

TITLE 125: BOARD OF PROFESSIONAL LICENSING

CHAPTER 125-20
ENGINEERS, ARCHITECTS, LAND SURVEYORS, AND LANDSCAPE
ARCHITECTS

SUBCHAPTER 125-20.1
ENGINEERS, ARCHITECTS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS
REGULATIONS

Part 001	General Provisions	§ 125-20.1-325	References
§ 125-20.1-001	Purpose	§ 125-20.1-330	Examinations
§ 125-20.1-005	Authority		
§ 125-20.1-010	Force and Effect		
§ 125-20.1-015	Rules of Order	Part 400	Licensure Classification
§ 125-20.1-020	Definitions	§ 125-20.1-401	Engineering
		§ 125-20.1-405	Architecture
		§ 125-20.1-410	Land Surveying
		§ 125-20.1-415	Landscape
Part 100	Applications	Architecture	
§ 125-20.1-101	Filing of Applications		
§ 125-20.1-105	Kinds of Applications		
§ 125-20.1-110	Licensure by	Part 500	Certificate of Authorization
Endorsement		§ 125-20.1-501	General Provisions
§ 125-20.1-115	Foreign Education	§ 125-20.1-505	Application for a
and Experience			Certificate of Authorization
§ 125-20.1-120	Interview		
§ 125-20.1-125	Reconsideration of	Part 600	Certificates or Licenses
Disapproved Application		§ 125-20.1-601	Issuance of
			Certificates or Licenses
Part 200	Fees	§ 125-20.1-605	License or Certificate
§ 125-20.1-201	Method of Payment	Number	
§ 125-20.1-205	Application Fees	§ 125-20.1-610	Certificate/License
§ 125-20.1-210	Examination Fees	§ 125-20.1-615	Engineering Branch
§ 125-20.1-212	Dishonored Checks	§ 125-20.1-620	Display
§ 125-20.1-215	Renewal Fees	§ 125-20.1-625	Replacement of
§ 125-20.1-220	Schedule of Fees	License or Certificate	
		§ 125-20.1-630	Prohibited Act
Part 300	Qualifications for Licensure		
§ 125-20.1-301	Qualifications for	Part 700	Seals
Licensure		§ 125-20.1-701	Board Seal
§ 125-20.1-305	Qualifications for	§ 125-20.1-705	Seal of Licensure
Licensure		§ 125-20.1-710	Seal on Documents
§ 125-20.1-310	Engineering	§ 125-20.1-715	Design Certification
Technology Degrees		§ 125-20.1-720	Construction
§ 125-20.1-315	Applicants with	Inspection	
Degrees from Foreign Schools		§ 125-20.1-725	Construction
§ 125-20.1-320	Experience	Management Services	

TITLE 125: BOARD OF PROFESSIONAL LICENSING

§ 125-20.1-730 Engineer's Seal
§ 125-20.1-735 Architect's Seal
§ 125-20.1-740 Land Surveyor's
Seals

Part 800 Temporary Licenses; Renewals and Reinstatements

§ 125-20.1-801 Temporary Licenses;
Requirements
§ 125-20.1-805 Renewals
§ 125-20.1-810 Reinstatement
§ 120-20.1-815 Inactive License

Part 900 Professional Conduct

§ 125-20.1-901 Rules of Professional
Conduct
§ 125-20.1-905 Knowledge of the
Rules

§ 125-20.1-910 Convictions
§ 125-20.1-915 Enforcement

Part 1000 Disciplinary Action; Reprimand, Suspension or Revocation; Refusal to Issue, Restore or Renew License or Certificate

§ 125-20.1-1001 Disciplinary Action
§ 125-20.1-1005 Disciplinary
Proceedings

Part 1100 Miscellaneous Provisions

§ 125-20.1-1101 Reinstatement of
Licensure after Revocation
§ 125-20.1-1105 Advertising Practices
§ 125-20.1-1110 Board Records
§ 125-20.1-1115 Severability

Subchapter Authority: 4 CMC § 3108 (2004).

Subchapter History: Amdts Adopted 35 Com. Reg. 34577 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 34176 (Aug. 28, 2013); Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21** Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 18 Com. Reg. 14078 (Apr. 15, 1996); Amdts Proposed 18 Com. Reg. 14018 (Feb. 15, 1996); Amdts Proposed 17 Com. Reg. 13911 (Dec. 15, 1995); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Amdts Proposed 14 Com. Reg. 8770 (Feb. 15, 1992);* Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

*A notice of adoption for the 1992 amendments was never published.

**Commonwealth Register volume 21, number 2, page 16567 is mislabeled as volume 20.

Commission Comment: PL 1-8, ch. 5 (effective Aug. 10, 1978), codified as amended at 4 CMC §§ 3101-3110, created the Board of Professional Licensing, a regulatory board within the Commonwealth government. See 4 CMC § 3101.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(c):

Section 304. Department of Public Works.

...

(c) Board of Professional Licensing The Board of Professional Licensing is abolished and its

TITLE 125: BOARD OF PROFESSIONAL LICENSING

functions transferred to a Division of Professional Licensing in the Department of Public Works, which shall have at its head a Director of Professional Licensing.

The full text of Executive Order 94-3 is set forth in the commission

comment to 1 CMC § 2001.

PL 11-99, the “Board of Professional Licensing Amendments Act of 1998,” codified at 4 CMC §§ 3101-3221, took effect on September 21, 1999. PL 11-99 reenacted 4 CMC §§ 3101-3110 with numerous revisions. PL 11-99 § 3 (§ 3101), 4 CMC § 3101, reestablished the Board as a regulatory board “within the Commonwealth government.” The Board is authorized to issue licenses to the professions enumerated in PL 11-99 § 3 (§ 3105), 4 CMC § 3105. PL 11-99 § 3 (§ 3108), 4 CMC § 3108, empowers the Board to adopt rules and regulations to implement the act including rules and regulations to establish credentialing criteria and standards regarding licensing or authorization to practice a profession over which the Board has jurisdiction.

The Board of Professional Licensing first promulgated Engineers, Architects, Land Surveyors, and Landscape Architects Regulations in 1985. For the history of these regulations see: Adopted 7 Com. Reg. 4151 (Oct. 17, 1985); Proposed 7 Com. Reg. 3980 (Sept. 16, 1985).

PL 14-95 (effective Oct. 31, 2005), the “Board of Professional Licensing Amendments Act of 2005,” repealed and reenacted 4 CMC §§ 3101-3222 with extensive revisions. See the general commission comment to NMIAC chapter 125-10.

Public Law 15-77 (effective August 20, 2007) amends 4 CMC § 3214 regarding temporary licenses for architects, engineers, land surveyors, and landscape architects. Section 2 of PL 15-77, codified at 4 CMC § 3214, authorizes the Board to grant temporary licenses provided that “such person is legally qualified and licensed or certified in another any United States or foreign jurisdiction and that his or her qualifications for obtaining the license meet those required requirements for licensure by this Board under 4 CMC § 3215(a) to (e).”

In July 2007, the Board of Professional Licensing amended sections of this subchapter to comply with PL 14-95 (effective Oct. 31, 2005), the “Board of Professional Licensing Amendments Act of 2005” [4 CMC §§ 3101-3222].

PL 17-39 (effective April 21, 2011), the “Board of Professional Licensing Amendments Act of 2010,” repealed and reenacted 4 CMC §§ 3101-3222 with extensive revisions. The 2012 amendments to this subchapter reflect the changes made in PL 17-39.

Part 001 - General Provisions

§ 125-20.1-001 Purpose

The purpose of adopting the regulations in this subchapter is to clarify and implement Public Laws 1-8, 4-53, 5-43, 11-99, 14-95, and 17-39, to the end that the provisions thereunder be best effectuated and the public interest most effectively served.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Commission Comment: The 1991, 1995, 1999 and 2001 amendments readopted and republished the Engineers, Architects, Land Surveyors, and Landscape Architects Regulations in their entirety. The 1999 amendments completely revised the 1991 regulations, as amended by the 1995 amendments, extensively reordered the provisions and deleted numerous sections. The Commission cites the 1999 and the 2001 amendments in the history sections throughout this subchapter. The 1991 and 1995 amendments are cited where appropriate. The Commission inserted a comma after the word “14-95” pursuant to 1 CMC § 3806(g).

§ 125-20.1-005 Authority

The regulations in this subchapter are adopted herewith pursuant to authority vested in the Board under PL 4-53.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

§ 125-20.1-010 Force and Effect

The regulations in this subchapter and the Rules of Professional Conduct [NMIAC, title 125, chapter 20.2] adopted by the Board shall be binding upon all persons and entities licensed under the laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding licenses, certificates of authorization and temporary permits. No person except those exempted by §§ 3213 and 3215 of PL 11-99 shall practice engineering, architecture, land surveying, or landscape architecture unless licensed hereunder.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The Commission inserted a comma after the word “surveying” pursuant to 1 CMC § 3806(g).

§ 125-20.1-015 Rules of Order

The latest edition of the Robert’s Rules of Order shall govern the normal proceedings of the Board.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998);

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The Commission corrected the spelling of the phrase “Robert’s Rules of Order” pursuant to 1 CMC § 3806(g).

§ 125-20.1-020 Definitions

(a) “ABET” - The letters “ABET” shall mean Accreditation Board for Engineering and Technology.

(b) “Advertise” includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure or advertising through the media. Advertising through the “media” means newspapers, magazines, and telephone directories including all listings in the yellow pages or commercial broadcasting through radio or television or any other means of dissemination.

(c) “Approved Institution of Higher Education” - The term “approved institution of higher education” shall mean institutions offering curricula leading to a Ph.D. or master’s degree in engineering or architecture accredited by ABET, CACB, CEAB, NAAB, or as approved by the Board.

(d) “Approved School or College” - The term “approved school or college” shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, land surveying or landscape architecture and are accredited by ABET, CACB, CEAB, NAAB, or as approved by the Board.

(e) “A.R.E.” - The letters “A.R.E.” shall mean Architect Registration Examination prepared by NCARB.

(f) “Architect” - The term “architect” shall mean a person who has been duly licensed by the Board to engage in the practice of architecture within the Commonwealth.

(g) “Base State” - The term “base state” shall mean the jurisdiction in which an applicant took and passed the required examination and was initially licensed or the jurisdiction to which an applicant has transferred his base state status.

(h) “Board” - The “board” shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by chapter 1 of 4 CMC, division 3.

(i) “BPLRF” - The letters “BPLRF” shall mean the Board of Professional Licensing Revolving Fund.

(j) “Branch” - The term “branch” shall mean the various branches of the engineering profession, i.e. civil, structural, mechanical, electrical, etc.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (k) “CACB” - The letters “CACB” shall mean the Canadian Architectural Certification Board.
- (l) “CBRPELS” - The letters “CBRPELS” shall mean the California Board of Registration for Professional Engineers and Land Surveyors.
- (m) “CEAB” - The letters “CEAB” shall mean the Canadian Engineering Accreditation Board.
- (n) “Certificate of Authorization” - The term “certificate of authorization” means a written certificate issued by the Board to a partnership or corporation which identifies the firm as legally entitled to engage or offer to engage in the practice of engineering, architecture, land surveying, or landscape architecture within the CNMI.
- (o) “Chemical Engineering” - That branch of engineering which embraces studies or activities relating to the development and application of processes in which chemical or physical changes or materials are involved.
- (p) “Civil Engineering” - That branch of engineering which embraces activities or studies in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and runways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges. It is concerned with investigation of the laws, phenomena forces of nature; preparation and/or submission of designs, plans, specifications and engineering reports; determination of materials’ physical qualities; economics of design and use of construction materials; appraisals, valuations and inspection of the construction of engineering structures.
- (q) “CLARB” - The letters “CLARB” shall mean the Council of Landscape Architectural Registration Boards.
- (r) “Commonwealth” (“CNMI”) - The term “Commonwealth” shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.
- (s) “Construction Inspection” - The term “construction inspection” means making visits to the site by a licensed engineer, architect, or landscape architect, or qualified representatives, to inspect or observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of work nor is it intended that the engineer, architect, or landscape architect be responsible for construction means, methods, techniques, sequences, or procedures or for safety precautions and programs in connection with the work.
- (t) “Consulting Engineer” - The term “consulting engineer” shall mean a professional

TITLE 125: BOARD OF PROFESSIONAL LICENSING

engineer whose principal occupation is the independent practice of engineering; one who provides services to clients as an independent fiduciary devoid of interests, affiliations and associations that might infer a conflict of interest; one who must exercise legal responsibility at a professional level without prejudice or bias.

(u) “Direct Supervision” - The term “direct supervision” shall mean that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

(v) “Design” - The term “design” shall mean any analysis, calculation, sketch, plan, drawing, outline, scheme, model, contrivance or procedure which conveys the plan, location, arrangement, intent, purpose, appearance and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas or projects.

(w) “Directly in Charge of the Professional Work” - The term “directly in charge of the professional work” shall mean personal preparation and/or direct supervision of the preparation and personal review of all instruments of professional service and shall include the legal authority to bind the sole proprietor, partnership, corporation, association, or joint venture in all matters relating to the professional work.

(x) “Electrical Engineering” - That branch of engineering which embraces studies, design and activities relating to the general transmission, storage and utilization of electrical energy, including design of electrical gear, design of electrical, electronic and magnetic circuits and the technical control of their operation, including research, design, production, operation, organization and economic aspects of all the above.

(y) “Electronic Means” - The term “electronic means” shall include telephone, video-conference, electronic telecommunications-mediated written, aural and/or video means, including mediated through the internet, a wireless services, and/or email; and shall further include the presentation, service, filing, and storage of documents in their electronic form.

(z) “Engineer” - The term “engineer” shall mean a person who has been duly licensed by the Board to engage in the practice of engineering, including any of the branches thereof, as hereinafter defined.

(aa) “Engineer Intern” (“Engineer-in-Training”) - Engineer intern shall mean a person who has met the education and character requirements as set forth herein and has taken and passed the Fundamentals of Engineering Examination and has been duly licensed by the Board.

(bb) “Firm” - The term “firm” shall mean the business entity that offers engineering, architectural, land surveying or landscape architecture services to the public or their licensed personnel who are either employees, officers, or partners of the company.

(cc) “Gross Negligence” - The term “gross negligence” is the performance of professional work by a licensee which demonstrates through errors and/or omissions indifference to and/or

TITLE 125: BOARD OF PROFESSIONAL LICENSING

wanton disregard of accepted standards of care and/or legal obligation so far as other persons may be affected.

(dd) “Incompetence” - The term “incompetence” is the performance of professional work by a licensee which demonstrates through errors and/or omissions lack of ability to produce work in conformity with accepted professional standards.

