

Effective 5/10/2016

61-2f-402 Investigations.

- (1) The division may make an investigation within or outside of this state as the division considers necessary to determine whether a person has violated, is violating, or is about to violate this chapter or any rule or order under this chapter.
- (2) To aid in the enforcement of this chapter or in the prescribing of rules and forms under this chapter, the division may require or permit a person to file a statement in writing, under oath or otherwise as to the facts and circumstances concerning the matter to be investigated.
- (3) For the purpose of the investigation described in Subsection (1), the division or an employee designated by the division may:
 - (a) administer an oath or affirmation;
 - (b) issue a subpoena that requires:
 - (i) the attendance and testimony of a witness; or
 - (ii) the production of evidence;
 - (c) take evidence;
 - (d) require the production of a book, paper, contract, record, other document, or information relevant to the investigation; and
 - (e) serve a subpoena by certified mail.
- (4)
 - (a) A court of competent jurisdiction shall enforce, according to the practice and procedure of the court, a subpoena issued by the division.
 - (b) The division shall pay any witness fee, travel expense, mileage, or any other fee required by the service statutes of the state where the witness or evidence is located.
- (5)
 - (a) If a person is found to have violated this chapter or a rule made under this chapter, the person shall pay the costs incurred by the division to copy a book, paper, contract, document, or record required under this chapter, including the costs incurred to copy an electronic book, paper, contract, document, or record in a universally readable format.
 - (b) If a person fails to pay the costs described in Subsection (5)(a) when due, the person's license, certification, or registration is automatically suspended:
 - (i) beginning the day on which the payment of costs is due; and
 - (ii) ending the day on which the costs are paid.
- (6)
 - (a) Except as provided in Subsection (6)(b), the division shall commence a disciplinary action under this chapter no later than the earlier of the following:
 - (i) four years after the day on which the violation is reported to the division; or
 - (ii) 10 years after the day on which the violation occurred.
 - (b) The division may commence a disciplinary action under this chapter after the time period described in Subsection (6)(a) expires if:
 - (i)
 - (A) the disciplinary action is in response to a civil or criminal judgment or settlement; and
 - (B) the division initiates the disciplinary action no later than one year after the day on which the judgment is issued or the settlement is final; or
 - (ii) the division and the person subject to a disciplinary action enter into a written stipulation to extend the time period described in Subsection (6)(a).

Amended by Chapter 384, 2016 General Session