

MARKETING FEES FOR FRUITS AND VEGETABLES (EXCERPT)
Act 153 of 1975

290.692 Enforcement; complaint; investigation; hearing; powers and duties of hearing officer; judicial order; contempt; rules.

Sec. 2. (1) For the purpose of enforcing this act, the department of agriculture may receive sworn complaints with respect to violations or threatened violations of this act. The director of the department of agriculture, or his or her authorized representatives, shall make all necessary investigations, examinations, or inspections of violations or threatened violations specified in the sworn complaint filed with the department.

(2) The department of agriculture shall complete an investigation within 30 days after the filing of the complaint.

(3) If, upon investigation, the director of the department of agriculture considers there is reasonable cause to believe that a violation of this act has occurred, the director or his or her authorized representative shall, within 75 days after the filing of the complaint, provide notice and opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to determine whether a purchaser has failed to comply with this act.

(4) A hearing officer designated by the director of the state office of administrative hearings and rules shall preside at the hearing and may administer oaths and require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as are considered material to a just determination of the issues in dispute, and for that purpose may issue subpoenas. If a person refuses to obey a subpoena or refuses to be sworn or to testify or if a witness, party, or attorney is guilty of contempt while in attendance at a hearing, the hearing officer may, or the attorney general if requested shall, invoke the aid of the circuit court within the jurisdiction in which the hearing is being held to issue an appropriate order. Failure to obey the order may be punished by the court as contempt.

(5) The department may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1975, Act 153, Imd. Eff. July 9, 1975;—Am. 2006, Act 221, Imd. Eff. June 26, 2006.