(ee) “Investigation” - The term “investigation” shall mean careful research, examination, inquiry, and study to reveal or determine scientific, aesthetic, and technical information and facts for the planning, design, location, construction and alteration of existing and proposed structures, buildings, works, machines, processes, land areas and projects.

(ff) “Jurisdiction” - The term “jurisdiction” shall mean the state, commonwealth, territory, or possession of the country authorized by law to license engineers, architects, land surveyors, or landscape architects.

(gg) “Landscape Architect” - The term “landscape architect” shall mean a person who has been duly licensed by the Board to engage in the practice of landscape architecture in the Commonwealth.

(hh) “Land Surveyor” - The term “land surveyor” shall mean a person who has been duly licensed by the Board to engage in the practice of land surveying in the Commonwealth.

(ii) “Land Surveyor Intern” (“Land Surveyor in Training”) - The term “land surveyor intern” shall mean a person who has met the educational requirement as set forth herein, and in either case has passed the examination on fundamentals of land surveying and has been duly licensed by the Board.

(jj) “Lawful Experience” - The term “lawful experience” shall be interpreted by the Board to mean experience in the appropriate profession or engineering branch under the supervision of a NCEES, NCARB, CACB or CEAB member board licensed engineer, architect, land surveyor or landscape architect in the District of Columbia, any state, commonwealth or territory of the United States and Canada.*

(kk) “License” - The term “license” means a certificate issued to a person licensed, certified, or otherwise approved to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

(ll) “Licensee” - The term “licensee” means a person licensed, certified, or otherwise approved to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

(mm) “Licensure” - The term “licensure” means the process or condition of being licensed to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(oo) “Marine Engineering” - That branch of engineering concerned with the design, construction, operation, and repair of energy conversion devices and systems for marine applications. These systems include ship propulsion plants, cargo moving systems, refrigeration, air conditioning systems, and control systems. Fluid and structural dynamics, heat transfer, mechanics, machine design, and electrical engineering form the main base for marine engineering. In addition, marine engineers must have a fundamental knowledge of naval architecture.

(pp) “Mechanical Engineering” - That branch of engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and with engineering problems relating to the production of tools, machinery, and their products and to heating, air conditioning, ventilation, refrigeration and plumbing equipment and systems, including research, design, production, operation, organization, and economic aspects of all the above.

(qq) “NAAB” - The letters “NAAB” shall mean the National Architectural Accreditation Board.

(rr) “Naval Architect” - This discipline is concerned with the design, construction, operation, and repair of marine vehicles. A naval architect conceives and develops a vehicle to meet the requirements of the owner, the ocean environment and any interface with other transportation systems. Fluid dynamics, structures mechanics, elements of ship architecture and ship static and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.

(ss) “NCARB” - The letters “NCARB” shall mean the National Council of Architectural Registration Boards.

(tt) “NCEES” - The letters “NCEES” shall mean the National Council of Examiners for Engineering and Surveying.

(uu) “Negligence” - The term “negligence” is the performance of professional work by a licensee which demonstrates through errors and/or omissions a lack of due care in accordance with accepted professional standards.

(vv) “Person” - The term “person” means a person real or legal, including a human being, and an artificial person, including government entity, non-governmental organization, association, corporation, limited liability company, limited liability partnership, partnership, or sole proprietorship.

(ww) “Practice of Architecture”

(1) The term “practice of architecture” as defined by 4 CMC § 3211(a)(2)(A) means the rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the

TITLE 125: BOARD OF PROFESSIONAL LICENSING

space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation; the service referred to include planning, providing preliminary studies, designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined hereinafter.

(2) A person is considered to practice or offer to practice architecture, within the meaning and intent of the law, who practices the profession of architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be an architect through the use of some other title, implies that he or she is an architect or that he or she is licensed or holds himself or herself out as able to perform or does perform any architectural service or work or any other service designated by the practitioner which is recognized as architecture.

(xx) “Practice of Engineering”

(1)(i) The term “practice of engineering” means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land, air, and water, teaching of advanced engineering subjects, performing engineering surveys and studies, and the review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications; any of which embraces such services or work; either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services.

(ii) Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals working under the direction of the engineer.

(iii) Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, right-of-way, easements, and the dependent or independent surveys or re-surveys of the public land system.

(2) A person is considered to practice or offer to practice engineering, within the meaning and intent of the law, who practices any branch of the profession of engineering or who, by

TITLE 125: BOARD OF PROFESSIONAL LICENSING

verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer or through the use of some other title, implies that he or she is a professional engineer or that he or she is licensed or holds himself or herself out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

(yy) “Practice of Landscape Architecture”

(1) The term “practice of landscape architecture” as defined by 4 CMC § 3211(e)(2)(A) means to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is the preservation and enhancement of land uses and natural land features; the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities. A licensed landscape architect shall not practice or offer to practice architecture or any branch of engineering.

(2) A person is considered to practice or offer to practice landscape architecture, within the meaning and intent of the law, who practices the profession of landscape architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a landscape architect or through the use of some other title, implies that he or she is a landscape architect or that he or she is licensed or holds himself or herself out as able to perform or who does perform any landscape architecture service or work or any other service designated by the practitioner which is recognized as landscape architecture.

(zz) “Practice of Land Surveying”

(1) The term “practice of land surveying” shall mean providing or offering to provide professional services using such services as mathematics, geodesy, and photogrammetry, and involving both:

(i) The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth;

(ii) Providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects.

(2) Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered

TITLE 125: BOARD OF PROFESSIONAL LICENSING

measurements and information related to any one or more of the following:

- (i) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon.
 - (ii) Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth.
 - (iii) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right-of-way, or easement.
 - (iv) Making any survey for the division, subdivision, or consolidation of any tract(s) of land.
 - (v) Locating or laying out alignments, positions, or elevations for the construction of fixed works.
 - (vi) Determining, by the use of principles of surveying, the position for any survey monument (boundary or non-boundary) or reference point; establishing or replacing any such monument or reference point.
 - (vii) Creating, preparing, or modifying electronic or computerized or other data, relative to the performance of the activities in the above described items (a) through (f).*
- (3) Any person is considered to practice or offer to practice land surveying with the meaning and intent of the law who engages in land surveying or who by verbal claim, sign, letterhead, card or in any other way represents himself or herself to be a land surveyor or who represents himself or herself as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying.
- (aaa) "Probation" - A condition placed upon an individual's practice that obligates they meet various conditions and further demonstrates that they have maintained a satisfactory performance in their practice over a specific period of time.
- (bbb) "Reprimand" - A formal criticism and/or admonishment directed to the licensee as a result of the violation noted.
- (ccc) "Responsible Charge" - The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying, or landscape architecture work by a licensed engineer, architect, land surveyor, or landscape architect.
- (ddd) "Revocation" - A termination of a license or certificate to practice. Such action should require that the licensee or corporation surrender any and all license and wallet card issued by the Board. In order for a licensee or corporation to reinstate a certificate and/or license that has been revoked, the licensee or corporation is required to apply as a new applicant.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(eee) “Rules of Professional Conduct” - The term “Rules of Professional Conduct for Engineers, Architects, Land Surveyors and Landscape Architects” shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture, land surveying, and landscape architecture in the Commonwealth. [See NMIAC, title 125, chapter 20.2.]

(fff) “Signature” - The term “signature” shall mean the reproducible original signing of one’s own name applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document, and provides for accountability for the contents of the document. A facsimile or electronically digitized signature will not be acceptable. Rubber signature stamps shall not be acceptable.

(ggg) “Specifications” - The term “specifications” shall mean the calling out of materials, equipment, standards, procedures, projects and methods to be used in the construction and alteration of buildings, structures, works, machines, processed,** land areas and projects.

**So in original.

(hhh) “State” - The term “state” includes a United States of America state, territory, tribal land, commonwealth, the District of Columbia, and any other U.S. jurisdiction other than the U.S. government itself.

(iii) “Structural Engineering” - That branch of engineering which deals with investigation, design, selection, and construction supervision of the fore-resisting and load-supporting members, of structures, such as foundation walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and inspection requires a knowledge of engineering laws, formulae and practice, a knowledge of the physical properties of construction materials, and a knowledge of the methods used in their assembly or erection. Building where structure measures more than 45 feet in height or more than three stories high must be designed by a structural engineer.

(jjj) “Suspension” - A suspension terminates a certificate and/or license privileges for a limited time. The certificate and/or license may be reinstated after the licensee or corporation fulfilled conditions imposed by the Board.

(kkk) “Warning Letter” - A letter issued to a licensee or corporation based upon a threshold determination that unacceptable conduct has occurred. A warning letter can be used when it is determined that a suspension or revocation is not appropriate, but some level of criticism is needed.

* See Commission Comment.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(July 21, 2007); Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The original paragraphs of subsections (ww) through (zz) were not designated. The Commission designated subsections (ww)(1) and (2), (xx)(1) and (2), (yy)(1) and (2), and (zz)(1) and (2).

The 1995 amendments added new subsections (b), (r), and (ll), and amended former subsections (g) and (ee). The 1999 amendments added thirteen new definitions, deleted former subsections (m), (y), (ss) and (tt), re-designated the subsections accordingly, and readopted this section with numerous amendments. The 2001 amendments deleted former subsections (m), (t), (bb), (ss), and (tt), added new subsection (z), and amended former subsections (c), (d), (i), (m), (o), (q), (t), (ff), (gg), (ll), (pp), (qq)(1) and (2), (rr)(1) and (2), (ss)(1) and (2), (tt)(1) and (2), (yy) and (zz). The 2002 amendments amended former subsection (m). The 2007 amendments amended subsections (xx), (zz), and (fff). The 2012 amendments added subsections (i), (y), (kk), (ll), (mm), and (hhh); amended subsection (vv); and re-designated the remaining subsections accordingly.

The Commission inserted quotation marks around terms defined.

The Commission removed an extraneous quotation mark from subsection (i) and corrected the word “approve” to “approved” in subsection (kk) pursuant to 1 CMC § 3806(g).

The Commission inserted commas after the words “surveying” in subsection (n); “association” in subsection (w); “filing” in subsection (y); “officers” in subsection (bb); “inquiry” and “aesthetic” in subsection (ee); “territory” and “surveyors” in subsection (ff); “certified” in subsection (kk); “certified” in subsection (ll); “operation,” “systems,” and “design” in subsection (oo); “operation” in subsection (rr); “health” in subsection (xx)(1)(i); “surveying” and “surveyor” in subsection (ccc); and “surveying” in subsection (eee) pursuant to 1 CMC § 3806(g).

Subsection (jj) was omitted from the 2007 proposed regulation, but was not noted as repealed. The Commission retained the provision in the Code.

Subsection (zz) refers to “the above described items (a) through (f).” No such items were listed in the original regulation.

Part 100 - Applications

§ 125-20.1-101 Filing of Applications

(a) All applications filed with the Board shall be complete, filed on the forms prepared by the Board and prepared in accordance with and contain all the information called for on the form.

(b) Information on the application form must be typed or neatly lettered in ink. When space available on a form is not adequate to contain all the information required, supplementary sheets of 8 ½ x 11 or 8 ½ x 14, white paper shall be used.

(c) To allow time for the Board to process the application for examination, receive verification of required information and order examination booklets, application must be filed with the Board at least ninety days prior to the examination date established by NCEES, NCARB

TITLE 125: BOARD OF PROFESSIONAL LICENSING

or CBRPELS.

- (d) Information on the application form must account for all time that has elapsed since the date of the applicant's firm employment. If the applicant was not employed in another type of work for a period of time, that must be indicated in the applicant's experience record.
- (e) Council record submitted to the Board by NCEES or NCARB shall be accepted in lieu of the information required on the application furnished by the Board. Application must still be signed and notarized under oath and a photograph attached, as required under section 19 of the application.
- (f) All applications shall be accompanied by one endorsed passport-size photograph of the applicant. The photograph may be either black and white or color, not retouched, full-face taken within 30 days of the date of the application. Signature must be affixed on the lower right hand corner of the photograph.
- (g) Applications submitted to the Board shall be signed and attested before a notary public.
- (h) The withholding of information, misrepresentation of fact, or attesting to untrue statements shall be grounds for the denial or revocation of an application or license.
- (i) It is the responsibility of the applicant for all documents, references, certificates, and/or diplomas as required, to be submitted on time to the Board.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved subsection (a) from former § 3.2, moved subsections (b), (c), (d), (f), (g), (h) and (i) from former § 3.3(a), (b), (c), (f), (g), (h) and (i), respectively, added new subsection (e) and amended subsections (b), (c), and (d). See 17 Com. Reg. at 13339 (May 15, 1995). The 2001 amendments amended subsections (e), (f) and (h). The 2007 amendments amended subsection (f).

The Commission inserted commas after the words "fact" in subsection (h) and "certificates" in subsection (i) pursuant to 1 CMC § 3806(g).

§ 125-20.1-105 Kinds of Applications

- (a) Applicants for licensure as an engineer intern or land surveyor intern shall be accepted from individuals who believe they are qualified by education and/or experience, and have taken and passed the Fundamentals of Engineering (FE) or the Fundamentals of Land Surveying (F/S) Examination.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(b) Those who are senior students in an engineering school or college approved by the Board, leading to a baccalaureate degree may apply to take the fundamentals examination during their senior year. Applicant's senior status must be verified directly by the college. If and when the applicant passes the FE exam, he/she needs to provide the Board an official transcript directly from the college indicating the award of their degree in order to get their engineer intern license.

(c) Applications for licensure as a professional engineer, architect, land surveyor, or landscape architect shall be accepted from individuals who believe they are qualified by education and/or experience and examination, in accordance with requirements of the laws of the Commonwealth, to be licensed to practice their profession in the Commonwealth.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved subsections (a) and (c) from former § 3.1(a) and (b), added new subsection (b), moved subsection (d) from former § 5.6 and amended subsections (a), (c), and (d). See 17 Com. Reg. 13339, 13348 (May 15, 1995). The 2007 amendments amended subsection (b). The 2012 amendments repealed former subsection (d).

The Commission corrected the spelling of the words "passes" and "needs" in subsection (b) pursuant to 1 CMC § 3806(g). The Commission inserted a comma after the word "surveyor" in subsection (c) pursuant to 1 CMC § 3806(g).

§ 125-20.1-110 Licensure by Endorsement

(a) The Board may grant a license to a person to practice as an engineer, architect, land surveyor, or landscape architect without examination if:

(1) The person holds a valid, active license to practice as an engineer, architect, land surveyor, or landscape architect in another jurisdiction; and

(2) The requirements in the jurisdiction of licensure are at least as stringent as those under the law and these regulations.

