



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

LEGAL OFFICE

801 K STREET, MS 19-03, SACRAMENTO, CALIFORNIA 95814 • (916) 327-0089 • WWW.CALRECYCLE.CA.GOV

CalRecycle Hearing Subpoena Information

Mattress Hearing Subpoenas cannot be used in Division of Recycling hearings.

Can I Subpoena Witnesses to Testify at the Hearing?

Subpoenas may be issued to require witnesses to attend and testify at CalRecycle hearings.

Witnesses are entitled to payment for their time and travel. Pursuant to Government Code sections 11450.40 and 68093, witnesses may request fees for appearing at the hearing, including payment for mileage actually traveled. The party at whose request the subpoena is issued must pay such fees. See Government Code sections 11450.05, 11450.40, 68092.5 - 68093, and 68096.1 - 68097.10.

How Do I Obtain Copies of Records Held by Someone Else?

You are entitled to obtain information and materials relevant to the allegations against you. If CalRecycle is in the possession, custody, or control of such information and materials, it must produce them to you in response to your discovery requests. You are entitled, for example, to obtain the evidence that CalRecycle will use to prove the allegations against you. You also have the right to obtain evidence relevant to your potential defenses. Please see the document, "Representing Yourself in a CalRecycle Hearing," for more information.

For documents held by individuals, businesses, or government agencies other than CalRecycle, you may also subpoena a "subpoena duces tecum, which translates to "bring with you under penalty of law." A subpoena duces tecum compels subpoenaed person to bring records that they have to the hearing and to verify that the documents or records have not been altered. That may be done by declaration or by direct testimony, as you require. You may also give the person producing the documents the option not to appear at the hearing if they produce records to you before a certain date.

Can I Sign and Send a Subpoena Myself?

No. Only CalRecycle Hearing Officers or attorneys licensed in California acting on behalf of a party may sign a subpoena. If you are proceeding without an attorney, contact CalRecycle's Hearing Clerk to obtain a blank subpoena form signed by a Hearing Officer.

Hearing Clerk- TIR
CalRecycle Legal Office
801 K Street, MS 19-03, 19th Floor
Sacramento, CA 95814
Phone: 916-327-0089
Fax: 916-322-8768
Email: HearingClerk.MAT@CalRecycle.ca.gov

What Laws Should I Review Before Sending a Subpoena or a Subpoena Duces Tecum?

Code of Civil Procedure sections 1985 - 1987
Government Code sections 11450.05 - 11450.50, 68092.5 - 68093, and 68096.1 - 68097.10