

PYRAMID PROMOTIONAL SCHEME ACT (EXCERPT)
Act 186 of 2018

***** 445.2586.new THIS NEW SECTION IS EFFECTIVE SEPTEMBER 11, 2018 *****

445.2586.new Attorney general investigation; written demand to appear; failure to comply; hearing; confidentiality.

Sec. 6. (1) If the attorney general has reasonable cause to believe that a person has information or is in possession, custody, or control of any document or other tangible object that is relevant to an investigation of a violation of this act, the attorney general, or a prosecuting attorney with the permission of or at the request of the attorney general, may serve on the person, before bringing any action in the circuit court, a written demand to appear and be examined under oath, and to produce the document or object for inspection and copying. The demand must include all of the following:

- (a) Be served on the person in the manner required for service of process in this state.
- (b) Describe the nature of the conduct constituting the alleged violation under investigation.
- (c) Describe the document or object with sufficient definiteness to permit it to be fairly identified.
- (d) If demanded, contain a copy of any written interrogatories.
- (e) Prescribe a reasonable time at which the person must appear to testify, within which to answer any written interrogatories, or within which the document or object must be produced, and advise the person that objections to or reasons for not complying with the demand may be filed with the attorney general, or with the prosecuting attorney with the permission of or at the request of the attorney general, on or before that time.
- (f) Specify a place for the taking of testimony or for production and designate the person that shall be custodian of the document or object.
- (g) Contain a copy of subsection (2).

(2) If a person objects to or otherwise fails to comply with a written demand served on the person under subsection (1), the attorney general, or a prosecuting attorney with the permission of or at the request of the attorney general, may file an action to enforce the demand in the circuit court of the county in which the person resides or maintains a principal place of business in this state. Notice of hearing the action and a copy of all pleadings must be served upon the person, and the person may appear in opposition. If the court finds that the demand is proper, that there is reasonable cause to believe that there was or is presently occurring a violation of this act, and that the information sought or document or object demanded is relevant to the investigation, the court shall order the person to comply with the demand, subject to any modification the court may prescribe. On motion by the person and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.

(3) The attorney general or a prosecuting attorney shall keep any procedure, testimony taken, or material produced confidential before bringing an action against a person under this act for a violation under investigation, unless confidentiality is waived by the person under investigation and the person that has testified, answered interrogatories, or produced material, or unless disclosure is authorized by the court.

History: 2018, Act 186, Eff. Sept. 11, 2018.