

STATE OF NORTH DAKOTA
COUNTY OF MCHENRY

IN DISTRICT COURT
NORTHEAST JUDICIAL DISTRICT

STATE OF NORTH DAKOTA EX REL.
WAYNE STENEHJEM,
ATTORNEY GENERAL,

Petitioner,

-vs-

CURA PINE,

Respondent.

Civil No. 25-2020-CV-00016

**ORDER OF INJUNCTION AND TO
COMPLY**

CPAT 190227.001

[¶1] On December 19, 2019, pursuant to the Attorney General's authority under N.D.C.C. §§ 51-15-04 and 51-15-05, the Attorney General issued an administrative subpoena in the form of an Order to Produce Information ("OPI") to Respondent Cura Pine. Index # 5.

[¶2] The OPI issued to Respondent required her to produce five categories of documents to the Attorney General by January 3, 2020. Index # 5 at pp. 1-2.

[¶3] After Respondent failed to comply with the OPI by January 3, 2020, the Attorney General issued a letter requiring her to produce the five categories of documents by January 16, 2020. Index # 9, p. 2.

[¶4] Respondent did not comply with the OPI by January 16, 2020. Index # 12, ¶ 12.

[¶5] On February 21, 2020, this action was initiated by service of the State's Application for Injunction and Order to Compel ("Application") on Respondent. Index # 14.

[¶6] Respondent did not file an answer brief in response to the State's Application.

[¶7] On March 17, 2020, hearing was held on the State's Application. The Attorney General appeared telephonically through counsel. Respondent did not appear.

[¶8] Under N.D.C.C. § 51-15-06, the Attorney General may, after notice, apply to a district court and, after a hearing, request an order "[g]ranted injunctive relief, restraining the sale or advertisement of any merchandise," "[v]acating, annulling, or suspending" a business's charter; and "[g]ranted such other relief as may be required." N.D.C.C. § 51-15-06.

[¶9] A district court's inquiry in proceedings for enforcing an administrative subpoena is limited to whether the subpoena is within the statutory authority of the agency; the information sought is reasonably relevant to the inquiry of the administrative proceeding; the subpoena is reasonably specific; and the subpoena is not unduly broad or burdensome. State ex rel. Workforce Safety and Insurance v. Altru Health Systems, 2007 ND 38, ¶ 11, 729 N.W.2d 113.

[¶10] Under N.D.R.Ct. 3.2(c), "Failure to file a brief by the opposing party may be deemed an admission that, in the opinion of party or counsel, the motion is meritorious." N.D.R.Ct. 3.2(c).

[¶11] The Court, having reviewed the State of North Dakota's Application for Injunction and Order to Compel and all papers on file, finds that: (1) the Attorney General's Order to Produce Information is within the statutory authority of the Attorney General's Office under N.D.C.C. §§ 51-15-04 and 51-15-05; (2) the information sought by the Attorney General's Order to Produce Information, including Respondent's charitable solicitations and financial records, is relevant to the Attorney General's investigation of possible violations of N.D.C.C. chs. 50-22 and 51-15; (3) the Order to Produce Information

is reasonably specific; and (4) the Order to Produce Information is not unduly broad or burdensome.

[¶12] Based on the law and facts presented, the Court is satisfied Respondent has without good cause or reason failed to comply with the Attorney General's Order to Produce Information.

[¶13] The State of North Dakota's Application is hereby GRANTED and NOW THEREFORE IT IS ORDERED that:

- a. Respondent Cura Pine, within 15 days of the court's order, shall produce to the Attorney General all of the documents demanded in the December 19, 2019 Order to Produce Information;
- b. Pursuant to N.D.C.C. § 51-15-06, Respondent Cura Pine, her agents, employees, representatives, successors, assigns, and all other persons in active concert or participation with her, is enjoined from directly or indirectly engaging in any solicitation or sale of services or merchandise, as defined by N.D.C.C. § 51-15-01, including soliciting charitable contributions, in the State of North Dakota;
- c. The injunction shall remain in place until Respondent Cura Pine fully complies with the December 19, 2019 Order to Produce Information and until the injunction is terminated by further order of the Court;
- d. Pursuant to N.D.C.C. § 51-15-10, Respondent Cura Pine shall pay to the Attorney General the amount of \$680.00 for the reasonable costs, expenses, and attorney's fees incurred by the State in bringing its Application for Injunction and Order to Compel.

e. Violation of this Order shall be punishable as contempt of court pursuant to N.D.C.C. ch. 27-10.

BY THE COURT:

Signed: 4/27/2020 11:23:15 PM

A handwritten signature in black ink, appearing to read "Michael J. ...", is written over a horizontal line.

Michael J. ...
District Court Judge