(b) The Board may deny a license by endorsement to a person to practice as an engineer, architect, land surveyor, or landscape architect if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29,

TITLE 125: BOARD OF PROFESSIONAL LICENSING

2011); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 3.12 and amended subsections (a), (a)(2), and (b). See 17 Com. Reg. at 13341 (May 15, 1995). The 2001 amendments amended subsection (a)(2). The 2012 amendments repealed the former section (entitled “Supporting Documents”) and replaced it with a new section (“Licensure by Endorsement”).

§ 125-20.1-115 Foreign Education and Experience

(a) All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document relative to a person’s application shall be at the expense of the applicant.

(b) Applicants who for political or other valid reasons are unable to obtain the required education or experience documents or verifications shall complete and submit to the Board a supplementary application form approved by NCEES or NCARB as appropriate.

(c) All applicants must be able to speak, read, and write in the English language as a requirement for licensing.

History: Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 3.15, amended subsections (b) and (c), and deleted former subsection (d). See 17 Com. Reg. at 13343 (May 15, 1995). The 2007 amendments amended subsection (a).

Commission Comment: The Commission inserted a comma after the word “read” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 125-20.1-120 Interview

An applicant for examination or licensure shall appear before the Board for a personal interview, if necessary.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995);

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 5.5 with amendments. See 17 Com. Reg. at 13348 (May 15, 1995).

§ 125-20.1-125 Reconsideration of Disapproved Application

An applicant whose application for a license has been disapproved by the Board may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:

- (a) The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within thirty days of the date of the notice of disapproval.
- (b) A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:
 - (1) Mistake of fact or law;
 - (2) New evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;
 - (3) Any other evidence or reason justifying a petition for reconsideration.
- (c) Only one petition for reconsideration shall be accepted by the Board.
- (d) Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1995 amendments re-designated this section from former part XVIII to part XIX § 19.1. The 1999 amendments moved this section from former § 19.1 and amended subsection (a)(1). See 17 Com. Reg. at 13374 (May 15, 1995). The 2001 amendments amended the opening paragraph.

Part 200 - Fees

§ 125-20.1-201 Method of Payment

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Payment of fees shall be made by personal check, money order, cashier's check, traveler's check, or cash. Checks shall be made payable to "CNMI Treasurer" and may be accepted by the Board Office. Cash payment for fees must be made at the CNMI Treasurer's office.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The Commission inserted a comma after the word "check" pursuant to 1 CMC § 3806(g).

§ 125-20.1-205 Application Fees

The receipt issued by the Treasurer upon payment of the application fee shall be attached to the application when submitted to the Board office. Applications will not be processed until the fee has been paid. Application fees are non-refundable.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

§ 125-20.1-210 Examination Fees

The receipt issued by the Treasurer upon payment of the examination application fee shall be attached to the application when submitted to the Board office. Examination application fees are non-refundable. Applicants who fail to appear for an examination without an excuse acceptable to the Board shall forfeit the examination fee. The applicant shall pay a new examination fee for any subsequent examination for which he or she applies.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

§ 125-20.1-212 Dishonored Checks

The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.

History: Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007).

Commission Comment: This section appears for the first time as section 4.4 of the 2007 proposed regulations.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

However, the Notice of Proposed Amendments and Notice of Adoption do not list it as a new or amended section. See 29 Com. Reg. at 26625-26626.

§ 125-20.1-215 Renewal Fees

(a) License renewal fees must be paid on or before the license expiration date to avoid assessment of a delinquent fee.

(b) Licensees whose fees are received after the renewal date shall be assessed a renewal fee and a delinquent fee for every month the licensee's fees are not received.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 18 Com. Reg. 14078 (Apr. 15, 1996); Amdts Proposed 18 Com. Reg. 14018 (Feb. 15, 1996); Amdts Proposed 17 Com. Reg. 13911 (Dec. 15, 1995); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995).

Commission Comment: The 1996 and 1999 amendments amended subsection (b).

§ 125-20.1-220 Schedule of Fees

(a) Application fees:

(1)	Initial Application	\$100.00
(2)	Re-consideration Application	\$100.00
(3)	Certificate of Authorization Application	\$100.00
(4)	Application for Examination	\$100.00

(b) Examination fees:

(1)	Fundamentals of Engineering (FE)	\$150.00
(2)	Principles and Practice of Engineering (PE)	\$180.00
(3)	Special Civil Seismic Education	\$300.00
(4)	Structural I	\$180.00
(5)	Structural II	\$450.00
(6)	Fundamentals of Land Surveying (FLS)	\$180.00
(7)	CNMI Land Matters Exam	\$50.00
(8)	Proctoring Fees	\$150.00
(9)	NCARB ARE	Follow all NCARB's fee schedule for all divisions.

(c) Licensure fees:

(1)	E.I.T./L.S.I.T. License	\$100.00
(2)	Initial License	\$200.00

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(3)	Certificate of Authorization	\$200.00
(4)	Temporary License	\$250.00
(5)	Inactive License	\$100.00

(d) Renewal Fees:

(1)	Bi-Annual (Individual)	\$200.00
(2)	Delinquent (each month)	\$25.00
(3)	Certificate of Authority	\$200.00
(4)	Delinquent (each month)	\$25.00
(5)	Replacement/Duplication of License	\$75.00
(6)	Replacement/Duplication of wallet-size card	\$25.00

(e) These examination fees will automatically change without notice once NCEES, NCARB, CBRPELS or their examination vendor raise fees.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e). The Commission inserted dollar signs before all monetary figures.

The 1999 amendments readopted this section with numerous amendments. The notice of adoption for the 1999 amendments changed the proposed language of subsection (b). The 2001 amendments added subsection (b)(9) and amended subsections (a)(3), (a)(4), (b)(3), (b)(5) through (b)(7), (c)(3), (c)(4), (d)(1), (d)(3) and (e). The 2002 amendments amended subsections (a)(1), (a)(3), (c)(2), (c)(3) and (d)(3). The 2007 amendments amended subsections (b)(1) through (b)(4), (b)(6), (b)(9), and (c)(4). The 2012 amendments added subsection (c)(5), struck former subsection (d)(5), and inserted new subsection (d)(6).

Part 300 - Qualifications for Licensure

§ 125-20.1-301 Qualifications for Licensure

No person shall be eligible for licensure as an engineer, architect, land surveyor, or landscape architect unless such person meets the following requirements:

(a) Be at least 21 years of age;

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (b) Be a U.S. citizen, or a foreign national and lawfully entitled to remain and work in the Commonwealth;
- (c) Has met all the education, examination, and experience qualifications as required by law and the regulations;
- (d) Be of good moral character; and shall not have been convicted in any jurisdiction of a crime of moral turpitude or a crime related to the person's profession; and
- (e) Fully and honestly provide the information to the Board required for the Board's decision.

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 2011 Notice of Proposed Amendments stated, "Delete Section 5.1 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects or Section 125-20.1-301 of 125-20.1,NMIAC Title 125 and replace with the following[.]" See 33 Com. Reg. at 32244 (Dec. 29, 2011). This section followed. It bears the same title as section 125-20.1-305 and covers a similar topic. The Notice of Adoption did not make any changes to the proposed amendments. Therefore, the Commission has codified this section as described in the 2012 amendments.

Prior to the 2012 amendments, this section was titled "Character and Reputation," and read, "All applicants shall possess a reputation for honesty, trustworthiness, fairness, good financial integrity and is of good moral and ethical character."

The 2012 amendments changed the name of Part 300 from "Requirements for Licensure" to "Qualifications for Licensure."

§ 125-20.1-305 Qualifications for Licensure

No person shall be eligible for licensure as an engineer, architect, land surveyor, or landscape architect unless such person has met the education, experience, and examination qualifications as required by law. The following shall be considered as minimum evidence satisfactory to the Board that the application is qualified for licensure:

- (a) Engineering
 - (1) Engineer Intern (EIT)
 - (i) Applicant graduated from a university/college accredited by ABET or CEAB with four years of engineering curriculum and has taken and passed the Fundamentals of Engineering Examination; or

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(ii) Applicant graduated from a university/college not accredited by ABET or CEAB with four years of engineering curriculum, has four years of progressive engineering experience satisfactory to the Board and has also passed the Fundamentals of Engineering Examination; or

(iii) Applicant has eight years of progressive engineering experience and has also successfully passed the Fundamentals of Engineering Examination.

(2) Professional Engineer (PE)

(i) Applicant holds a master's degree in engineering from an institution of higher learning accredited by ABET or CEAB, and has completed two years of progressive engineering experience satisfactory to the Board, at least one year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensing is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(ii) Applicant is a graduate of an engineering curriculum of four years or more in a college accredited by ABET or CEAB and has completed four years of progressive engineering experience satisfactory to the Board, at least one year of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(iii) Applicant is a graduate of an engineering curriculum of four years or more in a college not accredited by ABET or CEAB and has completed eight years of progressive engineering experience satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for; or

(iv) Applicant has twelve years of progressive engineering experience satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed engineer in the same branch of engineering for which licensure is desired, and has also successfully passed both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination for the engineering branch applying for.

(b) Architecture

(1) Architect:

(i) Applicant holds a master's degree in architecture from an institution of higher education accredited by NAB or CACB, and has at least one year of progressive experience in architectural

TITLE 125: BOARD OF PROFESSIONAL LICENSING

work satisfactory to the Board, which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Examination (ARE); or

(ii) Applicant is a graduate of an architectural curriculum of five years or more in a college accredited by NAAB or CACB, and has completed two years of progressive experience in architectural work satisfactory to the Board, at least one year of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Examination; or

(iii) Applicant is a graduate of an architectural curriculum of four years or more in a college not accredited by NAAB or CACB, and has completed eight years of progressive experience in architectural work satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Examination; or

(iv) Applicant has had twelve years of progressive experience in architectural work satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed architect, and has also successfully passed the Architect Registration Examination.

(c) Land Surveying

(1) Surveyor Intern (SI)

(i) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four years or more, with emphasis in land surveying and has also successfully passed the Fundamentals in Land Surveying Examination; or

(ii) Applicant is a graduate of a community college approved by the Board and has completed a civil engineering or surveying curriculum of two years or more, has four years of progressive experience in land surveying work satisfactory to the Board, and has also successfully passed the Fundamentals of Land Surveying Examination; or

(iii) Applicant has eight years of progressive experience in land surveying work satisfactory to the Board, and has also successfully passed the Fundamentals of Land Surveying Examination; or*

(2) Professional Land Surveyor (PLS):

(i) Applicant is a graduate of a college accredited by ABET or CEAB and has completed a general engineering curriculum of four years or more, with emphasis in land surveying, and has completed four years of progressive experience in land surveying work satisfactory to the Board, at least one year of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination; or

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(ii) Applicant is a graduate of a college not accredited by ABET or CEAB, has completed a civil engineering or surveying curriculum of two years or more, has completed eight years of progressive experience in land surveying work satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination; or

(iii) Applicant has had twelve years of progressive experience in land surveying work satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed land surveyor, and has also successfully passed both the Fundamentals of Surveyor Examination and the Principles and Practice of Land Surveying Examination.

(d) Landscape Architecture

(1) Landscape Architect:

(i) Applicant graduated from a university/college accredited by LAAB with four years of landscape architectural curriculum, has four years of progressive experience in landscape architectural work satisfactory to the Board, at least one year of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the Uniform National Examination (UNE); or

(ii) Applicant graduated from a university/college not accredited by LAAB with four years of landscape architectural curriculum, and has completed eight years of progressive experience in landscape architectural work satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the Uniform National Examination; or

(iii) Applicant has had twelve years of progressive experience in landscape architecture work satisfactory to the Board, at least two years of which shall have been under the supervision of a licensed landscape architect, and has also successfully passed the Uniform National Examination.

* So in original.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments took parts of this section from former §§ 5.2, 5.3, and 5.4, with extensive amendments. See 17 Com. Reg. at 13345-46 (May 15, 1995). The 2007 amendments added the initial paragraph and amended subsections (a)(1)(ii), (a)(1)(iii), (a)(2)(i) through (a)(2)(iv), (b)(1)(i) through (b)(1)(iv),

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(c)(1)(ii), (c)(1)(iii), (c)(2)(i) through (c)(2)(iii), and (d)(1)(i) through (d)(1)(iii).

Commission Comment: The Commission inserted commas after the words “experience” in the initial paragraph and “Board” in subsection (a)(1)(ii) pursuant to 1 CMC § 3806(g). The Commission corrected the spelling of “passed” in subsection (c)(1)(i).

For information regarding the section’s title, see the Commission Comment to section 125-20.1-301.

§ 125-20.1-310 Engineering Technology Degrees

An approved four-year Bachelor of Technology (B.T.) engineering curriculum is not considered equal to an approved Bachelor of Science engineering curriculum.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000).

Commission Comment: The 2001 amendments added this section and re-designated the remaining sections in this part accordingly.

§ 125-20.1-315 Applicants with Degrees from Foreign Schools

Applicants who are graduates of a foreign college or university may have their college/university certified documents evaluated by an educational evaluation service approved by the Board, equating the degree toward a comparable U.S. degree. The Board has the discretion to approve the transcript evaluation or not. Any cost of evaluation shall be the responsibility of the applicant.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998).

§ 125-20.1-320 Experience

In evaluating experience which indicates to the Board that the applicant may be competent to practice engineering, architecture, land surveying, or landscape architecture, the following will be considered:

- (a) Field and office training under the supervision of licensed engineers, architects, land surveyors, or landscape architects.
- (b) Experience must be progressive on engineering, architecture, land surveying and landscape architecture projects to indicate that it is of increasing quality and requiring greater responsibility.
- (c) Only lawful experience of an* engineering, architectural, land surveying, or landscape architecture, as the case may be, which follows graduation is creditable.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (d) Experience must not be obtained in violation of the statute, regulations, or rules of professional conduct.
- (e) Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian section doing similar work.
- (f) Teaching experience to be creditable must be at an advanced level in a college or university offering an engineering, architectural, land surveying or landscape architecture curriculum, as the case may be, of four years or more that is approved by the Board.
- (g) Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum is approved by the Board is creditable.
- (h) Successful completion of graduate study leading to a master's degree in engineering following a baccalaureate degree in engineering is creditable for one year experience. If a Ph.D. in engineering is completed under the same conditions, a total of two years of experience is creditable. The two years credit includes the one year credited for the master's degree. If the Ph.D. is obtained without a master's degree or with a master's degree in a non-engineering curriculum, the total creditable experience may be up to two years.
- (i) Land surveyors are required that a substantial portion of their experience be spent in charge of work related to property conveyance and/or boundary line determination and, that they demonstrate adequate experience in the technical field aspects of the profession.
- (j) Experience as a contractor in the execution of work designed by an engineer, architect or landscape architect or in employment considered as supervision of construction of such work shall not be considered as creditable experience.
- (k) Experience may not be anticipated. The experience must have been gained by the time of the application.

