

**Filed 12/7/10 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2010 ND 234

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Kenneth Paul Hoover,

Appellant

v.

Director, North Dakota  
Department of Transportation,

Appellee

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No. 20100226

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Gail H. Hagerty, Judge.

AFFIRMED.

Per Curiam.

Michael R. Hoffman, P.O. Box 1056, Bismarck, ND 58502-1056, for appellant.

Douglas B. Anderson, Assistant Attorney General, Office of Attorney General, 500 N. 9th Street, Bismarck, ND 58501-4509, for appellee.

**Hoover v. N.D. Dept. of Transportation**  
**No. 20100226**

**Per Curiam.**

[¶1] Kenneth Paul Hoover appealed a district court’s judgment affirming the administrative revocation of his driver’s license. Hoover argues he was denied the opportunity to cure his prior refusal to submit to a blood test. We affirm the district court’s judgment under N.D.R.App.P. 35.1(a)(5). See Houn v. N.D. Dep’t of Transp., 2000 ND 131, ¶ 9, 613 N.W.2d 29 (noting the arrestee has the burden of curing a prior refusal within two hours of driving) (citing Lund v. Hjelle, 224 N.W.2d 552, 557 (N.D. 1974)).

[¶2] Gerald W. VandeWalle, C.J.  
Carol Ronning Kapsner  
Mary Muehlen Maring  
Daniel J. Crothers  
Zane Anderson, D.J.

[¶3] The Honorable Zane Anderson, D.J., sitting in place of Sandstrom, J., disqualified.