

1st Sub. H.B. 196
DIVISION OF REAL ESTATE AMENDMENTS

Senator **Daniel Hemmert** proposes the following amendments:

1. *Page 1, Line 19:*

19 {→ ~~permits the division to interview a witness;~~}

2. *Page 30, Lines 914 through 924:*

914 (2) In conducting investigations, records inspections, and adjudicative proceedings, the
915 division may:

916 (a) administer an oath or affirmation;

917 (b) issue a subpoena that requires:

918 (i) the attendance and testimony of a witness; or

919 (ii) the production of evidence;

920 (c) take evidence;

921 ~~{(d) interview a witness;}~~

922 {+} (d) {+} ~~{(e)}~~ require the production of a record or information relevant to an
investigation;

923 and

924 {+} (e) {+} ~~{(f)}~~ serve a subpoena by certified mail.

3. *Page 36, Lines 1084 through 1100:*

1084 (1) (a) In addition to a power or duty expressly provided in this chapter, the division
1085 may:

1086 (i) receive and act on a complaint including:

1087 (A) taking action designed to obtain voluntary compliance with this chapter, including
1088 the issuance of a cease and desist order if the person against whom the order is issued is given
1089 the right to petition the board for review of the order; or

1090 (B) commencing an administrative or judicial proceeding on the division's own
1091 initiative;

1092 (ii) ~~[investigate]~~ conduct a public or private investigation of an entity required to be
1093 registered under this chapter, regardless of whether the entity is located in Utah;

1094 (iii) employ one or more investigators, clerks, or other employees or agents if:

1095 (A) approved by the executive director; and

1096 (B) within the budget of the division; {+} and {+}

1097 (iv) issue a subpoena that requires:

1098 (A) the attendance and testimony of a witness; or
1099 (B) the production of evidence {+} . {+} {~~and~~}
1100 {~~(v) interview a witness.~~}

4. Page 51, Line 1569 through Page 52, Line 1579:

1569 (3) For the purpose of the investigation described in Subsection (1), the division or an
1570 employee designated by the division may:
1571 (a) administer an oath or affirmation;
1572 (b) issue a subpoena that requires:
1573 (i) the attendance and testimony of a witness; or
1574 (ii) the production of evidence;
1575 (c) take evidence;
1576 {~~(d) interview a witness.~~}
1577 {+} (d) {+} {~~(e)~~} require the production of a book, paper, contract, record, other
document, or
1578 information relevant to the investigation; and
1579 {+} (e) {+} {~~(f)~~} serve a subpoena by certified mail.

5. Page 54, Line 1662 through Page 55, Line 1670:

1662 (2) (a) The division may:
1663 (i) administer an oath or affirmation;
1664 (ii) issue a subpoena that requires:
1665 (A) the attendance and testimony of a witness; or
1666 (B) the production of evidence;
1667 (iii) take evidence; {+} and {+}
1668 {~~(iv) interview a witness; and~~}
1669 {+} (iv) {+} {~~(v)~~} require the production of a book, paper, contract, record, document,
1670 information, or evidence relevant to the investigation described in Subsection (1).