* So in original.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 7.1 with extensive amendments, added the opening paragraph and subsections (c) through (g) and (i). See 17 Com. Reg. at 13350-51 (May 15, 1995). The 2007 amendments amended subsection (k).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

The Commission inserted commas after the words “surveying” in the opening paragraph, “surveyors” in subsection (a), “surveying” in subsections (b), (c), and (f), “regulations” in subsection (d), and “architect” in subsection (j) pursuant to 1 CMC § 3806(g).

§ 125-20.1-325 **References**

(a) References shall be individuals who are personally acquainted with the applicant and are able to issue judgments on the applicant’s character and reputation, ability and experience.

(b) Applicants for licensure shall submit the names and current addresses of five references, three of the references must be licensed practitioners in the branch or profession in which licensure is requested. References must be able to provide information based upon first hand knowledge of the applicant’s character, experience, and professional qualifications.

(c) At least three character references must be given for engineer intern or land surveyor intern licensure.

(d) Relatives of the applicant may not be used as reference.

(e) No current member of the Board may be used as a reference.

(f) Each applicant should inform the persons being used as references.

(g) For a state board’s verification, the Board shall accept only an official verification of licensure forwarded by the state board when sealed with the Board’s seal and signed by a responsible board director/administrator, which issued the applicant’s initial license attesting that it is current, valid, in good standing and was issued following the attainment of a passing score on a written examination of a nature and scope equal to examinations as set forth in § 125-20.1-330 of this subchapter.

(h) The applicant shall be responsible for requesting the transmittal of council records from NCARB or NCEES to the Board and paying all fees associated with the transmittal.

(i) It is the responsibility of the applicant to assure the return of a completed reference form to the Board by the persons giving the reference within a reasonable time. This includes educational transcripts and verification of a license in other jurisdictions. All reference materials must be complete before any Board action may be taken on an application.

(j) The Board shall accept completed reference verification forms only when:

(1) Received from the U.S. Postal Service or other delivery services from the reference source directly;

(2) Hand-delivered to the Board office by the reference himself/herself and the form is signed and sealed by the reference himself/herself.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(k) Verification submitted by or passing through the hands of the applicant shall not be accepted. Facsimile transmittal of verification or references shall not be accepted unless followed by the original copy delivered to the Board as set forth above.

(l) In the event verification of an applicant's work experience by a knowledgeable reference is not available due to death of the reference, relocation to an unknown address, defunct organization, or inability of the postal service to make delivery of the verification form, the applicant shall submit evidence of his or her employment satisfactory to the Board.

(m) Slow response or failure of a reference or a college/university to respond promptly may delay the Board's processing of an application. A delay may cause the applicant to fail to meet the requirements to sit for a scheduled examination until the necessary documents are provided. If a reference fails to respond the applicant may provide the Board with another reference.

(n) Responses received from references regarding the applicant's qualifications shall be placed in files which are considered non-public records. The source and character of the information shall not be divulged except when required by law.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved the provisions of this section from former §§ 3.13, 3.14, 8.1, 8.2 and 8.3 with amendments. See 17 Com. Reg. at 13342-43 and 13354-55. The 2001 amendments amended subsection (k).

The Commission corrected the spelling of the word "judgments" in subsection (a) pursuant to 1 CMC § 3806(g). The Commission inserted a comma after the word "experience" in subsection (b) pursuant to 1 CMC § 3806(g).

§ 125-20.1-330 Examinations

(a) General Provisions

(1) The application and experience record submitted by an applicant for licensure by examination is part of the examination. The grade given for the applicant's experience record is based not only on the amount of time devoted to professional work but also to the degree of responsibility and nature of the work.

(2) The Board shall notify the applicant of the time, date and place of the examination along with any information the Board received from NCEES, NCARB, or CBRPELS for distribution to the examinees at least thirty days prior to the examination date.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(3) The applicant shall notify the Board as to whether he or she will or will not sit for the examination within ten days after receipt of notification from the Board that he or she has been qualified to sit for the exam. The Board shall assume that a candidate receives the notification no later than five days from the date of mailing.

(4) The Board shall adopt the recommendations of NCEES, NCARB, or CBRPELS on passing scores for the grading of engineering, land surveying, architecture, and landscape architecture examinations, respectively. The Board shall not conduct its own grading or develop its own grading curves.

(5) The Fundamentals of Engineering (FE) Examination requirement may be waived to an applicant who has taken and passed the PE examination administered by another NCEES member board, is a licensed engineer in good standing, the requirements for licensure at the time the applicant was licensed are acceptable to this Board, and the applicant was waived from taking the FE by the state board where applicant was first licensed.

(6) The examination requirement may be waived, upon approval by the Board, for an applicant who has taken and passed an examination administered by another NCEES or NCARB member board, is a licensed professional in good standing, and if the requirements for licensure at the time the applicant was licensed are acceptable to this Board.

(7) Admittance to an examination shall not constitute approval by the Board of the applicant's character and reputation. Character and reputation shall be subject to review at any time.

(8) Application to take the examination must be accompanied by the application fees.

(b) Engineering Examinations

(1) Classification of Engineering Examinations

The Board shall adopt and administer examinations prepared by NCEES as the standard examination of applicants for licensure as an engineer as follows:

(i) FE - Fundamentals of Engineering Examination for engineer intern applicants (8 hours);
and

(ii) PE - Principles and Practice of Engineering Examinations for professional engineer in the appropriate engineering branch (8 hours).

(iii) SE - Structural Engineering Examinations (16 hours, Structural I - 8 hours and Structural II - 8 hours).

(iv) All civil engineering applicants (comity or by examination) are required to take and pass the California Special Civil Seismic Examination before they could qualify for licensure.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Grading shall conform to current practices of the California Board of Registration for Professional Engineers and Land Surveyors (CBRPELS).

(2) Eligibility of Applicant for an Engineering Examination

(i) No applicant may sit for the FE, PE, or SE examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for licensure except passage of the examination.

(ii) An applicant for the PE or SE shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination.

(iii) An applicant for licensure as an engineer intern shall become eligible to sit for the FE during his or her senior year of enrollment in an engineering curriculum leading to a baccalaureate degree at an approved university/college of engineering. Enrollment must be confirmed by the school university/college being attended by the applicant. Confirmation must be sent by the university/college directly to the Board.**

(c) Architecture Examinations

(1) The Board shall adopt the Architect Registration Examination (ARE) prepared by NCARB as the standard examination of applicants for licensure as an architect.

(2) Grading shall conform to current practices of NCARB.

(3) Eligibility of Applicant for a Architectural Examination

No applicant may sit for the ARE until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for licensure except passage of the examination.

(d) Land Surveying Examinations

(1) Classification of Land Surveying Examinations

The Board shall adopt and administer examinations prepared by NCEES as the standard examination of applicants for licensure as a land surveyor as follows:

(i) FLS - Fundamentals of Land Surveying Examination for land surveyors intern applicant (8 hours); and

(ii) PLS - Principles and Practice of Land Surveying Examination (6 hours)

(iii) CNMI Land Matters Examination (4 hours) - Applicants for comity licensure as a land surveyor shall be required to pass this exam testing such applicant's knowledge of CNMI land

TITLE 125: BOARD OF PROFESSIONAL LICENSING

matters, when such examination is in existence.

(2) Eligibility of Applicant for a Land Surveying Examination

(i) No applicant may sit for the FLS or PLS examination until the Board has determined that all the required documentation has been received and approved and the applicant has otherwise met all the requirements for licensure except passage of the examination.

(ii) An applicant for the PLS shall not be permitted to sit for the examination until he or she has taken and passed the FLS.

(e) Examination Dates and Locations

Examination dates are determined by the Board based on recommendations by NCEES, NCARB, or CBRPELS, respectively. The location of each examination is determined by the Board and is based upon the availability of acceptable examination space.

(1) Engineering and Land Surveying Examinations

An applicant to sit for the Fundamentals of Engineering Examination, the Fundamentals of Land Surveying Examination, the Principles and Practice of Engineering Examination or the Principles and Practice of Land Surveying Examination shall filed* an application no later than January 1, before the examination which is regularly conducted by the Board in April, or not later than July 1, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.

(2) Architectural Examination

An applicant to sit for the computerized Architect Registration Examination (ARE) shall file on application at least 90 days before he or she plans to take the examination. Applicants approved by the Board to take the ARE will be able to take all divisions of the exam year round at the test site. The divisions may be taken in any order. You do not have to take all divisions at one time. The application must be accompanied by the application fee.

(3) California Special Civil Seismic Examination

An applicant to sit for the California Special Civil Seismic Examination shall filed* an application no later than January 1, before the examination which is regularly conducted by the Board in April, or not later than July 1, before an examination which is conducted by the Board in October.

(f) Proctoring Examinations for Other Jurisdictions

Proctoring examinations for other jurisdictions is at the discretion of the Board. A proctoring fee will be charged based on the fee established by the Board.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(g) Language

All examinations shall be in English. The examinations shall not be translated into another language either orally or in writing.

(h) Study Information

The Board shall not make available or distribute any study information. Each examination candidate shall be responsible of providing his or her own preparation material.

(i) Instructions for Examinees

Instructions provided prior to each examination will declare an examination to be open or closed book. When an applicant sits for an open-book examination, any books, bound materials of any sort, and calculators or computers which are self-powered and non-printing may be used. None of this material may be loaned or exchanged between or among examinees.

(j) Failure to Sit for Examination

A qualified applicant shall be given two consecutive opportunities to take the examination. In the event the applicant fails to sit for the examination without cause acceptable to the Board, the application will be considered null and void and the applicant shall file new application and qualify to sit for a subsequent examination. The first scheduled examination following approval of an applicant to sit for the examination shall be considered the applicant's first opportunity. Failure of an applicant to attend an examination for which he/she has been scheduled to attend does not count as a failure of the examination.

(k) Examination Results

Examination results will be reported only as pass or fail to each examinee in writing.

(l) Review of Failed Examinations

Review of failed examinations shall be in accordance with the policies of NCEES, NCARB, CBRPELS, or the exam vendors contracted by these organizations.

(m) Examination for Record Purposes

(1) An engineer, architect, or land surveyor licensed by the Board may take the examination(s) in his or her profession or branch for record purposes upon payments of the examination fees.

(2) Failure to pass an examination will in no way affect the current license.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(n) Examination Offerings for Engineers and Land Surveyors

A candidate who has failed to successfully complete the examination and wishes to retake it must submit a written request for re-examination, accompanied by the appropriate fees, no later than sixty days prior to the scheduled exam date. A candidate may retake the examination as many times as necessary, but must submit a new application as required in part 100, accompanied by the appropriate fees, every third year following his or her initial examination session.

(o) Examination Offerings for Architects

Applicants approved by the Board to take the ARE will be able to take all divisions of the exam year round at the test site. The divisions may be taken in any order. You do not have to take all divisions at one time. If you failed a division, you must wait a minimum of six months before retaking it. You must make arrangements directly with the test center to retake a division.

* So in original.

** See Commission Comment.

Modified, 1 CMC § 3806(c), (e), (f).

History: Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7) and (a)(8) from former §§ 9.1(a), 9.1(b), 9.1(d), 9.1(f), 9.2(b), 8.5(b) and 9.1(c), respectively, with amendments and added subsection (a)(5). The 1999 amendments took the provisions of subsections (b) through (e) from former §§ 9.2, 9.4, 9.5, 9.7 and 3.4 and 3.6 with extensive amendments. See 17 Com. Reg. at 13359-60 (May 15, 1995). The 1999 amendments added subsections (f), (i), (k), (l) and (o) and moved subsections (g), (h), (j), (m) and (n) from former §§ 9.8, 9.9, 9.1(e), 9.14 and 9.15(d), with amendments. See 17 Com. Reg. at 13361 (May 15, 1995). The 2001 amendments deleted former subsection (d)(1)(ii) and amended subsections (a)(2), (a)(4), (a)(8), (b)(1), (b)(2)(iii) and (iv), (d)(1), (d)(2)(ii), (f), (g) and (k). The 2002 amendments deleted former subsection (b)(2)(iii). The Commission re-designated former subsection (b)(2)(iv) accordingly.

Subsection (b)(2)(iii) was omitted in the 2007 regulation, but was not expressly repealed.

The Commission inserted commas after the words “NCARB” in subsections (a)(2), (a)(4), (e), “architecture” in subsection (a)(4), “PE” in subsection (b)(2)(i), “CBRPELS” in subsection (l), and “architect” in subsection (m)(1) pursuant to 1 CMC § 3806(g). The Commission corrected the spelling of the word “plans” in subsection (e)(2) pursuant to 1 CMC § 3806(g).

Part 400 - Licensure Classification

§ 125-20.1-401 Engineering

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (a) An applicant approved for licensure as an engineer shall be licensed as an:
 - (1) Engineer intern; or
 - (2) Professional engineer
- (b) Professional engineers shall be licensed in one of the recognized NCEES branches of engineering.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments amended subsections (a) and (b).

§ 125-20.1-405 Architecture

An applicant approved for licensure as an architect shall be licensed as an architect.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

§ 125-20.1-410 Land Surveying

An applicant approved for licensure as a land surveyor shall be licensed as a:

- (a) Land surveyor intern; or
- (b) Professional land surveyor.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments amended the opening paragraph and subsection (a). In subsection

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(b), the Commission inserted the final period.

§ 125-20.1-415 Landscape Architecture

An applicant approved for licensure as a landscape architect shall be licensed as a landscape architect.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Part 500 - Certificate of Authorization

§ 125-20.1-501 General Provisions

(a) Any corporation or partnership “firm,” whether organized under the laws of the CNMI or any other jurisdiction, hereafter offering to engage or engaging in the practice of engineering, architecture, land surveying, or landscape architecture in the Commonwealth must have a valid certificate of authorization (COA) issued by the Board.

(b) All engineers, architects, land surveyors, or landscape architects may practice engineering, architecture, land surveying, or landscape architecture on behalf of the firm provided that:

(1) Each person also possesses a valid license issued by the Board in the appropriate discipline and/or engineering branch; and

(2) That such person is designated as being directly in charge and responsible for the work performed by the firm; and

(3) That such person is a partner, officer, or a full-time employee of the firm; and

(4) That such person has been delegated the legal authority to bind the firm in all matters relating to the work performed.

(c) No firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, or managers by reason of its compliance with the provisions of this Section. No individual practicing engineering, architecture, land surveying, or landscape architecture under the provisions of these regulations shall be relieved of responsibility by reason of their employment or other relationship with a firm holding a valid Certificate of Authorization.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(d) A professional engineer, architect, land surveyor, or landscape architect who renders occasional, part-time, or consulting engineering, architectural, land surveying, or landscape architectural services to, or for, a firm may not, for the purposes of this section, be designated as being responsible for the professional activities of the firm.

