

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 3: BUSINESSES AND PROFESSIONS**

**§ 3219. Disciplinary Action: Procedures.**

(a) The Board shall amend the regulations to provide prompt and efficient receipt, investigation and resolution of complaints and hearings. Such procedures shall include notification of a licensee of an outstanding complaint, with due regard given to maintaining the confidentiality of the complainant during the investigation.

(b) 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.

(c) 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.

(d) The Board shall hear and determine complaints and other contested matters pursuant to the Commonwealth Administrative Procedure Act, 1 CMC § 9108.

(e) 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 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 the Open Government Act of 1992, 1 CMC § 9901 et seq.

(f) The time and place of said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such individual licensee or firm at least thirty days before the date fixed for the hearing. At any hearing, the accused person or firm shall have the right to appear in person or by counsel, or both, to make arguments and cross-examine witnesses and to produce evidence and witnesses in their own defense. If the accused person or firm fails or refuses to appear, the Board or the Board's authorized representative may proceed to hear and determine the validity of the charges.

(g) The members of the Board or the Board's authorized representative presiding at a hearing 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;
- (4) Require and supervise discovery, including taking depositions or have depositions taken;

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(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 issue by consent of the parties;

(7) Dispose of procedural requests or similar matters; and

(8) Make or recommend orders or decisions in accordance with this chapter.

**Source:** PL 4-53, § 9; amended by PL 11-99, § 3 (§ 3219); repealed and reenacted by PL 14-95, § 3 (3219), modified; amended by PL 17-39 § 13 (April 21, 2011), modified.

**Commission Comment:** The Commission changed “Boards” to “Board’s” where appropriate in this section and removed “s” from “due regards” in subsection (a) pursuant to 1 CMC § 3806(g).