

WAC 491-04-160 Can witnesses be subpoenaed? The board may compel the taking of testimony from witnesses under oath before the state board, or the secretary thereof, or the local board of trustees or any member thereof, for the purpose of obtaining evidence, at any time.

(1) The board shall have the same power of subpoena as prescribed in RCW 51.52.100.

(2) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the board and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control.

(3) A subpoena may be served by any suitable person over eighteen (18) years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury.

(4) The board chair may, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may

(a) Quash or modify the subpoena if it is unreasonable and oppressive, or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(5) Failure of any claimant to appear and give any testimony shall suspend any rights or eligibility to receive payments for the period of such failure to appear and testify.

[Statutory Authority: RCW 41.24.290(2). WSR 13-21-050, § 491-04-160, filed 10/11/13, effective 11/11/13.]