(e) All firms must have a valid Certificate of Authorization before advertising to offer professional engineering, architectural, land surveying, or landscape architectural services in the CNMI (see the definition of “advertise” in § 125-20.1-020(b) of this subchapter).

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Amdts Proposed 14 Com. Reg. 8770 (Feb. 15, 1992); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1992 amendments proposed to amend former § 16.2(d). A notice of adoption for the 1992 proposed amendments was never published. The 1999 amendments moved this section from former § 16.2 and amended subsection (a). See 17 Com. Reg. at 13370 (May 15, 1995). The notice of adoption for the 1999 amendments deleted former subsections (b) and (c). The 2001 amendments added new subsections (b) through (d) and amended subsection (a). The 2002 amendments replaced this section in its entirety.

In subsection (a), the Commission moved the comma after “firm” inside of the closing quotation mark. In subsection (b)(1), the Commission changed “possess” to “possesses” to correct a manifest error. The Commission corrected the spelling of the word “these” in subsection (c) and inserted commas after the words “partners” in subsection (c) and “surveying” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 125-20.1-505 Application for a Certificate of Authorization

(a) Applications for a Certificate of Authorization of partnerships or corporations to engage or offer to engage in the practice of engineering, architecture, land surveying, or landscape architecture shall be on the form prescribed by the Board and shall be prepared, completed, and signed under oath or penalty of perjury before a notary public by an authorized partner or officer of the firm and shall contain the following information and comply with the following requirements:

(1) The name, license number, discipline and/or branch and signature of the engineer, architect, land surveyor, or landscape architect licensed in the CNMI who is designated as being directly in charge and responsible for the work in the appropriate discipline and/or branch.

(2) That should there be any change in the status of any person on file, whether as to a valid license, direct charge and responsible of work, full-time employment, partnership or officer of the firm, or legal authority to bind the firm, the firm shall so notify the Board in writing within fifteen days of such change, and, if necessary, also within said fifteen days period, file the name of a replacement.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (b) The application shall include a copy of the following documents:
- (1) A certificate of registration for a corporation not incorporated in the CNMI (also known as a foreign corporation); or
 - (2) A certificate of incorporation for a corporation formed in the CNMI; or
 - (3) A file stamped partnership registration statement; and
 - (4) A business license for the appropriate professional business activity issued by the Business License Office of the Division of Revenue and Taxation, Department of Finance.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved subsections (a) through (d) from former § 16.2(a) through (d), with amendments. The 2001 amendments deleted former subsections (b) and (d), moved subsection (b) from former subsection (c) and amended subsections (a)(1) through (a)(5), (b), and (c). The 2002 amendments amended the opening paragraph of subsection (a), replaced former subsections (a)(1) through (a)(4) with a new subsection (a)(1), re-designated and amended subsection (a)(2) and deleted former subsection (c).

The Commission inserted a comma after the word “completed” in subsection (a) pursuant to 1 CMC § 3806(g).

Part 600 - Certificates or Licenses

§ 125-20.1-601 Issuance of Certificates or Licenses

Upon completion of all requirements for licensure, the Board shall issue a certificate or license to applicant. The certificate or license shall identify the applicant as an engineer intern, a professional engineer, architect, land surveyor intern, a professional land surveyor, or a landscape architect, as the case may be.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former §§ 11.1 and 14.1(a)(2), with amendments. See 17 Com. Reg. at 13362 and 13365 (May 15, 1995). The 2001 amendments deleted former subsection (b).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

The Commission inserted a comma after the word “surveyor” pursuant to 1 CMC § 3806(g).

§ 125-20.1-605 License or Certificate Number

Each licensee shall be assigned a license number at the time licensure is approved by the Board. Numbers are issued consecutively and separately for professional engineers, architects, land surveyors, and landscape architects in the order in which applications are approved.

History: Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 11.3, with amendments. See 17 Com. Reg. at 13363 (May 15, 1995). The 2007 amendments added the words “or Certificate” to the section title.

The Commission inserted a comma after the word “surveyors” pursuant to 1 CMC § 3806(g).

§ 125-20.1-610 Certificate/License

The certificate or license shall be in the form required by law and as otherwise approved by the Board.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 11.4, with amendments. See 17 Com. Reg. at 13363 (May 15, 1995).

§ 125-20.1-615 Engineering Branch

The license or certificate for a professional engineer or engineering firm shall designate the branch in which such person or firm is licensed to practice.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 11.5, with amendments. See 17 Com. Reg. at 13363 (May 15, 1995).

§ 125-20.1-620 Display

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Every person licensed as an individual and every partnership, corporation, association, and joint venture maintaining an office or other place of business for the practice or his/her or its profession, shall display his/her or its original license or certificate together with evidence of current validation in a conspicuous manner, in his/her or its principal office or place of business.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 11.6, with amendments. See 17 Com. Reg. at 13363 (May 15, 1995).

The Commission inserted a comma after the word “association” pursuant to 1 CMC § 3806(g).

§ 125-20.1-625 Replacement of License or Certificate

Upon submittal of a request accompanied by affidavit attesting to loss, destruction, or mutilation of the original license or certificate, a license or certificate shall be furnished upon payment of the prescribed fee.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 11.7, with amendments. See 17 Com. Reg. at 13363 (May 15, 1995).

The Commission inserted a comma after the word “destruction” pursuant to 1 CMC § 3806(g).

§ 125-20.1-630 Prohibited Act

It is expressly prohibited, and is a violation of the regulations in this subchapter for any licensee to use his/her license to apply a seal or stamp approval to any plans or work over which he/she does not have proper control or supervision. Furthermore, no licensee may use his/her authorization for any plans or work performed by any other person or entity unless the licensee is a full time employee of such person or entity, or a partner or officer of such entity and such acts of the licensee must be in full compliance with the law, rules, and regulations.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 11.2, with amendments. See 17 Com. Reg. at 13363 (May 15, 1995).

The Commission inserted a comma after the word “rules” pursuant to 1 CMC § 3806(g).

Part 700 - Seals

§ 125-20.1-701 Board Seal

The official seal of the Board shall consist of a imposed latte stone with star surrounded by the words “CNMI Board of Professional Licensing.”

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this part from former parts XIII and XIV. See 17 Com. Reg. at 13364-66 (May 15, 1995).

The Commission moved the final period inside of the closing quotation mark.

§ 125-20.1-705 Seal of Licensure

(a) The seal shall be a rubber stamp, an electronically digitized seal, or a metal impression seal. The licensee is require to use the following design:

Two circles - a smaller one, 1-1/8" to 1-1/4" in diameter, with a target one, 1-1/2" to 1/5/8"* in diameter. The name of the licensee and the words “Commonwealth of the Northern Mariana Islands” shall appear in the outer annular space and the words “professional engineer,” “architect,” “professional land surveyor,” or “landscape architect” together with the license number, shall appear in the center space.

(b) In the case of an engineer, the license shall also indicate the branch of engineering below the word “professional.” There must be a separate stamp for each engineering branch they are licensed to practice.

(c) Whenever the seal is applied, the licensee’s original signature and date of the signature shall be written adjacent to or across the seal. A facsimile signature or electronically digitized signature will not be acceptable.

(d) The seal shall be signed and dated by the licensee in such a manner that the seal,

TITLE 125: BOARD OF PROFESSIONAL LICENSING

signature, and date will be legible when reproduced.

(e) Authorized use of the prescribed seal is an individual act, therefore, the licensee shall personally inscribe the seal. The licensee is responsible for its security at all times. The licensee shall permit no other person or entity to use the prescribed seal.

* So in original.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments added subsections (b) through (e) and amended subsection (a).

In subsections (a) and (b), the Commission moved the punctuation inside of the closing quotation marks. The Commission corrected the spelling of the word “required” in subsection (a) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words “seal” in subsection (a) and “signature” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 125-20.1-710 Seal on Documents

(a) The seal and signature of the licensee shall be placed on all final engineering, architectural, land surveying or landscape architectural specifications, land surveys, and plats whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under his or her direct supervision.

(b) Working drawings, unfinished documents, in-progress drawings or documents may or may not have a seal or signature. A working drawing or document must, however, contain a statement to the effect “Preliminary, Not for Construction, Recording Purposes, or Implementation.”

(c) The seal or stamp shall be prima facie evidence that the work was prepared by or under the direct supervision or control of the licensee named on the seal and the licensee accepts full responsibility and liability for the professional work represented.

(d) Licensees shall approve and seal only those design documents and surveys which are safe for public health, property, and welfare in conformity with accepted engineering, architectural, and land surveying standards.

(e) It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the license has expired or has been revoked or suspended unless such license has been renewed or reinstated.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(f) Pursuant to § 3219(e) of 4 CMC, div. 3, no official of the Commonwealth who is or may hereafter be charged with the enforcement or laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a licensed architect holding a valid license or with the seal of a licensed engineer holding a valid license on which has been indicated that he or she has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted; and no map or survey prepared after the effective date of this subchapter shall be filed with any official of the Commonwealth unless stamped with the seal of a land surveyor holding a valid license.

(g) The licensee's seal and signature shall be placed on all original drawings, tracings, and other reproducible documents so that the seal and signature is reproduced each time copies are made.

(h) When the document contains more than one sheet, the first or title page shall be sealed and signed by all involved in the work or those who controlled the work and are responsible for it. In addition, each drawing shall be sealed and signed by the licensee responsible for each sheet. When a firm performs the work, each drawing shall be sealed and signed by the licensee who actually did the work. The principal in responsible charge shall sign the seal on the first or title page.

(i) When a licensee in another jurisdiction has a temporary permit to practice in the Commonwealth, he or she shall use his or her jurisdiction's seal and affix his or her signature and the CNMI temporary permit number on all work they controlled and are responsible for.

(j) When a CNMI licensee certifies the work of an out-of-state licensor, the CNMI licensee shall have complete dominion control of the design, shall maintain possession of the sealed and signed reproducible drawings including complete sealed and signed calculations indicating all changes in the original design and shall be wholly responsible for the work.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments added new subsections (a) through (d) and moved subsections (e) through (j) from former § 14.1(a)(4), (a)(5), (b), (d), (f) and (g), respectively, with amendments. See 17 Com. Reg. at 13365-66 (May 15, 1995). The 2001 amendments amended subsections (f), (h), and (i).

In subsection (b), the Commission moved the final period inside of the closing quotation mark. The Commission inserted commas after the words "surveys" in subsection (a) and "property" and "architectural" in subsection (d) pursuant to 1 CMC § 3806(g).

§ 125-20.1-715 Design Certification

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(a) All design work prepared by or under the supervision of a licensed professional engineer, architect, land surveyor or landscape architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the licensee thereof shall state the following and sign his or her name:

This work was prepared by me or under my direct supervision.

Signature

(b) A licensed engineer, architect, land surveyor, or landscape architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local government agencies, are not authorized or approved by the licensed engineer, architect, land surveyor, or landscape architect who originally signed the plans, specifications, reports, or documents, provided that the engineering, architectural, land surveying, or landscape architectural service rendered by the engineer, architect, land surveyor, or landscape architect signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved subsection (a) from former § 14.2(a), with amendments. See 17 Com. Reg. at 13366 (May 15, 1995). The 1999 amendments also added a new subsection (b).

The Commission inserted commas after the words “surveyor,” “reports,” and “surveying” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 125-20.1-720 Construction Inspection

(a) In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamp of the duly licensed professional engineer, architect, land surveyor, or landscape architect charged with inspection of the construction pursuant to these regulations and under such seal and stamp the legal holder thereof shall state the following and sign his or her name:

Construction inspection of project will be under my supervision.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Signature

(b) When an engineer, architect, land surveyor, or landscape architect has responsibility for the design and construction inspection, the certification shall be in the following form:

This work was prepared by me or under my direct supervision and construction inspection of this project will be under my supervision.

Signature

(c) Any licensed engineer, architect, land surveyor, or landscape architect sealing or stamping plans, specifications, reports, or documents shall not be imposed a legal duty or responsibility to be in charge of the construction inspection work on the construction which are the subject of the plans, specifications, reports, or documents. However, nothing in this section shall preclude an engineer, architect, land surveyor, or landscape architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction supervision services.

(d) In the event the licensed engineer, architect, land surveyor, or landscape architect whose seal or stamp and signature appears in connection with the foregoing statement concerning inspection of construction, shall be removed, replaced, or otherwise unable to discharge his or her duties; such licensed engineer, architect, land surveyor, or landscape architect shall so notify the Board with fifteen days, and such notification shall include the name, if known, of the licensed engineer, architect, land surveyor, or landscape architect charged with continuing the construction inspection.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments added new subsection (c) and moved subsections (a), (b), and (d) from former § 14.2(b)(1), (c), and (b)(2), respectively, with amendments. The 2001 amendments amended subsections (a) and (b). The 2002 amendments amended subsections (a) through (d).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

The Commission corrected the spelling of the word “stamp” in subsection (a) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words “surveyor” in subsection (b), “reports” in subsection (c), and “replaced” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 125-20.1-725 Construction Management Services

A licensed engineer, architect, land surveyor, or landscape architect may also practice, either in public or private capacity, construction management services, including, but not limited to, construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 24 Com. Reg. 19245 (May 20, 2002); Amdts Proposed 24 Com. Reg. 19025 (Feb. 28, 2002); Amdts Proposed 23 Com. Reg. 18345 (Sept. 24, 2001); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998).

Commission Comment: The 1999 amendments added this section and re-designated the remaining sections in this part accordingly.

§ 125-20.1-730 Engineer’s Seal

(a) The seal and signature of a licensed professional engineer shall be affixed to each drawing, specification, report, calculation or other documents in its final form which involves the practice of engineering as defined herein.

(b) The seal and signature of an engineer, licensed in the appropriate branch, is required for each portion of documents involving a separate branch of engineering except as provided below:

(1) All portions of documents for single family residential home* may be sealed and signed by a civil or structural engineer or an architect.

(2) All portions of documents for multi-family dwelling and residential subdivisions not more than three stories in height and containing 10 or fewer dwelling units may be sealed and signed by a civil or structural engineer or an architect.

(3) An engineer is not required for outbuildings in connection with detached residential buildings.

(4) All portions of documents for any type of buildings not more than three stories in height may be sealed and signed by a civil or structural engineer or an architect.

(c) Documents for multi-family dwelling and residential subdivisions more than three stories in height and containing more than 10 dwelling units or any type of building shall be sealed and

TITLE 125: BOARD OF PROFESSIONAL LICENSING

signed by engineers licensed in the appropriate branches as well as an architect.

(d) Documents for pre-engineered structures sealed and signed by an engineer licensed in another jurisdiction shall also be reviewed and sealed and signed by a civil or structural engineer licensed in the CNMI.

