

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MARIANA ISLANDS

VOLUME 13 NO. 10



OCTOBER 15, 1991

COMMONWEALTH

REGISTER

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OCTOBER 15, 1991
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13

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RULES
ZONING BOARD

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS GOVERNMENT

ARTICLE I. AUTHORITY, PURPOSE AND POLICY

Section 1. Authority. These rules and regulations are promulgated under the authority of Title 2, Chapter 2, Section 7212 of the Commonwealth Code (P.L. 6-32).

Section 2. Purpose. The purpose of these rules and regulations is to govern the meetings and proceedings of the Commonwealth Zoning Board, acting pursuant to the legislative authority mentioned above.

Section 3. Policies. The Zoning Board is empowered to implement the following policies:

- (a) protect the health, safety and general welfare of the residents of and visitors to the Commonwealth;
- (b) promote and encourage basic public services which meet the needs of the people;
- (c) promote and provide for the wise use of natural resources, including land, water, and biological resources;
- (d) respect the indigenous cultures by preserving archaeological, historical, and architectural resources;
- (e) promote the conservation of nonrenewable resources;
- (f) actively encourage conversion to renewable energy sources; and
- (g) adopt a flexible system of zoning that allows the mixture of uses and that avoids nuisances by measuring the compatibility of proximate uses against quantifiable performance standards.

ARTICLE II. THE ZONING BOARD

Section 1. The official name of the Zoning Board shall be the Commonwealth Zoning Board.

Section 2. Official Address The temporary address of the Commonwealth Zoning Board shall be P.O. Box 203 CHRB, Saipan MP 96950. The Board is in the process of establishing permanent address.

ARTICLE III. MEMBERS OF THE ZONING BOARD

Section 1. Board Creation and Membership. The Zoning Board is composed of seven (7) members appointed by the Governor, and confirmed by the Legislative Delegation of the Third Senatorial District (Saipan). The terms of initial board members begins upon confirmation of the appointment and run until the second Monday of January 1992.

Section 2. Qualifications.

a. Each member of the board shall be either of Northern Marianas Descent, or shall be a United States citizen who has been domiciled in the Commonwealth for a minimum of five consecutive years prior to selection.

b. Each member of the board shall be qualified to vote in the CNMI.

c. Each member of the board shall be at least twenty one (21) years of age.

d. Each member of the borad shall not be an employee or officer of the CNMI government.

Section 3. Compensation. The members of the Board shall be compensated at the rate established for Board members of

Government Corporations and Councils by Public Law 4-32 (1 CMC Section 8247, or as amended).

a. Meetings actually attended. No more than \$60.00 per day for a full day meeting and no more than \$30.00 for a half or less day meeting.

b. A member travelling on official business shall receive travel and per diem compensation at the rates and guidelines established for Executive Branch employees.

c. A member may receive reimbursement for extraordinary expenses actually incurred in the performance of his duties upon the submission of receipts or other proof of extraordinary expenses to the board to reimburse the member for his extraordinary expenses.

ARTICLE III. OFFICERS

Section 1. Regular Officers. Regular officers of the Zoning Board shall be Chairman, Vice Chairman and Secretary.

Section 2. Additional Officers and Assistant Officers. The Zoning Board may, by resolution, appoint such additional officer or officers, or assistant officer or officers, establish the terms of office of such officers, and define the duties of such officers as the Zoning Board may by such resolution determine necessary or desirable.

Section 3. Elections. The Chairman, Vice-Chairman and Secretary of the Zoning Board shall be elected by a simple majority of the members of the Board.

Section 4. Terms of Office. The terms of office for the Chairman and the Secretary shall be for the initial term of the first seven appointed board members (ending on the second Monday

of January 1992).

Section 5. Vacancies. Vacancies on the Zoning Board caused by death, resignation, or removal shall be filled by appointment by the Governor in the manner prescribed in Section 7221(e) of PL 6-32.

Section 6. Duties of Officers. The Chairman shall preside at all meetings of the Zoning Board. At such meetings, the Chairman shall submit such information and recommendations to the Zoning Board as he may deem proper concerning the policies, administration and other affairs of the Zoning Board and office of the Zoning Administrator.

The Chairman shall sign all contracts and other important documents and letters of the Zoning Board upon approval of the Board in accordance with Article IV, Section 8 of these rules and regulations.

