

Email received Monday, March 6, 2023 – from Brock Roehler

Chairman Hoheisel,

As promised, I am following up on Representative Dodson's question about issuing subpoenas under the Kansas Financial Institutions Information Security Act, SB 44 that he asked during the March 6, 2023 hearing. The power to issue an administrative subpoena is consistent with all of our acts. Administrative subpoenas allow a more efficient manner to conduct an investigation without clogging the courts with subpoena requests. If a party chooses to not comply with an administrative subpoena, the state agency would need to file in district court to enforce the subpoena. The district court treats a request to enforce an administrative subpoena in a similar manner to any other party requesting a subpoena. The district courts have the power to quash or revoke an administrative subpoena if the information sought does not relate to practices which may be grounds for disciplinary action, is not relevant to the charge which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence which is required to be produced. *Hansa Center for Optimum Health, LLC v. State*, 52 Kan.App.2d 503 (Ct. App. 2016) (upholding the Kansas Board of Healing Art's administrative subpoena power).

Finally, I also wanted to mention that the power to issue administrative subpoenas is provided to all state agencies that follow the Kansas Administrative Procedures Act. K.S.A. 77-522.

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