(e) Designs and calculations for Individual Wastewater Disposal Systems (IWDS) for any building, except for single-family residential home*, may be sealed/signed by a CNMI licensed civil engineer or an architect.

(f) Storm water design and calculations for any building, except for single-family residential home*, may be performed by a CNMI licensed engineer.

* So in original.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 14.3 and amended subsections (a) through (d). See 17 Com. Reg. at 13368 (May 15, 1995). The 2001 amendments amended subsections (b)(1), (b)(2), (c), and (d). The 2012 amendments amended subsections (b)(1) through (b)(4) and (c) and added subsections (e) and (f).

§ 125-20.1-735 Architect's Seal

(a) The seal and signature of an architect shall be affixed to each drawing, specification, report, calculation, or other documents in its final form which involves work with respect to any building which has as its principal purpose human occupancy or habitation, or which involves any other aspect of the practice of architecture as defined herein.

(b) The seal of an architect shall be placed on documents for multi-family dwelling units and subdivisions as well as the seals and signatures of engineers in the appropriate branches.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments moved this section from former § 14.5. See 17 Com. Reg. at 13368 (May 15, 1995).

The Commission inserted a comma after the word "calculation" in subsection (b) pursuant to 1 CMC § 3806(g).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

§ 125-20.1-740 Land Surveyor's Seals

(a) The seal and signature of a land surveyor shall be placed on each drawing, plan, property metes and bound descriptions, computation sheets, reports, and other documents in its final form which involve the practice of land surveying as defined herein.

(b) No seal shall be placed on drawings, plans, property metes and bound descriptions, computation sheets, reports, and other documents in its final form which involve the practice of land surveying if performed by officers or employees of the CNMI government.

(c) All documents prepared and certified by a land surveyor shall be stamped with a statement under the seal stating: "I (name of land surveyor), hereby certify that this map was prepared by me or under my direct supervision, and that it is based upon a field survey made in (insert date), in conformance with all applicable laws and regulations." The signature of the land surveyor and date shall be affixed directly under the statement.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000).

Commission Comment: In subsection (c), the Commission moved the period after "regulations" inside of the closing quotation mark.

The Commission inserted commas after the word "reports" in subsections (a) and (b) pursuant to 1 CMC § 3806(g).

Part 800 - Temporary Licenses; Renewals and Reinstatements

§ 125-20.1-801 Temporary Licenses; Requirements

(a) The Board may grant a temporary license to a person who is not a resident of the Commonwealth or who has no established place of business and who desires to practice on a limited basis architecture, engineering, land surveying or landscape architecture in the CNMI, provided such person is legally qualified and licensed in his or her jurisdiction and that his or her qualifications for obtaining the license meet those required for licensure by this Board.

(b) A temporary license shall be granted for each specific job which length of time not to exceed one year and shall provide that there is no right to practice architecture, engineering, land surveying or landscape architecture with respect to any other works not set forth in the temporary license.

(c) Consecutive temporary licenses may be issued but only for the purpose of completing the specific job for which the original temporary license was issued.

Modified, 1 CMC § 3806(e).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998).

Commission Comment: Provisions regarding temporary permits originally appeared in part XII of these regulations. See 17 Com. Reg. at 13363-64 (May 15, 1995). The 1999 amendments moved and extensively amended this section and re-designated it as new part X of the 1999 regulations. The 2001 amendments amended subsection (a). The version of the regulations published in the July 18, 2007 Commonwealth Register split this section into a new Part X, but as it only contained one section, the Commission retained it in Part 800 of the Code pursuant to 1 CMC § 3806(a).

Public Law 15-77 (effective August 20, 2007) amends 4 CMC § 3214 regarding temporary licenses. Section 2 of PL 15-77, codified at 4 CMC § 3214, authorizes the Board to grant temporary licenses provided that “such person is legally qualified and licensed or certified in another any United States or foreign jurisdiction and that his or her qualifications for obtaining the license meet those required requirements for licensure by this Board under 4 CMC § 3215(a) to (e).” The provisions of PL 15-77 supersede subsection (a) to the extent that they conflict.

The Commission inserted commas after the word “surveying” in subsections (a) and (b) pursuant to 1 CMC § 3806(g).

§ 125-20.1-805 Renewals

- (a) Certificates or licenses shall be renewed on a biannual basis.* Renewal of all certificates or licenses shall be every two years following their issuance or renewal.
- (b) Failure of a licensure to renew on or before the expiration date shall render the license or certificate null and void.
- (c) A renewal notice shall be mailed or sent by email by the Board to the last known address of each individual holding a license and to each firm holding a certificate of authorization indicating the date of expiration of the license or certificate and the renewal fee amount due.
- (d) Each licensee, firm, or holder of a temporary license is responsible to immediately notify the Board of any changes to his/her or its mailing address.
- (e) Temporary licenses shall not be renewable.
- (f) Renewal fees may be paid any time prior to the biannual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal. Responsibility for the timely payment of the renewal fee rests solely with the licensee.

* See Commission Comment.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 35 Com. Reg. 34577 (Nov. 28, 2013); Amdts Proposed 35 Com. Reg. 34176 (Aug. 28, 2013); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1999 amendments took the provisions of this section from former §§ 15.1, 15.2, and 16.1, with amendments. See 17 Com. Reg. at 13369 (May 15, 1995). The 2001 amendments deleted former subsection (g), combined former subsections (f) and (h), and amended subsections (b), (c) and (d). The 2013 amendments amended subsection (c).

The version of this section published in the July 18, 2007 Commonwealth Register omitted the first sentence of subsection (a), but the sentence was not expressly repealed.

The Commission inserted a comma after the word “firm” in subsection (d) pursuant to 1 CMC § 3806(g).

§ 125-20.1-810 Reinstatement

Each licensee or firm whose license or certificate has expired and lapsed or on an inactive status may be reinstated within three years of the expiration day upon payment of the reinstatement fee for the period of the lapsed license as determined by the Board, payment of all penalties owing since the date of the expiration, and in such amount as determined by the Board, for each calendar month or fraction thereof until the reinstatement fee and all penalties are paid. As a precondition to reinstatement, the Board may require a written explanation or an interview showing that the applicant is competent to practice his or her profession.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 18 Com. Reg. 14078 (Apr. 15, 1996); Amdts Proposed 18 Com. Reg. 14018 (Feb. 15, 1996); Amdts Proposed 17 Com. Reg. 13911 (Dec. 15, 1995); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1996 amendments amended former § 15.2(b). See 18 Com. Reg. at 14021 (Feb. 15, 1996). The 1999 amendments moved subsections (a) and (b) from former § 15.2(b) and (c), respectively, with amendments. See 17 Com. Reg. at 13369 (May 15, 1995). The 2001 amendments amended subsections (a) and (b). The 2007 amendments amended subsection (a). The 2012 amendments amended subsection (a) and deleted former subsection (b).

The 2012 amendments contained sentences labeled “(a)” and “(b),” but the amendment instructions indicated an intent not to create subsections. Therefore, the Commission removed the labels and incorporated them into the body of the section pursuant to 1 CMC § 3806(a).

§ 120-20.1-815 Inactive License

A license may be placed on an inactive status upon notification to the Board before his/her license expires by the licensee in writing of the effective date of inactivation and payment of an inactive fee. Failure to reactivate a license on inactive status after three years for engineers, architects, land surveyors, and landscape architects, shall render the license null and void and

TITLE 125: BOARD OF PROFESSIONAL LICENSING

licensee must file a new application, meet present day requirements for licensure or certification, and receive Board approval. An inactive licensee may apply for reactivation upon payment of all fees owing from time of inactivity and proof of completion of all continuing education hours (if required) the applicant would have had to submit if the applicant has maintained licensure from the date of inactivation. Failure to meet the requirements for reactivation shall require a person desiring licensure to apply as a new applicant and meet present day requirements for licensure or certification, and receive board approval.

Modified, 1 CMC § 3806(f).

History: Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Proposed 33 Com. Reg. 32237 (Dec. 29, 2011);

Part 900 - Professional Conduct

§ 125-20.1-901 Rules of Professional Conduct

The Board has prepared and adopted Rules of Professional Conduct for engineers, architects, land surveyors, and landscape architects practicing in the Commonwealth. [See NMIAC, title 125, chapter 20.2.]

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The Rules of Professional Conduct are codified at NMIAC, title 125, chapter 20.2. This part originally appeared at part XVII. See 17 Com. Reg. at 13373-74 (May 15, 1995). The 1999 amendments moved the provisions to part XII, codified in part 900.

The Commission inserted a comma after the word “surveyors” pursuant to 1 CMC § 3806(g).

§ 125-20.1-905 Knowledge of the Rules

All persons licensed to practice engineering, architecture, land surveying and landscape architecture in the CNMI are charged with having knowledge of the existence of the Rules of Professional Conduct [NMIAC, title 125, chapter 20.2] as well as amendments from time to time which shall be made known in writing to every licensee and applicant for licensure.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The Commission inserted a comma after the word “surveying” pursuant to 1 CMC § 3806(g).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

§ 125-20.1-910 Convictions

Any individual or firm who has been fined, received a reprimand; had a license or certificate revoked, suspended, denied; convicted of a crime related to the engineering, architectural, land surveying or landscape architect profession by another jurisdiction; or who for reasons or causes which this Board finds would constitute a violation of the law or any provision of the rules and regulations in this subchapter governing the practice of engineering, architecture, land surveying, or landscape architecture in the CNMI, shall be subject to a fine, reprimand, revocation, or suspension by this Board of the license or certificate to practice in the CNMI. It is the duty of each licensee to report a conviction to the Board within ten days following entry of such conviction, notwithstanding any appeal.

Modified, 1 CMC § 3806(d), (e).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The Commission inserted commas after the words “surveying” and “revocation” pursuant to 1 CMC § 3806(g).

§ 125-20.1-915 Enforcement

The Attorney General of the CNMI has the authority to enforce the provisions of 4 CMC, div. 3, and to assist the Board in ensuring compliance with the regulations in this subchapter. The Attorney General serves as legal advisor to the Board and renders such legal assistance as may be necessary in carrying out these provisions.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1995 amendments moved this section from former § 19.2 to § 21.1, with amendments. See 13 Com. Reg. at 8461 (Nov. 15, 1991). The 1999 amendments moved this section from former § 21.1, with amendments. See 17 Com. Reg. at 13376 (May 15, 1995). The notice of adoption for the 1999 amendments deleted this section. See 21 Com. Reg. at 16567 (Feb. 18, 1999). The 2001 amendments reinstated this section.

Part 1000 - Disciplinary Action; Reprimand, Suspension, or Revocation; Refusal to Issue, Restore, or Renew License or Certificate

§ 125-20.1-1001 Disciplinary Action

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (a) The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore, or renew; place on probation or condition in any manner the certificate, license, or certificate of authorization to any engineer, architect, land surveyor, landscape architect, or firm who is found guilty, in any jurisdiction, of one or more of the following violations as prescribed by § 3218 of 4 CMC, div. 3:
- (1) Any fraud or deceit in obtaining or attempting to obtain or renew the license or the certificate of authorization; or
 - (2) Any negligence, incompetence, or misconduct in the practice of engineering, architecture, land surveying, or landscape architecture; or
 - (3) Conviction of or pleading guilty to a crime of moral turpitude or a crime related to their profession either in the CNMI or another state or jurisdiction. A certified copy of the judgment of the court of such conviction or plea will be considered dispositive for the purpose of any hearing under this part. A plea of nolo contendere or its equivalent accepted by the court shall be considered as a conviction; or
 - (4) Signing, affixing, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, or calculations, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsibility or his or her direct personal supervision; or
 - (5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud, or harm the public; or
 - (6) Practicing or offering to practice, or holding him or herself out as authorized and qualified to practice engineering, architecture, land surveying, or landscape architecture, without a valid license or certificate issued by the Board; or
 - (7) Using the title "engineer," "engineering," "architect," "architecture," "architectural," "land surveyor," "land surveying," "landscape architect," or "landscape architecture," any title, sign, card, or device to indicate that such person is practicing such profession without having first being licensed in accordance with this subchapter; or
 - (8) Using or attempts to use as his or her own the seal or the license or certificate of another; or
 - (9) Falsely impersonating any duly licensed engineer, architect, land surveyor, or landscape architect; or
 - (10) Using or attempts to use an expired, suspended, revoked, or inactive license or certificate; or
 - (11) Aiding or assisting another person in violating any provision of this subchapter, or the

TITLE 125: BOARD OF PROFESSIONAL LICENSING

rules and regulations pertaining thereto; or

(12) Providing false testimony or information to the Board; or

(13) Failure to provide information requested by the Board as a result of a formal or informal complaint to the Board which would indicate a violation of this subchapter; or

(14) Failure to comply with any provisions of this subchapter, any regulations pertaining thereto, and the Rules of Professional Conduct for engineers, architects, land surveyors, and landscape architects; or

(15) Any individual or firm which advertises and offers to engage or engaging* in the practice of engineering, architecture, land surveying, or landscape architecture without first complying with the requirements of the Act; or

(16) Failing to report to the Board an adverse action taken against the person by another jurisdiction's profession regulatory agency or court, professional society or association, by a governmental agency, including a law enforcement agency or by a court for acts or conduct similar to acts or conduct that would support disciplinary action under this subchapter.

(b) The Board may also take disciplinary action against a licensee who is found guilty of the following:

(1) Any act or omission which fails to meet the generally accepted standards of engineering, architecture, land surveying, or landscape architecture practice; or

(2) Violation of, or aiding or abetting in the violation of the provisions of the law, any rules or regulations adopted by the Board, or any order of the Board issued in conformance with the provisions hereof; or**

(3) Use of false, deceptive, or misleading advertising; or

(4) Performing services beyond one's competency, training, or education; or

(5) Failure to report to the Board any licensee or firm known to have violated the law, rules and regulations, or any order of the Board; or

(6) Failure to report to the Board any malpractice claim against such licensee or any firm, that is settled or in which judgment is rendered, within sixty days of the effective date of such settlement or judgment, if such claim concerned professional services performed or supervised by such licensee.

(c) In addition to any other penalty provided in this section, the Board shall have the power to impose administrative penalty* and/or reprimand, revoke, or suspend, refuse to issue, restore or renew; place on probation or condition the Certificate of Authorization of any firm where one

TITLE 125: BOARD OF PROFESSIONAL LICENSING

or more of its agents, officers, directors, partners, managers, or employees have been found guilty of any conduct which would constitute a violation under the provisions of this section.

(d) Upon conviction in a court of law any person or firm who violates any of the provisions of the law or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

* So in original.