The Secretary shall organize all meetings, keep a written record of such meetings, place public notices of meetings and coordinate all correspondence of the Board. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. In the event both the Chairman and Vice-Chairman are absent, the Secretary shall act as Chairman.

The Officers and Directors of the Zoning Board shall perform such other duties and functions as may from time to time be appropriately required by the Legislature or by the Executive Branch.

Section 7. Removal of a member. A Zoning Board member shall be removed by the Governor for any one of the following causes:

(a) conviction of a felony by a trial court;

- (b) absence in any twelve (12) month period from more than 50% of, or from three consecutive, duly noticed, regular meetings of the Board, unless such absence is the result of a documented health problem;

In matters pertaining to the Board, a member shall be removed by a majority vote of the other Board members for any one of the following causes.

- (a) breach of fiduciary trust;
(b) intentional violation of conflict of interest prohibitions.

ARTICLE IV. MEETINGS

Section 1. Regular Meetings. The Zoning Board shall meet:

- 1) at least once a month, on the third Thursday of each month, or
- 2) as necessary to discharge its responsibilities without undue delay.

Section 2. Place of Meeting. The Zoning Board will hold its regular meeting at a date, time and location to be determined by a majority vote at each regular meeting.

Section 3. Special Meetings. A meeting may be called by either the Chairman or any three members of the board.

Section 4. Meetings Open to the Public. All Board meetings, except for those dealing with termination, hiring, or discipline of the Administrator, shall be open to the public.

Section 5. Advance Notice. The Secretary shall see to it that a notice of all board meetings, pursuant to Section 4 above, appears in at least one newspaper of local circulation, two weeks prior to the meeting. The Board shall provide the opportunity for

public participation in their meetings. Such public notice shall constitute appropriate notice to all members of the Zoning Advisory Council.

Section 6. Board Decisions, Official Actions. Decisions of the Board of Directors will be made only at regular meetings of the Board. Every official act taken by the Zoning Board shall be adopted by a majority vote of at least four (4) votes. If not less than four (4) affirmative or negative votes are obtained, the action shall be automatically tabled until an affirmative or negative vote of not less than four (4) votes is obtained. Directions to the Secretary shall be by motion adopted by a majority vote.

Section 7. Quorum. A majority of the Board members currently seated will constitute a quorum and is required to transact official business consistent with other applicable Commonwealth Law.

Section 8. Minutes of Meetings. The Secretary shall be responsible for preparing a written record (minutes) of all meetings. The minutes shall include clear statements of how and why decisions were made. Copies of such minutes shall be made available for public inspection and provided to the public upon payment of a reasonable copying cost.

Section 9. Parliamentary Procedure: The Rules. Parliamentary procedure set forth in Robert's Rules of Order shall govern all meetings of the Zoning Board as otherwise herein provided.

ARTICLE V. ADMINISTRATION

Section 1. General Responsibilities. The Zoning Board shall be responsible for the following.

- (a) to educate the public about Public Law No. 6-32 and the requirement for compliance; such educational program shall be mandatory and shall be undertaken prior to the submission of the Zoning Plan of the Board to the Legislature;
- (b) to administer and enforce Public Law 6-32;
- (c) to hear and grant or deny applications for changes in Land Use District boundaries, uses or requirements, imposing such conditions as are deemed necessary to fulfill the purposes and policies of Public Law 6-32;
- (d) to establish fees for processing of applications and for other procedures required or authorized by Public Law 6-32;
- (e) to report annually on its activities to the Legislature; and
- (f) to hire and supervise the activities of the Zoning Administrator.

Section 2. Specific Responsibilities.

(a) Zoning Plan - The Zoning Board shall be responsible for preparing the Zoning Plan for the Third Senatorial District in accordance with the guidelines provided in Section 7231 of Public Law 6-32 and consistent with the policies and procedures therein.

1. Public Participation. The Zoning Board shall hold open public hearings on Saipan, in at least all major villages, to solicit public opinion on proposed land use districts, boundaries and regulations.

2. Zoning Advisory Council. The Board shall give due consideration to the recommendations of the Zoning Advisory Council in preparation of the Zoning Plan.

