

# Subpoena Ad Testificandum

State of Illinois }  
County of Cook } ss:

IN THE NAME OF THE PEOPLE OF THE STATE OF ILLINOIS

TO Michael F. Albergo : GREETINGS:

The Illinois Crime Investigating Commission, duly constituted pursuant to the terms and provisions of the Illinois Crime Investigating Commission Act approved June 20, 1963 as amended, do hereby command, all and singular excuses being set aside, that you be and appear before (This Commission) (A Sub-Committee of this Commission) (The Executive Director) (The Chief Investigator) (Legal Counsel) at (a Hearing) ~~(an investigation)~~ Illinois Commerce Commission, 160 N. LaSalle St., Main Hearing Room, 19th Fl in the City of Chicago at the hour of 10:00 AM on the 24th day of November, 1969, and from day to day thereafter as you may be directed, then and there to give testimony and answer such questions as shall be put to you, and fail not at your peril.

This (Hearing) ~~(investigation)~~ was authorized by Specific Resolution Number 37 adopted by the said Commission on the 22nd day of October, 1969. A copy of this Resolution is served herewith and by this reference made a part hereof. The general purpose and subject matter of the Hearing or Investigation are as set forth in said Resolution.

(Note—If appearance is required at a hearing, the provisions of the Hearings before Commissions Act (Illinois Revised Statutes Chapter 63, Sections 13.1 through 13.5) are applicable. A copy of that Act is printed on the reverse hereof. If the appearance is at an investigation, the provisions of Sections 2 and 13 of the Illinois Crime Investigating Commission Act (Illinois Revised Statutes Chapter 38, Sections 203-2 and 203-13 are applicable. Copies of those sections are printed on the reverse hereof.)

WITNESS Charles Siragusa of the  
(Executive Director or ~~Co-Chairman~~)

Illinois Crime Investigating Commission, this 3rd day of November, 1969.

*Charles Siragusa*  
(Executive Director or Co-Chairman)

SEAL

### RETURN

I, the undersigned, having been duly authorized by the Illinois Crime Investigating Commission so to do, hereby certify that I did on the 15 day of November, 1969, serve a true and correct copy of the within and foregoing subpoena, upon the within named Michael F. Albergo by delivering the same to Michael F. Albergo in person at City of Chicago County Cook State of Illinois.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 15 day of November, 1969.

*Agt. Edward B. King* (SEAL)  
(Commissioner, Executive Director, Agent, Sheriff, Deputy Sheriff, or other officer as the case may be.)

## HEARINGS BEFORE COMMISSIONS

AN ACT in relation to hearings before commissions. Approved July 10, 1957. L.1957, p. 2446.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

3.1 § 1. Definitions.) As used in this Act, unless the context requires otherwise:

"Commission" means a special or interim committee or commission of the House of Representatives or the Senate, a joint committee or commission of the House of Representatives and the Senate, any committee or commission consisting of members of the General Assembly and of the public, or a duly authorized subcommittee of any of the foregoing, but shall not be construed to include any standing committee of either the House of Representatives or the Senate.

"Hearing" means any public or private meeting of a Commission for the purpose of hearing a witness testify under oath or affirmation.

"Public Hearing" means any hearing which is open to the public or any hearing in which the testimony is made available to the public.

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"Private Hearing" means any hearing which is not public.

"Person" means an individual, corporation, partnership, association, organization or governmental agency.

13.2 § 2. Statement of subject of investigation: service on witness.) No person shall be required to testify at a hearing unless two members of the Commission are present. No person shall be required to appear at any hearing or testify unless he has been personally served with (a) a copy of this Act and (b) a copy of the law or resolution authorizing the investigation.

13.3 § 3. Right to counsel.) Any witness summoned to appear at a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise and counsel the witness at any time.

§ 13.3a Fees of witnesses.) § 3.1. Any witness who gives testimony at a hearing shall be paid the same fees for attendance and travel as are paid in civil cases before the circuit courts of this State. Such fees shall be paid when the witness is excused from further attendance. Added by act approved Aug. 15, 1961. L.1961, p. 3301.

