

5070 Enforcement and Contempt

(a)

A person is subject to the contempt sanction for any of the reasons specified by Government Code section 11455.10.

(b)

If a witness fails or refuses, without substantial justification, to comply with a subpoena or subpoena duces tecum, an administrative law judge shall certify the facts that justify the contempt sanction to the superior court in the county where the proceeding is conducted in accordance with Government Code section 11455.20, provided that the party that applied for and delivered the subpoena or subpoena duces tecum applies for certification and makes an offer of proof that the evidence sought by the subpoena or subpoena duces tecum is relevant and potentially necessary to satisfy the party's burden of proof or persuasion in the hearing.

(c)

If a person is subject to the contempt sanction under circumstances other than failure or refusal to comply with a subpoena or subpoena duces tecum, an administrative law judge may certify the facts that justify the contempt sanction to the superior court in the county where the proceeding is conducted in accordance with Government Code section 11455.20.

(d)

For the purpose of this rule, if the facts that justify the contempt sanction arise from a person participating or failing or refusing to participate in a proceeding by electronic means, the proceeding shall be deemed to be conducted in the county where that person resides, or, if that county is unknown or outside the state, in the county where that person is employed, or, if that county is unknown or outside the state, in the county where the place of hearing is located.