3. Coordination with MPLC. To the greatest extent feasible, the Zoning Board shall coordinate its responsibility

for obtaining public comment on proposed land uses, as per Section 7221, subsection (c)(1), with the public comment activities of the MPLC, or its successor agency, as MPLC fulfills its responsibility to adopt a comprehensive land use plan for the public lands of the Commonwealth. And, to the greatest extent feasible, the Zoning Board shall coordinate the Zoning Plan with the comprehensive land use plan for public lands adopted by MPLC.

4. Report to Legislature, Adoption of Zoning Plan. Within eight months of the date all its members are confirmed, the Zoning Board shall submit its completed Zoning Plan to the Legislature.

5. Regulations. The Zoning Board shall promulgate regulations to carry out the intent and purposes of Public Law 6-32. The Zoning Board shall adopt such regulations within 60 days of adoption of the Zoning Plan into Law.

ARTICLE VI. ZONING ADVISORY COUNCIL

Section 1. Purpose. The Zoning Advisory Council has been established to advise the Zoning Board on:

- (a) the appropriate components of the Zoning Plan
- (b) any proposed initial regulations to implement this Act.

Section 2. Coordination with Zoning Board. The Secretary shall act as a liaison between the Zoning Board and the Zoning Advisory Council.

ARTICLE VII. PROCEDURES

Section 1. Public Participation (Hearings). At least one public hearing, providing ample advance public notice of at least 30 calendar days, must be held in the Senatorial District to be affected by any proposed change of District boundary, uses or requirements.

Section 2. Filing Fees. The Zoning Board shall establish fees for all procedures required or authorized under P.L. 6-32. All fees must bear a reasonable relationship to the cost incurred by the Government (including costs of investigation, inspection, administration, supervision and enforcement).

The Zoning Board shall provide for a system of fee credits for uses or structures, residential or commercial, designed to produce energy from renewable resources, conserve energy, or collect or store rainwater.

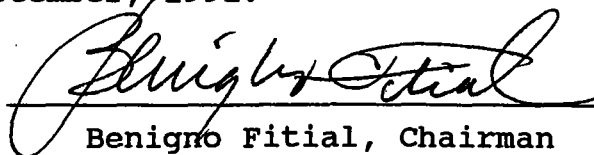
All fees must be paid in full before the Zoning Administrator may initiate action authorized by P.L. 6-32.

Section 3. Conflict of Interest. Any person, including Board members themselves, having a personal or financial interest in any official proceeding of the Zoning Board, or a familial relationship to the fourth degree of consanguinity with any party to such proceeding, shall disqualify himself or herself from officially hearing or ruling in such proceeding. A knowing or willful failure to do so is a misdemeanor, punishable by not more than one year in prison and a fine not to exceed \$1,000 for each violation.

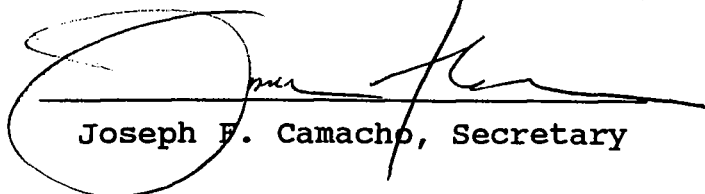
ARTICLE VIII. AMENDMENTS

The rules and regulations contained herein may be amended by the Zoning Board at any regular meeting by a majority vote, or at any special meeting by a majority vote, provided that the proposed amendment to any particular section is included in the notice of such special meeting.

Amended on the 20th day of September, 1991.


Benigno Fitial, Chairman

I certify that the foregoing is a true copy of the amended rules of the Commonwealth Zoning Board as effective September 20, 1991. These Rules have been in effect since January, 1990 and continue in effect as of the date of this certification.


Joseph F. Camacho, Secretary



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY**
Saipan, Mariana Islands 96950



NOTICE OF ADOPTION

- Gregorio M. Camacho
Director
- Jerry P. Crisostomo
Deputy Director, Administration
- Francisco M. Camacho
Deputy Director, Operations
- Thomas P. Rabago
Chief of Administration
- Vicente T. Seman
Chief of Corrections
- Jesus M. Castro
Chief of Fire
- Antonio A. Reyes
Chief of Police
- Matias A. Chargualaf
Chief of Motor Vehicle