** See Commission Comment.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995);

Commission Comment: The 1995 amendments moved the precursor to this section, former § 20.1, to § 23.1. See 13 Com. Reg. at 8461-62 (Nov. 15, 1991). The 1999 amendments added new subsections (a) and (c) and took the provisions of subsections (b) from former § 23.1, with amendments. See 17 Com. Reg. at 13376 (May 15, 1995). The notice of adoption for the 1999 amendments deleted proposed new subsection (c). See 21 Com. Reg. at 16567 (Feb. 18, 1999). The 2001 amendments amended subsections (a), (a)(1), (a)(3), (a)(4), (a)(8), (a)(10), (a)(11), (b)(2), (b)(5), and (b)(6), and reinstated subsection (c) with amendments. The 2012 amendments amended subsections (a), (a)(2), (a)(3), (a)(4), (a)(6), (a)(10), and (a)(11), and added subsections (a)(12) through (a)(16) and new subsection (c), re-designating former subsection (c) as subsection (d).

The 2012 amendments did not contain subsection (b)(2), but did not expressly repeal it.

In subsection (a)(7), the Commission moved the commas inside of the closing quotation marks. The Commission inserted commas after the words “suspension” and “restore” in the part title, “restore” in subsection (a), “surveying” in subsections (a)(2), (a)(6), (a)(15), and (b)(1), and “surveyor” in subsection (a)(9) pursuant to 1 CMC § 3806(g).

§ 125-20.1-1005 Disciplinary Proceedings

(a) Any person, including a Board member, may prefer* charges in writing with the Board against any person subject to the Board’s jurisdiction, including but not limited to non-licensees or a firm holding a certificate of authorization. The Board may seek relief, but need not specify the relief sought. The complaint shall be as specific as possible to the time, place, and nature of the violation.

(b) The Board or its designee shall promptly and fully investigate all non-trivial allegations filed with the Board for the purposes of determining whether to proceed with or dismiss the complaint. The Board may dismiss without a hearing a complaint as unfounded, or trivial, or failing to state a ground for which relief may be granted, with a written order explaining its decision. Notwithstanding any other provision of law, the dismissal of a complaint shall be subject only to a retrospective notice and opportunity to be heard. The Board may dismiss an anonymous complaint without investigation.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(c) Complaint

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to renew or to revoke a license or a certificate of authorization may be initiated by any person who may prefer* charges of any of the violations as prescribed under subsections (a) and (b).

(1) All charges filed must be made in writing by the person or persons making them and shall be filed with the Board.

(2) All charges shall be made on forms provided by the Board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the complaint.

(d) Probable Cause

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to an investigative committee designated by the Board consisting of at least one board member and the Board's legal counsel. The member of the Board in the investigative committee cannot vote at the disciplinary hearing. The investigative committee makes a determination if probable cause exists for taking further action or for issuing a summons and complaint. Action against the licensee or firm may be brought in the name of the Board or brought before the Board in the name of the claimant versus the respondent.

(e) Summons and Complaint

(1) In the event the Board determines that probable cause exists, the Board's legal counsel is requested to prepare a summons and complaint.

(2) The summons and complaint shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statute, rules, or regulations involved, and a short and plain statement of the matters asserted. The summons and complaint shall indicate that at any hearing the accused licensee or firm shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses for his/her or its own defense.

(3) The summons and complaint shall be personally served or mailed at least thirty days before the date fixed for the hearing to the licensee's or firm's last known address.

(4) If the accused licensee or firm fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(f) Until an investigation is completed and administrative charges are filed against the licensee or firm, or the matter is referred to the Attorney General for criminal prosecution, any

TITLE 125: BOARD OF PROFESSIONAL LICENSING

and all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to PL 8-41, the Open Government Act of 1992.

(g) Conduct of Hearing.

The members of the Board or the Board's authorized representative shall conduct all hearings pursuant to 1 CMC § 9109, Administrative Procedures – Conduct of Hearing.

(1) At its discretion, the Board may appoint some person (preferably an attorney or someone familiar with the laws and procedures) to act as a hearing examiner. The hearing examiner shall preside at the hearing and shall rule on app* questions or evidence and procedure.

(2) In the event a hearing examiner is not appointed, the chairperson of the Board may preside over the hearing and shall rule on all questions of evidence and procedure with the advice of the attorney for the Board.

(3) Normally, the proceeding shall follow those used by a civil court in which an opening statement is made by the plaintiff and the respondent. Both sides with rebuttals then present evidence. Witnesses may be examined by the plaintiff and respondent or their attorneys and by members of the Board. Re-direct and re-cross and re-examinations*

(4) The record of the hearing of the case shall include;

(i) All motions, intermediate ruling, and depositions.

(ii) Evidence received and considered.

(iii) Statement of matters officially noted.

(iv) Questions and offers of proof, objections, and rulings thereon.

(v) Proposed findings and exceptions.

(vi) Any decision, opinion, or report by the officer presiding at the hearing.

(h) The members of the Board presiding at hearings may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas to compel the attendance of witnesses and the production of records and documents;

(3) Rule on offers of proof and receive relevant evidence;

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (4) Require and supervise discovery, including taking depositions or have depositions;
 - (5) Regulate the course of the hearing, including administer sanctions for conduct within Rule 11 of the CNMI Rules of Civil Procedure;
 - (6) Hold conferences for the settlement or simplification of the issues by consent of the parties;
 - (7) Dispose of procedural requests or similar matters; and
 - (8) Make or recommend orders or decisions in accordance with the law, rules, or regulations.
- (i) It shall require a unanimous majority vote of the members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the Board may, in its discretion, either suspend or revoke the license or certificate of the accused.
 - (j) The Board shall upon concluding the hearing, issue findings, decisions and orders within 30 days.
 - (k) Each licensee or firm whose license or certificate has been revoked by the Board or any jurisdiction must file a new application, meet present day requirements for licensure or certification, and receive Board approval.

* So in original.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 34 Com. Reg. 32300 (Feb. 29, 2012); Amdts Proposed 33 Com. Reg. 32237 (Dec. 29, 2011); Amdts Adopted 29 Com. Reg. 27938 (Dec. 18, 2007); Amdts Emergency and Proposed 29 Com. Reg. 26605 (July 21, 2007); Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998).

Commission Comment: The 1999 amendments added this section. The 2001 amendments amended former subsections (a), (c)(3), (d), and (d)(8). The 2007 amendments added former subsection (i). The 2012 amendments added new subsections (a) and (b), re-designated the remaining subsections, and amended subsections (c), (d), (e)(3), (g), and (h).

Part 1100 - Miscellaneous Provisions

§ 125-20.1-1101 Reinstatement of Licensure After Revocation

- (a) Upon petition of an individual or firm, the Board may reissue a license or certificate of authorization provided that a majority of the members of the Board votes in favor of such issuance. The petition must clearly and concisely set forth reasons for requesting reinstatement.
- (b) For reason(s) the Board deems sufficient, an expired or revoked license or certificate may

be reinstated.

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

Commission Comment: The 1995 amendments moved this part from former part XXI §§ 21.1 and 21.2 to part XXIV §§ 24.1 and 24.2. The 1999 amendments took the provisions of this section from former §§ 24.1 and 24.2, with amendments. See 17 Com. Reg. at 13378 (May 15, 1995). The 2001 amendments amended subsection (a). The proposed 2007 regulations omitted this section, but the Notice of Adoption indicated that it was omitted in error. See 29 Com. Reg. 27938 (Dec. 18, 2007).

§ 125-20.1-1105 Advertising Practices

It is in violation of the regulations in this subchapter for any individual or firm to advertise as an engineer, architect, land surveyor, or landscape architect unless such individual or firm holds a license or certificate of authorization.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995).

Commission Comment: The 1995 amendments added this provision as part XVIII. The 1999 amendments moved this section from former § 18.1, with amendments. See 17 Com. Reg. at 13374 (May 15, 1995).

§ 125-20.1-1110 Board Records

(a) Retention of Records

Applications received by the Board may be approved, disapproved, or deferred pending receipt of additional information. All approved applications shall be stored and maintained by the Board. Applications deferred for any reason shall be retained in the files until a final decision has been rendered by the Board. Application from either an individual or firm in which a violation of the CNMI law was evident shall be retained indefinitely by the Board.

(b) Disposal of Records

(1) Applications which are disapproved or denied by the Board will be destroyed after two years. An applicant whose application has been disapproved or denied may request that the Board return the completed form and any or all supporting documents. The Board will return only those documents submitted by the applicant.

(2) The following is the schedule of retention time for applications submitted to the Board:

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (i) Disapproved 2 years
- (ii) Examination, inactive 2 years
- (iii) Expired license 2 years

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995);

Commission Comment: The 1995 amendments moved these provisions from former part XXII to part XXV and amended subsection (b)(2). The 1999 amendments moved this section from former part XXV and amended subsection (b)(2). See 17 Com. Reg. at 13378 (May 15, 1995). The 2001 amendments amended subsection (a).

The Commission inserted a comma after the word “disapproved” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 125-20.1-1115 Severability

If any provision of the regulations in this subchapter, or the application of any such provision, to any person or firm or under any circumstances shall be held invalid by a court or competent jurisdiction, the remaining provisions of these regulations and the application of such remaining provisions to persons or firms or under any circumstances other than those to which it is held invalid, shall not be effected thereby, and to such extent, the provisions of these regulations are and shall be severable.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 23 Com. Reg. 17620 (Jan. 19, 2001); Amdts Proposed 22 Com. Reg. 17501 (Oct. 20, 2000); Amdts Adopted 21 Com. Reg. 16567 (Feb. 18, 1999); Amdts Proposed 20 Com. Reg. 16219 (Oct. 15, 1998); Amdts Adopted 17 Com. Reg. 13577 (July 15, 1995); Amdts Proposed 17 Com. Reg. 13329 (May 15, 1995); Adopted 13 Com. Reg. 8414 (Nov. 15, 1991) (replacing all previous regulations in effect); Adopted 13 Com. Reg. 8183 (Oct. 15, 1991); Proposed 13 Com. Reg. 7752 (June 15, 1991).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

**SUBCHAPTER 125-20.2
RULES OF PROFESSIONAL CONDUCT**

Part 001 General Provisions

§ 125-20.2-001 Preamble
§ 125-20.2-005 Licensee's/Firm's
Obligation to the Public
§ 125-20.2-010 Licensee's/Firm's
Obligation to Employer and Clients
§ 125-20.2-015 Licensee's/Firm's
Obligation to Other Licensees/Firms

§ 125-20.2-315 Information
Requested by the Board
§ 125-20.2-320 Unqualified
Applicants for Licensure
§ 125-20.2-325 Duty to Disclose
Violations
§ 125-20.2-330 Association with
Persons Engaged in Fraudulent or Dishonest
Practices

Part 100 Competence

§ 125-20.2-101 Reasonable and
Ordinary Care and Skill
§ 125-20.2-105 Advice from Other
Professionals
§ 125-20.2-110 Proper Qualifications
Required
§ 125-20.2-115 Mental or Physical
Impairment

Part 400 Compliance with Laws

§ 125-20.2-401 Knowing Violations
§ 125-20.2-405 Influencing
Government Officials
§ 125-20.2-410 Violations in Other
Jurisdictions
§ 125-20.2-415 Fair Labor Practices;
Discrimination

Part 200 Conflict of Interest

§ 125-20.2-201 Compensation from
More than One Party
§ 125-20.2-205 Compensation for
Endorsement of Products
§ 125-20.2-210 Impartial Decisions
on Contracts
§ 125-20.2-215 Financial Conflict of
Interest
§ 125-20.2-220 Members of
Governmental Bodies

Part 500 Professional Conduct

§ 125-20.2-501 Resident Registered
Engineer, Architect, Land Surveyor, or
Landscape Architect
§ 125-20.2-505 Signature and Seal
§ 125-20.2-510 Gifts to Prospective
Clients
§ 125-20.2-515 Fraud; Willful
Disregard of Others
§ 125-20.2-520 Injury to Professional
Reputation

Part 300 Full Disclosure

§ 125-20.2-301 Compensation for
Statements; Disclosure
§ 125-20.2-305 Representation of
Qualifications and Responsibility
§ 125-20.2-310 Violations of
Regulations; Public Safety

Part 600 Solicitation of Work

§ 125-20.2-601 Solicitation
Consistent with Applicable Law
§ 125-20.2-605 Misrepresentation of
Qualifications and Experience in Solicitation
of Business

Subchapter Authority: 4 CMC § 3108 (2004).

Subchapter History: Amdts Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Amdts Proposed 36 Com. Reg. 35038

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(May 28, 2014); Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

Commission Comment: PL 1-8, ch. 5 (effective Aug. 10, 1978), codified as amended at 4 CMC §§ 3101-3110, created the Board of Professional Licensing, a regulatory board within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(c):

Section 304. Department of Public Works.

...

(c) Board of Professional Licensing. The Board of Professional Licensing is abolished and its functions transferred to a Division of Professional Licensing in the Department of Public Works, which shall have at its head a Director of Professional Licensing.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 11-99, the “Board of Professional Licensing Amendments Act of 1998,” codified at 4 CMC §§ 3101-3221, took effect on September 21, 1999. PL 11-99 reenacted 4 CMC §§ 3101-3110 with numerous revisions. PL 11-99 § 3 (§ 3101), 4 CMC § 3101, reestablished the Board as a regulatory board “within the Commonwealth government.” The Board is authorized to issue licenses to the professions enumerated in PL 11-99 § 3 (§ 3105), 4 CMC § 3105. PL 11-99 § 3 (§ 3108), 4 CMC § 3108, empowers the Board to adopt rules and regulations to implement the act including rules and regulations to establish credentialing criteria and standards regarding licensing or authorization to practice a profession over which the Board has jurisdiction.

PL 14-95 (effective Oct. 31, 2005), the “Board of Professional Licensing Amendments Act of 2005,” repealed and reenacted 4 CMC §§ 3101-3222 with extensive revisions. See the general commission comment to NMIAC chapter 125-10.

PL 17-39 (effective April 21, 2011), the “Board of Professional Licensing Amendments Act of 2010,” repealed and reenacted 4 CMC §§ 3101-3222 with extensive revisions. To the extent that these regulations conflict with the terms of PL 17-39, they are superseded.

Part 001 - General Provisions

§ 125-20.2-001 Preamble

(a) To comply with the purpose of 4 CMC § 3108 which is to safeguard life, health, and property, to promote the public welfare, and to maintain a high standard of integrity and practice, the Board of Professional Licensing has adopted the following “Rules of Professional Conduct.” These rules shall be binding on every person or firm holding a license or a certificate of authorization to offer or perform engineering, architecture, land surveying, or landscape architecture services in the Commonwealth of the Northern Mariana Islands. All persons or firms licensed pursuant to 4 CMC § 3101 are required to be familiar with the statute, the regulations, and these rules. The “Rules of Professional Conduct” delineates specific obligations the licensee or firm must reach. In addition, each licensee or firm is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of the practice of professional engineering, architecture, land surveying, or landscape architecture.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(b) The practice of professional engineering, architecture, land surveying, and landscape architecture is a privilege, as opposed to a right. All licensees or firms shall exercise their privilege of practicing by performing services only in the areas of their competence according to current standards of technical competence.

