

Filed 06/02/2020 by Clerk of Supreme Court

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

---

2020 ND 115

---

Jeffrey Darnell Kling,

Petitioner and Appellant

v.

Director, North Dakota  
Department of Transportation,

Respondent and Appellee

---

No. 20200024

---

Appeal from the District Court of Dunn County, Southwest Judicial District,  
the Honorable Paul W. Jacobson, Judge.

AFFIRMED.

Per Curiam.

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

Michael T. Pitcher, Assistant State's Attorney, Bismarck, ND, for respondent  
and appellee; submitted on brief

**Kling v. NDDOT**  
**No. 20200024**

**Per Curiam.**

[¶1] Jeffrey Kling appeals from a district court judgment affirming an administrative suspension of his driving privileges for a period of 91 days. On appeal, Kling argues to authenticate the report and notice form, the specifics of the implied consent advisory must be testified to, to comply with N.D.C.C. § 39-20-01(3)(a). This Court has said “[a] Department’s Report and Notice form is admissible as prima facie evidence of its contents once it is forwarded to the director of the Department.” *Gillmore v. Levi*, 2016 ND 77, ¶ 12, 877 N.W.2d 801. Kling bears the burden to rebut the prima facie evidence in the report and notice form. *Id.* Kling failed to testify or otherwise rebut the evidence that he was read the implied consent advisory as required by law. We summarily affirm under N.D.R.App.35.1(a)(7).

[¶2] Jon J. Jensen, C.J.  
Lisa Fair McEvers  
Gerald W. VandeWalle  
Jerod E. Tufte  
Daniel J. Crothers