

TITLE 2: NATURAL RESOURCES  
DIVISION 5: ANIMALS, PLANTS AND FOOD

**§ 5436. Enforcement Powers.**

(a) The director has the power:

(1) To gather and compile information concerning, and to investigate from time to time, the organization, business, conduct, practices, and management of any person engaged in export commerce, and the relation thereof to other persons.

(2) To require, by general or special orders, persons engaged in export commerce, or any class of them, or any of them, to file with the Registrar of Corporations, in such form as the Registrar of Corporations may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Registrar of Corporations such information as the Registrar may require as to the organization, business, conduct, practices, management, and relation to other persons, of the person filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Registrar of Corporations may prescribe, and shall be filed with the Registrar of Corporations within such reasonable period as he may prescribe, unless additional time be granted in any case by such Registrar.

(b) For the purposes of this chapter, the Attorney General or his or her designated representatives, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation. The Attorney General may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(1) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Attorney General may invoke the aid of the Commonwealth Trial Court requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) The Commonwealth Trial Court may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Attorney General, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by the court as a contempt.

(3) Upon the application of the Attorney General, the Commonwealth Trial Court shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this chapter or any order of the Attorney General made in pursuance thereof.

(4) The Attorney General may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Attorney General and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the depo-

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ment. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Attorney General as provided in this section.

(5) Witnesses summoned before the Attorney General shall be paid the same fees and mileage that are paid witnesses in the Commonwealth Trial Court and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(6) No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Attorney General or in obedience to the subpoena of the Attorney General whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(7) Any person that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in his or its power to do so in obedience to the subpoena or lawful requirement of the Attorney General, shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) Any person that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this chapter, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by a person subject to this chapter, or that shall willfully neglect or fail to make or cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, or that shall willfully remove out of the jurisdiction of the Commonwealth, or willfully mutilate, alter, or by any other means falsify, any documentary evidence of any such person, or that shall willfully refuse to submit to the Attorney General or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person in his possession or within his control, shall be deemed guilty of an offense and shall be subject, upon conviction to a fine of not less than \$1,000 nor more than \$5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

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(d) If any person required by this chapter to file any annual or special report shall fail to do so within the time fixed by the Registrar of Corporations for filing the same, and such failure shall continue for 30 days after notice of such default, such person shall forfeit to the Commonwealth the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Commonwealth Treasury and shall be recoverable in a civil suit in the name of the Commonwealth.

(e) Any officer or employee of the Commonwealth who shall make public any information obtained by the Registrar of Corporations without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

**Source:** 25 TTC § 75.

**Commission Comment:** With respect to the reference to the “director” of the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”