(c) Licensees or firms shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.

(d) They shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by the rules in this subchapter. Their professional reputation shall be built on the merit of their services, and they shall not compete unfairly with others.

(e) The Rules of Professional Conduct as promulgated herein are enforced under the powers vested in the Board of Professional Licensing.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Amdts Proposed 36 Com. Reg. 35038 (May 28, 2014); Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e). The Commission removed extra section symbols and commas, inserted a comma after the word “regulations” in subsection (a), and corrected “firm” to “firms” in subsections (a) and (b) pursuant to 1 CMC § 3806(g).

The 1999 amendments deleted former subsections (b) and (c), added new subsections (b) through (e) and amended subsection (a). The 1995 and 1999 amendments readopted and republished the Rules of Professional Conduct for Engineers, Architects, Land Surveyors, and Landscape Architects in their entirety. The Commission, therefore, cites the 1995 and 1999 amendments in the history sections throughout this subchapter.

§ 125-20.2-005 Licensee’s/Firm’s Obligation to the Public

(a) Licensees or firms, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.

(b) Licensees or firms shall approve and seal only those documents and surveys that conform to accepted engineering, architecture, land surveying, or landscape architecture standards and safeguard the life, property, and welfare of the public is endangered.

(c) Licensees or firms shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where life, health, property, or welfare of the public is endangered.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

- (d) Licensees or firms shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.
- (e) Licensees or firms shall express a professional opinion publicly only when it is founded upon on adequate knowledge of the facts and a competent evaluation of the subject matter.
- (f) Licensees or firms shall issue no statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.
- (g) Licensees or firms shall not permit the use of their name or firm name by, nor associate in the business ventures with, any person or firm who is engaging in fraudulent or dishonest business or professional practices.
- (h) Licensees or firms having knowledge of possible violations of any of these “Rules of Professional Conduct” shall provide the Board information and assistance necessary to the final determination of such violation.

History: Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Proposed 36 Com. Reg. 35038 (May 28, 2014).

Commission Comment: The Commission corrected “firm” to “firms” in subsections (g) and (h) pursuant to 1 CMC § 3806(g).

§ 125-20.2-010 Licensee’s/Firm’s Obligation to Employer and Clients

- (a) Licensees or firms shall undertake assignments only when qualified by education or experience in the specific technical fields of architecture, engineering, land surveying, or landscape architecture involved.
- (b) Licensees or firms shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.
- (c) Licensees or firms may accept assignments for coordination of an entire project, provided that each design segment is signed and sealed by the licensee responsible for preparation of that design segment.
- (d) Licensees or firms shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client or employer as authorized or required by law.
- (e) Licensees or firms shall not solicit or accept financial or other valuable consideration, directly or indirectly from contractors, their agents, or other parties in connection with work for employers and clients.

TITLE 125: BOARD OF PROFESSIONAL LICENSING

(f) Licensees or firm shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their services.

(g) Licensees or firms shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(h) Licensees or firms shall not solicit or accept a professional contract from a government body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the government body which they serve.

History: Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Proposed 36 Com. Reg. 35038 (May 28, 2014).

Commission Comment: The Commission corrected “firm” to “firms” throughout the regulation, corrected “contractor” to “contractors” in subsection (e), and added a comma after the word “surveying” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 125-20.2-015 Licensee’s/Firm’s Obligation to Other Licensees/Firms

(a) Licensees shall not falsify or permit misrepresentation of their or their associates’ academic or professional qualification. They shall not misrepresent or exaggerate neither their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

(b) Licensees or firms shall not offer, give, solicit, or receive, either directly or indirectly, any commission or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.

(c) Licensees or firms shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees or firms, nor indiscriminately criticize other licensees’ or firms’ work.

History: Adopted 36 Com. Reg. 35406 (Aug. 28, 2014); Proposed 36 Com. Reg. 35038 (May 28, 2014).

Commission Comment: The Commission corrected “firm” to “firms” in subsections (a) and (c), inserted commas after the words “ventures” in subsection (a) and “practice” in subsection (c), and corrected the placement of apostrophes in subsection (c) pursuant to 1 CMC § 3806(g).

Part 100 - Competence

§ 125-20.2-101 Reasonable and Ordinary Care and Skill

In the practice of engineering, architecture, land surveying and landscape architecture a sole practitioner, partnership, association, corporation or joint venture shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by licensed engineers, architects, land surveyors and landscape architects of good standing, practicing in the same locality.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 100.

§ 125-20.2-105 Advice from Other Professionals

In designing a project, an engineer, architect, land surveyor, or landscape architect shall take into account all applicable federal, Commonwealth, and municipal laws or regulations. While the engineer, architect, land surveyor, or landscape architect may rely on the advice of other professionals (e.g., attorneys, consultants, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an engineer, architect, land surveyor, or landscape architect shall not knowingly design a project in violation of such laws and regulations.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission inserted commas after the words “surveyor” and “Commonwealth” pursuant to 1 CMC § 3806(g).

§ 125-20.2-110 Proper Qualifications Required

An engineer, architect, land surveyor, or landscape architect shall undertake to perform professional services only when he or she, together with those whom the engineer, architect, land surveyor, or landscape architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission inserted a comma after the word “training” pursuant to 1 CMC § 3806(g).

§ 125-20.2-115 Mental or Physical Impairment

TITLE 125: BOARD OF PROFESSIONAL LICENSING

No person shall be permitted to practice engineering, architecture, land surveying, or landscape architecture if, in the Board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission corrected the spelling of the word "judgment" pursuant to 1 CMC § 3806(g).

Part 200 - Conflict of Interest

§ 125-20.2-201 Compensation from More than One Party

An engineer, architect, land surveyor, or landscape architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 200.

§ 125-20.2-205 Compensation for Endorsement of Products

An engineer, architect, land surveyor, or landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-210 Impartial Decisions on Contracts

When acting as the interpreter of construction contract documents and the judge of contract performance, an engineer, architect, land surveyor, or landscape architect shall render decisions impartially, favoring neither party to the contract.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Commission Comment: The Commission corrected the spelling of “performance.”

§ 125-20.2-215 Financial Conflict of Interest

If an engineer, architect, land surveyor, or landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with performance of professional services, the engineer, architect, land surveyor, or landscape architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the engineer, architect, land surveyor, or landscape architect will either terminate such association or interest or offer to give up the commission or employment.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

§ 125-20.2-220 Members of Governmental Bodies

The engineer, architect, land surveyor, or landscape architect shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Engineers, architects, land surveyors, or landscape architects serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private company, shall not participate in decisions with respect to professional services offered or provided by said company to the governmental body which they serve.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

Part 300 - Full Disclosure

§ 125-20.2-301 Compensation for Statements; Disclosure

An engineer, architect, land surveyor, or landscape architect, making public statements on engineering, architectural, land surveying, or landscape architecture questions, shall disclose when he or she is being compensated for making such statements.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 300. The Commission inserted a comma after the word “surveying” pursuant to 1 CMC § 3806(g).

§ 125-20.2-305 Representation of Qualifications and Responsibility

TITLE 125: BOARD OF PROFESSIONAL LICENSING

An engineer, architect, land surveyor, or landscape architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-310 Violations of Regulations; Public Safety

If, in the course of his or her work on a project, an engineer, architect, land surveyor, or landscape architect becomes aware of a decision taken by his or her employer or client, against the engineer's, architect's, land surveyor's, or landscape architect's advice, which violates applicable federal, Commonwealth, or municipal or regulations* and which will, in the engineer's, architect's, land surveyor's, or landscape architect's judgment, materially affect adversely the safety to the public of the finished project, the engineer, architect, land surveyor, or landscape architect shall:

- (a) Report the decision to the Building Official or other public official charged with enforcement of the applicable federal, Commonwealth, or municipal building laws or regulations; and
- (b) Refuse to consent to the decision; and
- (c) In circumstances where the engineer, architect, land surveyor, or landscape architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project. In the case of a termination in accordance with this subsection, the engineer, architect, land surveyor, or landscape architect shall have no liability to his or her client or employer on account of such termination.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The starred phrase should probably read "laws or regulations." Compare 17 Com. Reg. at 13326 (May 15, 1995) and 21 Com. Reg. at 16617 (Mar. 18, 1999).

The Commission inserted commas after the word "Commonwealth" in the opening paragraph and subsection (a) pursuant to 1 CMC § 3806(g). The Commission corrected the spelling of the word "judgment" in the opening paragraph pursuant to 1 CMC § 3806(g).

§ 125-20.2-315 Information Requested by the Board

An engineer, architect, land surveyor, or landscape architect shall not deliberately make a false

TITLE 125: BOARD OF PROFESSIONAL LICENSING

statement or deliberately fail to disclose accurately and completely any and all information requested in connection with his or her application for licensure or renewal or renewal or otherwise lawfully requested by the Board.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-320 Unqualified Applicants for Licensure

An engineer, architect, land surveyor, or landscape architect shall not assist the application for licensure of a person known by the engineer, architect, land surveyor, or landscape architect to be unqualified in respect to education, training, experience, or character.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission inserted a comma after the word “experience” pursuant to 1 CMC § 3806(g).

§ 125-20.2-325 Duty to Disclose Violations

An engineer, architect, land surveyor, or landscape architect possessing knowledge of a violation of the licensing law, regulations, or rules by another engineer, architect, land surveyor, or landscape architect shall immediately report such knowledge to the Board.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission inserted a comma after the word “regulations” pursuant to 1 CMC § 3806(g).

§ 125-20.2-330 Association with Persons Engaged in Fraudulent or Dishonest Practices

An engineer, architect, land surveyor, or landscape architect shall not knowingly associate with, or permit the use of his or her name in a business venture by any person or firm which he or she knows, or should know or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest or unprofessional nature.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

Part 400 - Compliance with Laws

§ 125-20.2-401 Knowing Violations

An engineer, architect, land surveyor, or landscape architect shall not, in the conduct of his or her practice, knowingly violate any federal or Commonwealth law(s), rule(s), or regulation(s).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 400. The Commission inserted a comma after the word “rule(s)” pursuant to 1 CMC § 3806(g).

§ 125-20.2-405 Influencing Government Officials

An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official’s judgment or contrary to the CNMI Ethics Act, (1 CMC §§ 8501, et seq.) in connection with a prospective or existing project in which the engineer, architect, land surveyor, or landscape architect is interested.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-410 Violations in Other Jurisdictions

An engineer, architect, land surveyor, or landscape architect shall comply with the licensure laws and regulations governing his or her professional practice in the Commonwealth or any United States jurisdiction. An engineer, architect, land surveyor, or landscape architect may after appropriate notice and hearing, if any, be subject to disciplinary action if, based on ground substantially similar to those which lead to disciplinary action in the Commonwealth, the engineer, architect, land surveyor, or landscape architect is disciplined in any other U.S. jurisdiction.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-415 Fair Labor Practices; Discrimination

An employer engaged in the practice of architecture, engineering, land surveying, or landscape architecture shall fully comply with any and all applicable federal or Commonwealth law(s), or rule(s) or regulation(s) protecting the rights of persons working for the employer with respect to

fair labor standards or with respect to maintaining a work place free of discrimination. For purposes of this rule, any licensed engineer, architect, land surveyor, or landscape architect employed by a firm engaged in the practice of engineering, architecture, land surveying, or landscape architecture who is in charge of the firm's practices, shall be deemed to have violated this rule if the firm has violated this rule.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999).

Part 500 - Professional Conduct

§ 125-20.2-501 Resident Registered Engineer, Architect, Land Surveyor, or Landscape Architect

Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a resident registered engineer, architect, land surveyor, or landscape architect, as the case may be, regularly employed in that office having direct knowledge and supervisory control of such work.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

Commission Comment: The Commission created the section titles in part 500.

§ 125-20.2-505 Signature and Seal

An engineer, architect, land surveyor, or landscape architect shall not sign or seal drawings, specifications, reports, or other professional work which was not prepared by or under the direct supervision of the engineer, architect, land surveyor, or landscape architect; except that he or she may sign or seal those portions of the professional work that were prepared by or under the direct supervision of persons licensed to practice in the Commonwealth if the engineer, architect, land surveyor, or landscape architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work and intends to be responsible for its adequacy.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-510 Gifts to Prospective Clients

An engineer, architect, land surveyor, or landscape architect shall neither offer nor make any gifts, other than gifts of nominal value, including for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the engineer, architect, land surveyor, or landscape architect is

interested.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-515 Fraud; Willful Disregard of Others

An engineer, architect, land surveyor, or landscape architect shall not engage in conduct involving fraud or willful or wanton disregard of others.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995); Adopted 12 Com. Reg. 6846 (Mar. 15, 1990); Proposed 11 Com. Reg. 6573 (Oct. 15, 1989).

§ 125-20.2-520 Injury to Professional Reputation

An engineer, architect, land surveyor, or landscape architect shall not attempt to or injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another engineer, architect, land surveyor, or landscape architect nor indiscriminately criticize other engineer's, architect's, land surveyor's, or landscape architect's work.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

Part 600 - Solicitation of Work

§ 125-20.2-601 Solicitation Consistent with Applicable Law

An engineer, architect, land surveyor, or landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work and shall charge a professional fee for all professional services rendered. It is a policy of the federal government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices (the Brooks Architect-Engineers Act of 1972). Solicitation of professional employment in the CNMI shall be consistent with applicable CNMI law(s), rule(s), and regulation(s) including but not limited to, government procurement regulations.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).

TITLE 125: BOARD OF PROFESSIONAL LICENSING

Commission Comment: The Commission created the section titles in part 600. The Commission inserted a comma after the word “rule(s)” pursuant to 1 CMC § 3806(g).

§ 125-20.2-605 Misrepresentation of Qualifications and Experience in Solicitation of Business

The engineer, architect, land surveyor, or landscape architect shall not falsify or permit misrepresentation of his or her, or his or her associates’ academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his, her or their past accomplishments with the intent and purpose of enhancing his or her qualifications and his or her work.

History: Amdts Adopted 21 Com. Reg. 16798 (May 19, 1999); Amdts Proposed 21 Com. Reg. 16611 (Mar. 18, 1999); Amdts Adopted 17 Com. Reg. 13666 (Aug. 16, 1995); Amdts Proposed 17 Com. Reg. 13321 (May 15, 1995).