13.4 § 4. Record of proceedings.) An accurate record, which may be taken by tape recording or other appropriate means, may be kept of the proceedings of any hearing. Upon his written request to the chairman and at least one other member of the Commission, a witness shall be furnished at a reasonable charge with a transcript of the record insofar as it pertains to him or his testimony, if such record was taken at a public hearing, or, if taken at a private hearing, such record is subsequently used or referred to in a public hearing or becomes relevant in any proceeding to which the witness is a party. The record need not be transcribed or printed, except as herein provided, unless the Commission shall so determine.

13.5 § 5. Rights of persons defamed.) Any witness or any other person whose name is mentioned or who is specifically identified at a public hearing and who reasonably believes that such mention or identification tends to defame him or otherwise adversely affect his reputation shall be afforded the following privileges to be exercised within a reasonable time: (a) To be furnished at a reasonable charge with a transcript of the record, if any has been kept, as it pertains to him taken at a public hearing, (b) to file with the Commission a written sworn statement (including exhibits thereto) relevant to the matter referred to in such mention or identification, and (c) if no record of the proceedings of a hearing has been kept, to file affidavits alleging the mention or identification and the party making such mention or identification wherein such witness or person believes he was defamed. Such statement shall be made a part of the record of the public hearing at which the witness believes himself to have been defamed.

In addition, such person may file with the chairman and at least one other member of the Commission a verified written request to appear personally before the Commission. If, on the basis of the aforementioned written sworn statement and the verified written request to be heard, the Commission believes that such person has a reasonable cause to be heard, it shall afford him the privilege of being heard.

## ILLINOIS CRIME INVESTIGATING COMMISSION ACT

AN ACT creating a commission to investigate crime, enumerating the powers and duties of such commission and making an appropriation therefor. Approved June 20, 1963. L.1963, p. 1150. (As Amended.)

### (EXCERPTS)

203—2. Definitions.) § 2. As used in this Act:

(1) "Commission" means the Illinois Crime Investigating Commission created by Section 3 of this Act.

(2) "Crime" means any act in violation of the criminal laws of the United States of America or of this State.

(3) "Organized Crime" means any combination of persons in the commission of crimes.

(4) "Person" includes natural persons, public officials, partnerships and associations of persons and corporations.

(5) "Hearing" means a proceeding, whether public or private, held before the Commission or before a designated subcommittee of the Commission.

(6) "Investigation" means a proceeding held anywhere in this State before the Executive Director of the Commission, the Chief Investigator of the Commission or its legal counsel at which a person appears to give testimony or produce evidence voluntarily or in response to a subpoena.

(7) "Chairman" includes any co-chairman.

203—13. Subpoena of witnesses and production of evidence.) 13.(a) The Commission may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation or hearing. The Chairman or the Executive Director may sign subpoenas which may be served by any Commissioner, the Executive Director, or any agent or public official authorized by the Commission, or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses, and the production of documentary evidence, may be required from any place in the State, at any designated place of hearing within the State, and before the Commission as a whole, before a duly constituted subcommittee of the Commission or before the Executive Director or the Chief Investigator of the Commission or its legal counsel. Witnesses summoned before the Commission, or a subcommittee of the Commission, or the Executive Director or the Chief Investigator of the Commission or its legal counsel shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the State, and witnesses whose depositions are taken and the persons taking those depositions are each entitled to the same fees as are paid for like services in actions in the circuit courts of the State. Fees and mileage shall be paid when the witness is discharged from further attendance.

(b) In case of disobedience to a subpoena, the Commission may petition any circuit court of the State for an order requiring the attendance and testimony of witnesses or the production of documentary evidence or both. A copy of such petition shall be served by personal service or by registered or certified mail upon the person who has failed to obey that subpoena, and such person shall be advised in writing that a hearing upon the petition will be requested in a court room to be designated in that notice before such judge as may be hearing motions or extraordinary remedies at a specified time, on a specified date, not less than 3 nor more than 5 days after the deposit of the copy of the written notice and petition in the U.S. mails addressed to the person at his last known address or after the personal service of the copy of that notice and petition upon such person. The court, upon the filing of such a petition, may, order the person refusing to obey the subpoena to appear at any investigation or hearing, or to there produce documentary evidence, if so ordered, or to give evidence relative to the subject matter of that investigation or hearing. Any failure to obey such order of the circuit court may be punished by that court as a contempt upon itself.