

Alaska Can Ask Ya (For Documents)

Paul L. Singer, Abigail Stempson, Beth Bolen Chun, Andrea deLorimier

September 17, 2025

On September 5, 2025, the Alaska Supreme Court [upheld](#) the Alaska Attorney General’s authority to request records in consumer protection investigations, confirming the AG’s broad powers to subpoena information from businesses to determine whether Alaska’s consumer protection laws have been violated.

In the underlying action, the Alaska AG’s office sought to investigate a car dealership that, as alleged in an anonymous tip letter to the AG’s office, tacked hidden fees onto the advertised prices of its vehicles. After witnessing the same conduct through an undercover agent, the Consumer Protection Unit (CPU) of the Alaska AG’s office issued a subpoena to the car dealership seeking information on its compliance with AS 45.25.440, an Alaskan law requiring all dealer fees to be included in the advertised price of a vehicle. The car dealership refused to comply with the subpoena and filed a petition to quash.

In the court case—named *Business Doe, LLC v. State of Alaska* because Alaska law prohibits the attorney general from publicly naming the target of a civil consumer protection investigation—the car dealership argued in part that the anonymous letter did not establish that the Alaska AG had “cause to believe” that a law violation had occurred, as required by [AS 45.50.495\(a\)](#). The car dealership further alleged that the anonymous tip letter was not authentic or reliable, and suggested it was written by the CPU itself. The CPU responded that its power to issue administrative subpoenas is prescribed by AS 45.50.495(b)—not (a)—and therefore it only had to show that the subpoena was reasonably designed to aid a good-faith investigation and would aid the investigation.

The superior court denied the dealership’s petition to quash, agreeing with the CPU that its power to administer subpoenas is not limited by the “cause to believe” standard in subpart (a). On appeal, the Alaska Supreme Court did not explicitly decide whether the “cause to believe” standard applies to the issuance of an administrative subpoena, instead holding that the subpoena was lawful because, “[w]hether the standard applies or not, the anonymous letter that the CPU received provided sufficient basis under AS 45.50.495(b) to authorize the CPU to issue a subpoena.”

In a press release, new Alaska Attorney General Stephen J. Cox lauded the decision, stating: “This ruling is a win for Alaskans. It confirms that our office has the tools to demand the truth when consumers are at risk. If businesses mislead customers, we can and will get the records we need to hold them accountable.”

This decision and the underlying case have several important lessons. First, attorney general consumer protection investigative authority is usually incredibly broad, but also at times may have some uncertainty. There is limited caselaw interpreting the scope of some powers as demonstrated

by this case, but increasingly as we see attorneys general continuing to ramp up enforcement, we will see a corresponding uptick in challenges to their authority.

Second, notable differences exist in how challenges to that authority may proceed. As discussed above, Alaska law allowed this challenge to proceed yet kept the identity of the company making the challenge anonymous. By contrast, in a case involving the Kentucky Attorney General's office, the recipient of a civil investigative demand—initially identified pseudonymously as "ABC, Inc." and later revealed to be American National University of Kentucky, Inc., formerly known as National College of Kentucky, Inc.—filed suit to block the CID under the pseudonym. The court held that there was no right to proceed anonymously in such circumstances.

Finally, although states generally do not require a consumer complaint in order to bring a case, this matter demonstrates the importance of monitoring and addressing consumer complaints. Not only was this investigation triggered by one anonymous letter, but the appellate court held that the letter was sufficient to meet the applicable standard for issuing a subpoena. It is therefore important to seek advice to fully understand unique AG authority and the structure and practices of AG offices.