

TITLE 4: ECONOMIC RESOURCES
DIVISION 6: BANKING AND FINANCIAL INSTITUTIONS

§ 6113. Court Review.

(a) Any person aggrieved and directly affected by an order of the director may appeal to the Commonwealth Trial Court within 30 days after issuance and notice of the order is served upon the party. The validity of an order may be tested only by an appeal and may not be placed in issue in an action to enforce it or in a prosecution for its violation except where substantial rights of the complainant are involved. The filing of a petition for review shall not stay enforcement of an order, but the court may order a stay upon such terms as it deems proper.

(b) The court:

- (1) May affirm the order of the director;
- (2) May direct the director to take action unlawfully withheld; or
- (3) May reverse or modify the order of the director if the order:
 - (A) Was issued pursuant to an unconstitutional statutory provision;
 - (B) Was in excess of statutory authority;
 - (C) Was issued upon unlawful procedure; or
 - (D) Is not supported by the evidence in the record and the court may require a trial de novo on disputed issues of fact.

Source: PL 3-104, § 107.

Commission Comment: With respect to the references to the “director” of the Department of Commerce and Labor, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”