

660:2-9-4. Authority to subpoena witnesses

(a) Subpoenas.

(1) Any party to [a hearing an individual proceeding](#) shall have the right to have subpoenas issued to require the attendance and testimony of witnesses at a designated time and place, or to require the production of documents and tangible items in the possession or under the control of the witness at a designated time and place. A party requesting the issuance of a subpoena shall submit the proposed subpoena in writing to the Administrator or the Hearing Officer. The proposed subpoena shall contain the name and address of the person to be subpoenaed; the name, address and telephone number of the party requesting the subpoena; and if the production of documents or tangible items is sought, a particular description of such documents or tangible items. Where it appears to the Administrator, or the Hearing Officer, that the subpoena sought may be unreasonable, oppressive, excessive in scope, unduly burdensome, or not relevant, he may, in his discretion, as a condition precedent to the issuance of the subpoena, require the party seeking the subpoena to show the general relevance and reasonable scope of the testimony or other evidence sought. If after consideration of all the circumstances, the Administrator, or the Hearing Officer, determines that the subpoena or any of its terms is unreasonable, oppressive, excessive in scope, unduly burdensome or not relevant, he may refuse to issue the subpoena, or issue the subpoena only upon such conditions as fairness requires.

[\(2\) A party requesting the issuance of a subpoena to an out-of-state witness may be required to show the relevance of the information sought and the witness' contacts with this state as a condition precedent to the issuance of the subpoena. If after consideration of all circumstances, the Administrator, or the Hearing Officer, determines that the information sought is not relevant or the witness' contacts with the state are insufficient to establish jurisdiction over the witness, he may refuse to issue the subpoena.](#)

(b) Service. Service of ~~the~~ subpoena [in this state](#) shall be by personal delivery or by certified mail with a return receipt requested and delivery restricted to the person named in the subpoena. [Service shall be made at least three \(3\) days before the person is required to appear. Service of a subpoena outside of this state shall be served by any person in any manner prescribed for the service of a subpoena in a civil action in the state in which the subpoena is being served.](#) The party requesting the subpoena shall be responsible for, and bear the cost of, service. ~~Appropriate service shall be made at least three (3) calendar days before the person is required to appear.~~

(c) Return of service. The party requesting the subpoena shall promptly file a return of service with the Administrator including a certificate signed by the person making service.

(d) Objection to subpoena. A person who has been served with a subpoena may object to the subpoena by filing a motion to quash with the Administrator within ten (10) days of service of the subpoena or by the date the person is ordered to appear, whichever is earlier.

(e) Enforcement of subpoenas.

(1) If a person under subpoena fails to appear as required, or fails to produce the documents or tangible items set forth in the subpoena, a party may apply to the Administrator for enforcement of the subpoena.

(2) An application to the Administrator for enforcement of a subpoena shall be made immediately upon the failure to comply with the subpoena or within such other time period as the Administrator may establish.

(3) Upon a timely request by a party for enforcement of a subpoena, the Administrator may apply to the district court of Oklahoma County or the district court in any other county where service can be obtained to enforce the subpoena as authorized by the Securities Act.

(f) Fees. Non-party witnesses subpoenaed pursuant to this section shall be paid the same fees and mileage as are paid witnesses in the courts of the state of Oklahoma. Such fees shall be paid by the party requesting that the subpoena be issued at the time their testimony is completed.