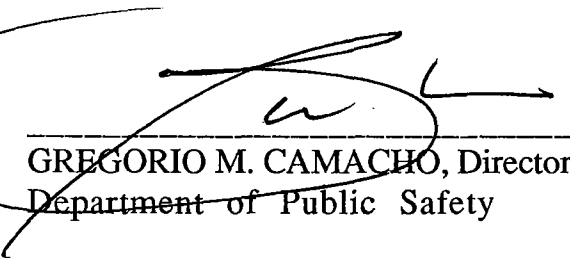
**ADOPTION OF PROPOSED RULES AND REGULATIONS GOVERNING THE
CONDUCT REQUIRED BY AND THE RIGHTS ACCORDED TO INMATES
WHILE IN THE CORRECTIONAL FACILITY.**

The Director of the Department of Public Safety hereby gives notice to the public of its adoption of rules and regulations governing the activities and performance of prisoners and the Correctional Facility in the Commonwealth of the Northern Mariana Islands, pursuant to 1 CMC §§ 2504 (c), 2507, and 9104 (a). Said rules and regulations were originally published in the September 15, 1991 Commonwealth Register, Volume 13, No. 9, pages 7896-7954.

- Facsimile – (670) 234-8531
- Cable – c/o GOV. NMI Saipan
- Administrative Division
(670) 234-6823/8536
- Central Station
234-6333/7271/6431
- Corrections Division
234-7254/8534
- Fire Division
234-6222/9222/3437
- Patrol Division/Public Relations
234-7271/8536
- Investigation Section
234-7208
- Juvenile Unit
234-9136
- Motor Vehicle Bureau
234-6921/9137
- Highway Safety Office
234-6021/6055
- Traffic Section
234-7212/7153
- Boating Safety Office
322-4037
- CST Office
234-5298
- Police Academy/Training
234-5639/8536
- Police Substation
:8

In accordance with 1 CMC § 9105, these rules and regulations take effect 10 days after this publication in the Commonwealth Register.

Dated this 9th day of October, 1991.



GREGORIO M. CAMACHO, Director
 Department of Public Safety

EMERGENCY – 911



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY
 Saipan, Mariana Islands 96950



Gregorio M. Camacho
 Director

Jerry P. Crisostomo
 Deputy Director, Administration

Francisco M. Camacho
 Deputy Director, Operations

Thomas P. Rabago
 Chief of Administration

Vicente T. Seman
 Chief of Corrections

Jesus M. Castro
 Chief of Fire

Antonio A. Reyes
 Chief of Police

Mafias A. Chargualaf
 Chief of Motor Vehicle

NUTISIAN PUPBLIKU

**MA ADAPTAN I MANMAPROPOPONI SIHA NA AREKLAMENTO YAN
 REGULASION NI GUMUBEBETNA I MANGGINAGAGAO NA KONDUKTA YAN I
 DIRECHO SIHA NI MANMANA'I I PRESUNERU MENTRAS KI
 MANGGAGAIGE GI HALOM I FASILIDAT KINURIHI**

I Direktot i Depattamenton Public Safety ginen este ha nana'i nutisia i publiku put i inadapta-ña areklamento yan regulasion siha ni gumubebetna i aktebidat yan i kinalamten i presuneru siha yan i fasilidat kinurihi gi halom i Commonwealth i Sangkattan siha na Islas Mariana, sigon gi 1 CMC §§ 2504 (c), 2507, yan 9104 (a). I mantinitika na areklamento yan regulasion siha ayu i manmapublika orihinatmente gi Septiembre 15, 1991, gi halom i Rehistran Commonwealth, Baluma 13, Numiru 9, pahina 7896-7954.

Facsimile – (670) 234-8531
 Cable – c/o GOV. NMI Saipan

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Central Station
 234-6333/7271/6431

Corrections Division
 234-7254/8534

Fire Division
 234-6222/9222/3437

Patrol Division/Public Relations
 234-7271/8536

Investigation Section
 234-7208

Juvenile Unit
 234-9136

Motor Vehicle Bureau
 234-6921/9137

Highway Safety Office
 234-6021/6055

Traffic Section
 234-7212/7153

Boating Safety Office
 322-4037

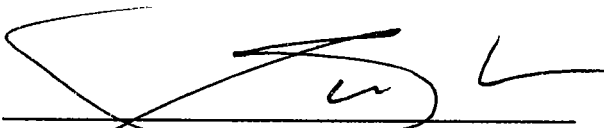
CST Office
 234-5298

Police Academy/Training
 234-5639/8536

Police Substation
 8

Sigon gi 1 CMC § 9105, este siha na areklamento yan regulasion u fanefektibu dies (10) dias despues di ma publika este na nutisia gi halom i Rehistran Commonwealth.

