

Filed 12/12/19 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2019 ND 288

Melissa Marie Neutman,

Appellee

v.

North Dakota Department of
Transportation,

Appellant

No. 20190100

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Cynthia Feland, Judge.

REVERSED.

Per Curiam.

Chad R. McCabe, Bismarck, N.D., for appellee.

Michael T. Pitcher, Assistant Attorney General, Bismarck, N.D., for appellant.

Neutman v. N.D. Dep't of Transportation
No. 20190100

Per Curiam.

[¶1] The North Dakota Department of Transportation (“the Department”) appeals from a district court judgment reversing an administrative hearing officer’s decision to revoke Melissa Neutman’s driving privileges. On appeal, the Department argues the district court erred by reversing the administrative hearing officer’s decision because the Department had authority to revoke Neutman’s license under N.D.C.C. § 39-20-14 for refusal to take an onsite screening test.

[¶2] We summarily reverse under N.D.R.App.P. 35.1(b). *See Jesser v. N.D. Dep’t of Transportation*, 2019 ND 287, ¶ 17 (“The holding in *Kuntz [v. State Highway Comm’r]*, 405 N.W.2d 285 (N.D. 1987),] is not extended to N.D.C.C. § 39-20-14. Because Jesser did not properly cure his refusal under N.D.C.C. § 39-20-14, his license was lawfully revoked under that section.”).

[¶3] Gerald W. VandeWalle, C.J.
Jerod E. Tufte
Daniel J. Crothers
Lisa Fair McEvers
Jon J. Jensen