

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2023 ND 168

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Winston Ross Suiter,

Appellant

v.

Director, North Dakota

Department of Transportation,

Appellee

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No. 20230109

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Appeal from the District Court of Divide County, Northwest Judicial District,  
the Honorable Robin A. Schmidt, Judge.

AFFIRMED.

Per Curiam.

Michael R. Hoffman, Bismarck, ND, for appellant; submitted on brief.

Michael T. Pitcher, Assistant Attorney General, Bismarck, ND, for appellee;  
submitted on brief.

**Suiter v. NDDOT**  
**No. 20230109**

**Per Curiam.**

[¶1] Winston Ross Suiter appeals from a district court judgment affirming an administrative suspension of his driver’s license.

[¶2] On appeal, Suiter argues the hearing officer erred by concluding the community caretaker exception justified the law enforcement officer’s contact with Suiter and did not violate his Fourth Amendment rights. We conclude the hearing officer did not err because the factual findings made by the agency are supported by a preponderance of the evidence, and the conclusions of law and order of the agency are supported by its findings of fact. We summarily affirm under N.D.R.App.P. 35.1(a)(5) and (7); *see, e.g., State v. Foote*, 2020 ND 266, ¶ 10, 952 N.W.2d 37 (internal citations omitted) (concluding an officer is engaged in the role of community caretaker when the officer approaches a parked vehicle to inquire in a conversational manner whether the occupant is okay or needs assistance, and requests that the occupant open the door, roll down the window, or exit the vehicle, but the same is not true if the officer orders these actions).

[¶3] Jon J. Jensen, C.J.  
Daniel J. Crothers  
Lisa Fair McEvers  
Jerod E. Tufte  
Douglas A. Bahr