

57-23-7 Investigatory powers and proceedings of division.

- (1) The division may:
 - (a) make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order made by the division under this chapter;
 - (b) require or permit any person to file a statement in writing, under oath or otherwise as the division determines, as to all the facts and circumstances concerning the matter to be investigated.
- (2) For the purpose of any investigation or proceeding under this chapter:
 - (a) the division may administer oaths or affirmations; and
 - (b) upon its own motion or upon the request of any party, the division may:
 - (i) subpoena witnesses;
 - (ii) compel their attendance;
 - (iii) take evidence; and
 - (iv) require the production of any matter which is relevant to the investigation, including:
 - (A) the existence, description, nature, custody, condition and location of any books, documents, or other tangible records;
 - (B) the identity and location of persons having knowledge of relevant facts; or
 - (C) any other matter reasonably calculated to lead to the discovery of material evidence.
- (3) Upon failure of any person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected by the subpoena or information sought to be discovered under the subpoena, the division may apply to the district court for an order compelling compliance.

Enacted by Chapter 169, 1992 General Session