



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

DATE: April 29, 2015

TO: Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary

FROM: Cheryl Hiemstra, Assistant Attorney General

SUBJECT: HB2384 -- Service of Civil Investigative Demands

RECOMMENDED ACTION

This testimony is presented in support of HB2384. We recommend that the Committee approve HB2384 with a do pass recommendation.

BACKGROUND ON CIVIL INVESTIGATIVE DEMANDS

Since 1971, the Attorney General has had the ability to serve Civil Investigative Demands upon any person believed to have information regarding a violation of the Unlawful Trade Practices Act. With scam-prone industries, effective investigative tools assist in finding often hidden information. Civil Investigative Demands are also used for civil actions for abuses of vulnerable persons, ORS 124.100; and security seal enforcement, ORS 618.501.

HOW HB2384 WILL CLARIFY SERVICE STANDARDS

This bill allows for substituted service of Civil Investigative Demands to be accomplished in the same manner as provided for service of summons in an action or suit:

- Provides an alternative when service cannot be made on a “natural person”
- Eliminates substantial delay and costs that may be incurred to complete service if personal service fails
- Allows service in a manner provided by this alternative without having to request permission from the court
- Conforms to standard service rules provided in the Oregon Rules of Civil Procedure

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