

**Filed 4/10/12 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

---

2012 ND 65

---

Kirby Clarence Rudolph,

Plaintiff and Appellant

v.

North Dakota Department of  
Transportation,

Defendant and Appellee

---

No. 20110334

---

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bruce B. Haskell, Judge.

AFFIRMED.

Per Curiam.

Danny Lee Herbel (argued), The Regency Business Center, 3333 E. Broadway Avenue, Suite 1205, Bismarck, ND 58501, for plaintiff and appellant.

Michael Trent Pitcher (argued), Assistant Attorney General, Office of Attorney General, 500 North 9th Street, Bismarck, ND 58501-4509, for defendant and appellee.

**Rudolph v. N.D. Dep't of Transp.**  
**No. 20110334**

**Per Curiam.**

[¶1] Kirby Clarence Rudolph appeals a district court judgment affirming a North Dakota Department of Transportation hearing officer's decision revoking his driving privileges for three years. Rudolph argues law enforcement did not have a reasonable and articulable suspicion to stop his vehicle. We conclude the agency's order is supported by a preponderance of the evidence and summarily affirm under N.D.R.App.P. 35.1(a)(5).

[¶2] Gerald W. VandeWalle, C.J.  
Daniel J. Crothers  
Mary Muehlen Maring  
Carol Ronning Kapsner  
Dale V. Sandstrom