Ma fecha gi este i mina *Gregorio M. Camacho* na dia gi Oktobre, 1991.


GREGORIO M. CAMACHO, Director
Department of Public safety

EMERGENCY – 911



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY
 Saipan, Mariana Islands 96950



ARONGORONG REEL FFÉÉRÚL ALLÉGH

- Gregorio M. Camacho
Director
- Jerry P. Crisostomo
Deputy Director, Administration
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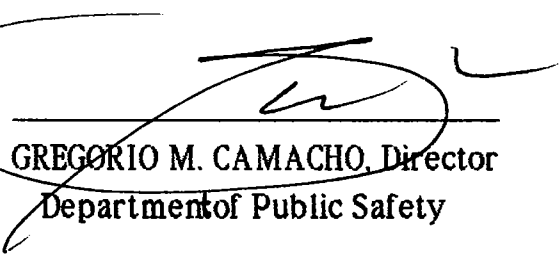
**FFÉÉRÚL ALLÉGH KKA EBWE AMMWALAAR SCHÓÓL KALABWOS
 (INMATES) IGHA EBWE ATTABWEEY ALLÉGH IGHA E BWAL YOOR
 YAAR WEL IGHA RELO LLÓL CORRECTIONAL FACILITY.**

Direktoodul Department of Public Safety e mwuschál arongaar towap igha ebwe fféer allégh kka ebwe ammwalaar schóól llól kalabwos (inmates) igha e bwal yoor yaar wel reel meta kka re féerú mellól Correctional Facility mellól Commonwealth of the Northern Mariana Islands, reel bwángil me ailéwal 1 CMC § § 2504, me 9104 (a). Allégh kkaal nge aa fasúl toowow wóol Septiembre 15, 1991 mellól Commonwealth Register, Volume 13, pages 7896-7954.

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234-7212/7153
- Boating Safety Office
322-4037
- CST Office
234-5298
- Police Academy/Training
234-5639/8536

Reel bwángil me ailéwal 1 CMC § 9105 nge ebwe aléghéléghéló allégh kkaal llól seigh (10) rál sáangi igha e toowow mellól Commonwealth Register.

E fféer llól ráalil ye 9th Oktubre, 1991.


GREGORIO M. CAMACHO, Director
Department of Public Safety

EMERGENCY – 911


PUBLIC NOTICE

PROPOSED REGULATIONS
OF THE
DIVISION OF LANDS & SURVEYS
DEPARTMENT OF NATURAL RESOURCES

The Division of Lands & Surveys hereby gives public notice of its Proposed Regulations.

The Proposed Regulations are available for review at the Office of the Division of Lands and Surveys, Capitol Hill, Saipan.

Anyone interested in commenting on the Proposed Regulations may do so within 30 days from the date they are published in the Commonwealth Register.



Director
Dept. of Natural Resources



Date


NUTISIAN PUPBLIKU

I MANMAPROPOPONI SIHA NA REGULASION
I
DIVISION OF LANDS & SURVEYS
DEPARTMENTON NATURAL RESOURCES

I Dibision Lands & Surveys ginen este ha nana'i nutisia i pupbliku hinerat put i regulasion siha ni ha propoponi.

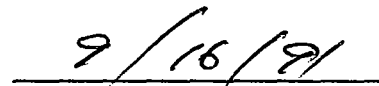
Kopian i manmapropoponi siha na regulasion para ininan pupbliku siña manmachuchule' ginen i Ofisinan i Division of Lands & Surveys, Capital Hill, Saipan.

Petsona siha ni manenteresao manmama'tinas komento put i manmapropoponi siha na regulasion siña manna'halom komento siha gi tinige' gi halom trenta (30) dias despues di i fecha ni manmapupblika gi halom i Rehistran Commonwealth.



Director

Department of Natuaral Resources



Fecha

ARONGORONGOL TOWLAP
FFÉÉRÚL ALLÉGH MELLÓL
DIVISION OF LANDS & SURVEYS
DEPARTMENT OF NATURAL RESOURCES

Division-ul Lands and Survey ekke arongaar towap igha ebwe fféer allegh.

