. 150B-39(c). Subpoenas must be issued and signed by the Presiding Officer, the Board's Executive Director, the Board's legal counsel, or a Board staff member designated by the Executive Director.
- (b) The party shall serve the subpoena along with the fees and expenses required by G.S. 150B-39(c).
- (c) After service of the subpoena, the party serving the subpoena shall file and serve sworn proof of the method of service, demonstrating compliance with G.S. 150B-39(c).
- (d) G.S. 150B-39(c) governs the recipients' duties in responding to subpoenas. A party to the case or person subject to the subpoena may object to a subpoena by filing a motion to quash. The movant shall file and serve the motion to quash within 10 days of service of the subpoena or seven days before the contested case hearing, whichever is sooner. The Board shall hear and rule on objections as provided in G.S. 150B-39(c).

History Note: Authority G.S. 90-85.6; 150B-38; 150B-39; 150B-40;

Eff. September 1, 1988;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,

2017;

Amended Eff. August 1, 2020.