

**16-6a-1609 Interrogatories by division.**

- (1)
  - (a) The division may give interrogatories reasonably necessary to ascertain whether a nonprofit corporation has complied with the provisions of this chapter applicable to the nonprofit corporation to:
    - (i) any domestic or foreign nonprofit corporation subject to the provisions of this chapter; and
    - (ii) to any officer or director of a nonprofit corporation described in Subsection (1)(a)(i).
  - (b) The interrogatories described in this Subsection (1) shall be answered within:
    - (i) 30 days after the mailing of the interrogatories; or
    - (ii) additional time as fixed by the division.
  - (c) The answers to the interrogatories shall be:
    - (i) full and complete; and
    - (ii) made in writing.
  - (d)
    - (i) If the interrogatories are directed to an individual, the interrogatories shall be answered by the individual.
    - (ii) If directed to a nonprofit corporation, the interrogatories shall be answered by:
      - (A) the chair of the board of directors of the nonprofit corporation;
      - (B) all of the nonprofit corporation's directors;
      - (C) one of the nonprofit corporation's officers; or
      - (D) any other person authorized to answer the interrogatories as the nonprofit corporation's agent.
  - (e)
    - (i) The division need not file any document to which the interrogatories relate until the interrogatories are answered as provided in this section.
    - (ii) Notwithstanding Subsection (1)(e)(i), the division need not file a document to which the interrogatory relates if the answers to the interrogatory disclose that the document is not in conformity with the provisions of this chapter.
  - (f) The division shall certify to the attorney general, for such action as the attorney general considers appropriate, all interrogatories and answers to interrogatories that disclose a violation of this chapter.
- (2)
  - (a) Interrogatories given by the division under Subsection (1), and the answers to interrogatories, may not be open to public inspection.
  - (b) The division may not disclose any facts or information obtained from the interrogatories or answers to the interrogatories, except:
    - (i) as the official duties of the division may require the facts or information to be made public; or
    - (ii) in the event the interrogatories or the answers to the interrogatories are required for evidence in any criminal proceedings or in any other action by this state.
- (3) Each domestic or foreign nonprofit corporation that knowingly fails or refuses to answer truthfully and fully, within the time prescribed by Subsection (1), interrogatories given to the domestic or foreign nonprofit corporation by the division in accordance with Subsection (1) is guilty of a class C misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.
- (4) Each officer and director of a domestic or foreign nonprofit corporation who knowingly fails or refuses to answer truthfully and fully, within the time prescribed by Subsection (1), interrogatories given to the officer or director by the division in accordance with Subsection (1)

is guilty of a class B misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000.

(5) The attorney general may enforce this section in an action brought in:

- (a) the district court of the county in this state where the nonprofit corporation's principal office or registered office is located; or
- (b) if the nonprofit corporation has no principal or registered office in this state, in the district court in and for Salt Lake County.

Amended by Chapter 197, 2002 General Session