Allégh kkaal nge emmwel schagh bwe rebwe ló amwuri mellól Bwulasiyool Division of Lands and Surveys, Capitol Hill, Saipan.

Aramas kka re tipáli bwe rebwe iraalong meta tipeer me mángemángiir, nge emmwel schagh rebwe atotoolong lloel eliigh (30) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.


Director
Dept. of Natural Resources

9/16/91
Rál

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

REGULATIONS OF THE
DIVISION OF LANDS AND SURVEYS
OF THE
DEPARTMENT OF NATURAL RESOURCES

1. Purpose.

These Regulations are intended to define the manner in which the Division of Lands & Surveys (hereafter "L&S") functions.

2. Establishment.

L&S is a duly established Division of the Department of Natural Resources, which was established by PL 1-8, codified at 1 CMC 2651-2656.

3. L&S Functions.

The functions of L&S are:

- a. To conduct surveys of public lands (1 CMC 2654(d)).
- b. To assist the Land Commission as requested by conducting surveys in connection with the determinations of land titles (2 CMC 4222(a)).
- c. To provide surveying and related services to other public agencies of the CNMI government where appropriate, as decided by the Director of the Department of Natural Resources.

4. No Private Surveys.

L&S shall conduct no surveys of private land unless in connection with Land Commission title determinations.

5. Clearance of Private Surveys.

L&S, subject to manpower availability, shall provide "clearance" of private survey maps based upon surveys by private surveyors. Such "clearance" is limited to ascertaining that the maps appear to follow applicable standards.

The "clearance" is not a warranty or other statement of accuracy of the private surveyor or the map. No private survey map shall be valid without a "clearance" from L&S. Fees for the "clearance" service may be established by the Director of the Department of Natural Resources.

6. Fees.

L&S may charge reasonable fees, as set by the Director of the Department of Natural Resources, for the private copying of L&S materials or for other services provided to the private sector.

7. Original Documents.

No private person or entity may remove any original document from L&S files.

8. Transfer of Maps to Land Commission.

Upon clearance of an original survey map, it shall be transferred to Land Commission for filing.

9. Japanese Maps.

L&S shall retain all Japanese Maps in its files.

10. Files.

In addition to the Japanese Maps, L&S shall keep on file only documents regarding surveying and mapping, except those original maps and other documents of title which are transferred to Land Commission.

11. Survey Teams.

All survey teams shall operate under the general supervision of the Commonwealth Surveyor, with daily supervision by the Team/Party Chief.

12. Chief.


The Chief of L&S shall supervise the overall functions of the employees and the operations of the Division, subject to the direction of the Director of the Department of Natural Resources.

**PUBLIC NOTICE
PROPOSED REGULATIONS
OF THE
LAND COMMISSION**

The Land Commission hereby gives public notice of its Proposed Regulations.

These Proposed Regulations are available for review at the Office of the Land Commission, Capitol Hill, Saipan.

Anyone interested in commenting on the Proposed Regulations may do so within 30 days from the date they are published in the Commonwealth Register.



John Mangiona
Senior Land Commissioner

9/13/91
Date

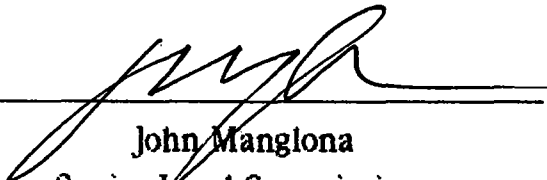
NUTISIAN PUBLIKU

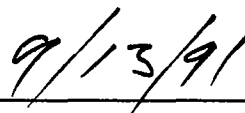
**I MANMAPROPOPONI NA REGULASION
I
LAND COMMISSION**

I Land Commission ginen este ha nana'i nutisia i publiku hinerat put i regulasion siha ni ha propoponi.

Kopian este siha na priniponen regulasion guaha para ininan publiku gi Ofisinan i Land Commission, Capital Hill, Saipan.

Petsona siha ni manenteresao manmama'tinas komento put i manmapropoponi na regulasion siha mana'halom tinige' siha na komento gi halom trenta (30) dias despues di i fecha ni manmapubliku gi halom i Rehistran Commonwealth.


