



To: Alexander L. Palenzuela

From: Cristina M. Suárez Assistant City Attorney for the City of Coral Gables *CMS*

Approved: Craig E. Leen, City Attorney for the City of Coral Gables *CL*

RE: Legal Opinion Regarding Construction Regulation Board Authority to Issue Subpoenas

Date: August 25, 2016

We were asked to issue an opinion regarding whether the Construction Regulation Board (the “CRB”) has the authority to issue subpoenas to third-party witnesses to compel their appearance at a deposition. It is the opinion of the City Attorney’s Office that the CRB’s authority is limited to the issuance of subpoenas for witnesses to appear at its hearings, and not at depositions.

Section 101-57 of the City Code sets forth the powers of the CRB, including the authority to “[s]ubpoena alleged violators and witnesses *to its hearings.*” Sec. 101-57(2)(emphasis added). Section 101-57(1) also gives the CRB the power to “[a]dopt rules for the conduct of its hearings,” pursuant to which the CRB adopted its “Rules for Proceedings” on July 11, 2016. While paragraph 13 of the Rules for Proceedings provides that the CRB may issue “[s]ubpoenas requiring the attendance of witnesses or production of records, files and memoranda at any place designated by the [CRB] for the purpose of taking the testimony of such witnesses or inspection of documents,” it also states that the written application by a party of record for the issuance of such a subpoena “must be delivered to the Secretary of the [CRB] sufficiently in advance of the scheduled date of the hearing to allow service prior to the hearing.” Thus, the rule, consistent with the authority granted to the CRB in section 101-57 of the City Code, contemplates the issuance of such subpoenas for appearance of a witness at the hearing only, and not for appearance at a deposition.

This opinion is issued pursuant to sections 2-201(e)(1) and (8) of the City Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#); [Suarez, Cristina](#)
Subject: FW: Opinion regarding CRB's authority to issue subpoenas
Date: Thursday, August 25, 2016 4:25:46 PM
Attachments: [image003.png](#)
[image001.png](#)

Please publish.

Craig E. Leen, City Attorney

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From: Suarez, Cristina
Sent: Thursday, August 25, 2016 11:02 AM
To: Alexander L. Palenzuela (alp@alp-law.com)
Cc: Leen, Craig; Ramos, Miriam
Subject: Opinion regarding CRB's authority to issue subpoenas

Dear Alex:

We were asked to issue an opinion regarding whether the Construction Regulation Board (the "CRB") has the authority to issue subpoenas to third-party witnesses to compel their appearance at a deposition. It is the opinion of the City Attorney's Office that the CRB's authority is limited to the issuance of subpoenas for witnesses to appear at its hearings, and not at depositions.

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