**STATE OF NEW MEXICO**

**ADMINISTRATIVE HEARINGS OFFICE**

**[CASE CAPTION]**

**ADMINISTRATIVE SUBPOENA**

**TO: [NAME OF PERSON OR ENTITY BEING SUBPOENAED]**

**YOU ARE HEREBY REQUIRED**, pursuant to the statutory authority of the Administrative Hearings Office under NMSA 1978, 7-1B-6 (D) (2015):

[ ] To appear in person to testify in above-captioned hearing.

[ ] To produce the documents identified below.

**PLACE, DATE, AND TIME FOR PERSONAL APPEARANCE OR PRODUCTION**:

[LOCATION, ADDRESS, DATE, and TIME OF HEARING]

You are commanded to produce the following document(s) or object(s), if any:

[LIST ANY DOCUMENTS TO BE PRODUCED-*delete if none*]

If you neglect or refuse to appear and/or produce the above-required documents in response to this subpoena, the party requesting the subpoena will invoke the aid of the district court to enforce this subpoena.

This subpoena is issued under the authority of the Administrative Hearings Office Act, Section 7-1B-6 (D) (3) NMSA 1978, this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brian VanDenzen

Chief Hearing Officer

Administrative Hearings Office

**ISSUED UPON REQUEST OF** (Requesting Party Must Fill out and Provide Contact Information; the subpoenaed party should direct any questions to the requesting party)**:**

**Name:**

**Address:**

**Phone Number:**

**Email:**

**TO BE PRINTED AND PROVIDED ON EACH SUBPOENA**

**AUTHORITY FOR SUBPOENA:**

“In hearings conducted pursuant to the Tax Administration Act, Section 13-1-22 NMSA 1978 and the Motor Vehicle Code: … (3) the hearing officer **may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers**, and for hearings conducted for a license suspension pursuant to Section 66-5-30 NMSA 1978, the hearing officer may require a reexamination of the licensee.” NMSA 1978, Section 7-1B-6 (D) (2015) (emphasis added).

**INSTRUCTIONS TO REQUESTING PARTY**

It is the responsibility of the requesting party to fill out the form subpoena, providing all essential information, and then submit it to AHO for signature. Failure to do so may result in a request to resubmit the subpoena for signature. In particular, the requesting party must provide their contact information so that the person subject to the subpoena may contact them.

It is the responsibility of the requesting party to serve this subpoena on the named party in accord with the provisions of Rule 45 (B) of the Rules of Civil Procedure, or by some other method upon mutual agreement of the person subject to subpoena such as acknowledged electronic acceptance. A party may not directly serve the subpoena, but should use the service of a disinterested, third party for service. An attorney, as an officer of the court, may directly serve a subpoena. Upon service, the requesting party shall fill out and file a copy of the included certificate of service with the Administrative Hearings Office.

A command to produce evidence or to permit inspection may be joined by a command to appear at hearing or other setting. The requesting party is required to communicate with the person subject to the subpoena about any scheduling changes to the hearing.

**INFORMATION TO PERSON SUBJECT TO THIS SUBPOENA**

You are entitled to the protections articulated under Rule 45(C) of the Rules of Civil Procedure. A party or an attorney responsible for the issuance and service of the subpoena shall take reasonable steps avoid imposing an undue burden or expense on the person subject to subpoena, including allowing reasonable time of at least 14-days for compliance. Rule 45(D) of the Rules of Civil Procedure lists your obligations in responding to the subpoena.

Please contact the party who requested the subpoena about any questions you have as to why you were issued this subpoena and any questions you have about the materials requested. If you wish to check on the status of the scheduled case, you may call the Administrative Hearings Office Scheduling Unit at 505-827-0358, [scheduling.unit@state.nm.us](mailto:scheduling.unit@state.nm.us) for MVD cases or John Griego at 505-827-0466, [tax.pleadings@state.nm.us](mailto:tax.pleadings@state.nm.us) for tax cases.

**ATTESTATION OF SERVICE NON-ATTORNEY**

I attest and swear under oath and penalty of perjury that I’m over 18-years of age, am not a party in the matter, and that on this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_, in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, I served this subpoena on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by [describe method of service, and if not conforming to Rule 45 of Civil Procedure, indicate the subject person’s agreement to an alternative method of service and the manner of that alternative service] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINTED NAME SIGNATURE

**CERTIFICATE OF SERVICE BY ATTORNEY**

I certify that I’m a licensed New Mexico attorney in good standing, and that as an officer of the tribunal with a duty of candor to the tribunal, that on this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, I caused this subpoena to be served on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by [describe method of service, and if not conforming to Rule 45 of Civil Procedure, indicate the subject person’s agreement to an alternative method of service and the manner of that alternative service] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINTED NAME ATTORNEY SIGNATURE