purposes or when disclosure is other- 
wise found appropriate in the public in- 
terest and permitted by law.

§ 1b.10 By whom conducted.

Formal Commission investigations 
are conducted by the Commission or by 
an individual(s) designated and author- 
ized in the Order of Investigation. In- 
vestigating Officers are officers within 
the meaning of the statutes adminis- 
tered by the Commission and are au-
thorized to perform the duties of their 
office in accordance with the laws of 
the United States and the regulations 
of the Commission. Investigating Offi-
cers shall have such duties as the Com-
mission may specify in an Order of In-
vestigation.

§ 1b.11 Limitation on participation.

There are no parties, as that term is 
used in adjudicative proceedings, in an 
investigation under this part and no 
person may intervene or participate as 
a matter of right in any investigation 
under this part.

[43 FR 27174, June 23, 1978, as amended by 
Order 756, 77 FR 4893, Feb. 1, 2012]

§ 1b.12 Transcripts.

Transcripts, if any, of investigative 
testimony shall be recorded solely by 
the official reporter, or by any other 
person or means designated by the in-
vestigating officer. A witness who has 
given testimony in an investigation 
shall be entitled, upon written request, 
to procure a transcript of the witness’ 
own testimony on payment of the ap-
propriate fees, except that in a non-
public formal investigation, the office 
responsible for the investigation may 
for good cause deny such request. In 
any event, any witness or his counsel, 
upon proper identification, shall have 
the right to inspect the official tran-
script of the witness’ own testimony.

[43 FR 27174, June 23, 1978, as amended by 
Order 225, 47 FR 19054, May 3, 1982; Order 756, 
77 FR 4893, Feb. 1, 2012]

§ 1b.13 Powers of persons conducting 
formal investigations.

Any member of the Commission or 
the Investigating Officer, in connection 
with any formal investigation ordered 
by the Commission, may administer 
oaths and affirmations, subpoena wit-
tnesses, compel their attendance, take 
evidence, and require the production of 
any books, papers, correspondence, 
memoranda, contracts, agreements or 
other records relevant or material to 
the investigation.

§ 1b.14 Subpoenas.

(a) Service of a subpoena upon a per-
son named therein shall be made by the 
investigating officer (1) by personal de-
ivery, (2) by certified mail, (3) by leav-
ing a copy thereof at the principle of-

cice or place of business of the person 
to be served, (4) or by delivery to any 
person designated as agent for service 
or the person’s attorney.

(b) At the time for producing docu-
ments subpoenaed in an investigation, 
the subpoenaed party shall submit a 
statement stating that, if true, such 
person has made a diligent search for 
the subpoenaed documents and is pro-
ducing all the documents called for by 
the subpoena. If any subpoenaed docu-
ment(s) are not produced for any rea-
son, the subpoenaed party shall state 
the reason therefor.

(c) If any subpoenaed documents in 
an investigation are withheld because 
of a claim of the attorney-client privi-
lege, the subpoenaed party shall sub-
mitt a list of such documents which 
shall, for each document, identify the 
attorney involved, the client involved, 
the date of the document, the person(s) 
shown on the document to have pre-
pared and/or sent the document, and 
the person(s) shown on the document 
to have received copies of the docu-
ment.

[43 FR 27174, June 23, 1978, as amended by 
Order 756, 77 FR 4893, Feb. 1, 2012]

§ 1b.15 Non-compliance with compul-
sory processes.

In cases of failure to comply with 
Commission compulsory processes, ap-
propriate action may be initiated by 
the Commission or the Attorney Gen-
eral, including but not limited to ac-
tions for enforcement or the imposition 
of penalties.