

**BEFORE THE
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle)
For Use In Tire Hearings Only**

In the Matter of:

CalRecycle / CalRecycle Case No.

SUBPOENA: *Requesting Testimony* **SUBPOENA DUCES TECUM:** *Requesting the Production of Records or Things*

THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETINGS TO:	<i>(name and address of person being subpoenaed)</i>
1. At the request of <input type="checkbox"/> Complainant <input type="checkbox"/> Respondent <i>(party name)</i> _____	<i>(name, address and telephone number of contact person)</i>

2. You are hereby commanded, business and excuses being set aside, to appear as a witness on:

(date) _____, **at (time)** _____, **and then and there to testify at:** *(location)*

CalRecycle, 1001 I Street, Sacramento, CA 95812 CalRecycle, 5777 W. Century Blvd., Suite 1555, Los Angeles, CA 90045

CalRecycle, 1350 Front Street, Room 6006, San Diego, CA 92101 CalRecycle, 1955 Chicago Ave., Suite 100, Riverside, CA 90045

Other: _____, California.

3. You are not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 2 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the Office of Administrative Hearings at the address checked in item 2. (4) Mail a copy of your declaration to the attorney or party shown in item 1.

4. You are not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code section 1561.
By _____ *(date)*, **send the records to:**

NOTE: This manner of production may not satisfy the requirements of Evidence Code section 1561 for admission at hearing.

5. You are ordered to appear in person and to produce the records described in the accompanying affidavit. The personal appearance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562 of the Evidence Code will not be deemed sufficient compliance by this subpoena.

- 6. **Disobedience to this subpoena will be punished as contempt of court in the manner prescribed by law.**
- 7. **Witness Fees:** Upon service of this subpoena, you are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you so request. You may request them before your scheduled appearance from the person named in item 1. *See Government Code sections 11450.05, 11450.50, 68092.5-68093, and 68096.1-68097.10.*
- 8. **IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE YOU ARE TO APPEAR, OR TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED ON THE DATE AND TIME SPECIFIED ABOVE, CONTACT THE PERSON REQUESTING THIS SUBPOENA, LISTED IN ITEM 1 ABOVE, BEFORE THE DATE LISTED IN ITEM 2 ABOVE.**

(Date Issued) _____ *(Signature of Authorizing Official)* _____

(Printed Name) _____ *(Title)* _____

DECLARATION FOR SUBPOENA DUCES TECUM

(Any party issuing a subpoena for production of books and/or records must complete this section.)

The undersigned states that the books, papers, documents and/or other things named below and requested by this subpoena are material to the proper presentation of this case, and good cause exists for their production by reason of the following facts:

[Empty box for providing facts supporting the subpoena]

(Use additional pages, if necessary, and attach them to this subpoena. Indicate in the box above the number of additional pages attached.)

Executed _____, 20_____, at _____, California.

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Declarant)

METHOD OF DELIVERY of this subpoena:

Personal Service – In accordance with Code of Civil Procedure sections 1987 and 1988, delivery was effected by showing the original and delivering a true copy thereof personally to:

Messenger Service – In accordance with Government Code section 11450.20, an acknowledgement of the receipt of this subpoena was obtained by the sender after it was delivered by messenger to:

Certified Mail, Return Receipt Requested – I sent a true copy of this subpoena via certified mail, return receipt requested to:
(name and address of person)

at the hour of _____ m., on _____, 20_____.

City of _____, State of _____.

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Declarant)