

Bond Case Briefs

Municipal Finance Law Since 1971

SEPARATION OF POWERS - NORTH DAKOTA

Kroschel v. Levi

Supreme Court of North Dakota - July 7, 2015 - N.W.2d - 2015 WL 4139734 - 2015 ND 185

Driver sought judicial review of decision by the Department of Transportation to suspend her driver's license for 180 days following arrest for driving under the influence (DUI) by state university police officer outside of university property. The District Court affirmed. Driver appealed.

The Supreme Court of North Dakota held that:

- Chief of police was not authorized to swear university officer as officer with authority throughout city;
- State Board of Education was not authorized to permit university officer to act outside of its institution;
- Officer was not authorized to arrest driver under statute permitting assistance and exchange of law enforcement officers; and
- Joint powers agreement between city and university did not authorize university officer to arrest driver.