John Manglona
Senior Land Commissioner


Fecha

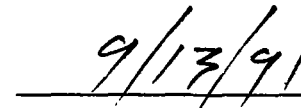
ARONGORONGOL TOWLAP
FFEERÚL LLIIWELIL ALLÉGH
MELLÓL
LAND COMMISSION

Schóól Land Commission, re mwuschál arongaar towap reel igha ebwe
fféer lliiwelil allégh.

Allégh kkaal nge emmwel rebwe ló amwuri mellól Bwulasiyool Land
Commission, Capitol Hill, Saipan.

Aramas kka re tipáli bwe rebwe iraalong meta tipeer me
mángemángiir reel allégh kkaal nge rebwe atotoolong llól eliigh (30) sáangi
igha e toowow arongorong yeel mellól Commonwealth Register.


John Manlona
Senior Land Commisioner


Rál

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

REGULATIONS
OF THE
LAND COMMISSION

1. Purpose.

These Regulations are intended to define the manner in which the Land Commission (hereafter the "Commission") functions, under the powers set forth in PL 3-79, codified at 2 CMC 4211 through 2 CMC 4252, as amended.

2. Establishment.

The Commission was established as an "independent agency" of the CNMI government pursuant to PL 3-79, Section 2.

3. Commission Functions.

The Commission's statutory functions under the direction of the Senior Land Commissioner are to register all land in the CNMI and related matters, including the statutory priority of surveying those lands to which the Trust Territory Government issued title determinations without surveys.

4. Senior Land Commissioner.

The Governor appoints the Senior Land Commissioner, (hereafter "Commissioner") with the advice and consent of the Senate, to serve at the pleasure of the Governor for a term of six years or until the Commission completes its work. Any vacancy caused by death, resignation, removal or otherwise shall be filled in the same manner abovementioned.

5. Duties and Responsibility of Commissioner.

The Commissioner has the following responsibilities:

- a. To make land surveys and plats in the CNMI in connection with the determination of land title;
- b. To hold hearings on disputed land claims;
- c. To issue Certificates of Title;
- d. To record Certificates of Title of land with the Recorder.
- e. To record all documents previously registered with the Recorder.
- f. To issue and adopt rules and regulations implementing PL 3-79, with the assistance and approval of the Office of the Attorney General;
- g. To supervise the operations, and personnel, of the Commission;
- h. To perform all acts necessary and appropriate to carry out the purposes of PL 3-79 and these Regulations.

6. Commission Staff.

- a. The Commissioner may appoint two Deputy Land Commissioners, and may delegate any duties and responsibilities to them.
- b. Subject to budgetary appropriations, to staff the Commission with necessary and qualified personnel.

- c. The staff of the Commission shall be subject to all applicable civil service and personnel rules of the CNMI, except where specifically exempted by law.

7. Surveys.

The Commissioner, or his designee, shall request the Division of Lands and Surveys to make available such surveying and other staff assistance as is necessary for the Commission to carry out its functions.

8. Land Registration Team - Appointment and Quorum.

- a. The Commissioner shall appoint Land Registration Teams (" hereafter Teams") as needed (subject to budget) and shall designate the geographic area or areas for which each team shall be responsible for registration. Members of the Teams shall be hired on an as needed basis and not as classified civil service employees, unless the members were civil service employees prior to the effective date of PL 3-79, in which case such employees shall remain in the civil service system until they retire or voluntarily choose exempt status. The Commissioner may appoint any number of members for each Team up to a maximum of four members, but the presence of three members shall constitute a Quorum for the purpose of transacting business.

9. Teams - No Conflict of Interest.

After a claim has been recorded in the Commission by a Team, no Team member (hereafter "member"), who has any interest in the land claim or who is an immediate family member of anyone having such an interest, shall take any part in leaving or considering that claim. If there is doubt as to whether a member is disqualified from taking part as to the claim, the Commissioner shall have final authority to decide whether the member may participate.

10. Registration Areas.

The Commissioner shall designate in writing registration areas (hereafter "areas") which, to the extent practicable, shall be registered expeditiously. When work in an area has been completed, except for disputed cases, or when work in any area cannot be completed in once year, and, in the Commissioner's opinion the public interest would be served by moving to a new area or areas, the Commissioner may designate a new area or areas, until all of the CNMI in which the Commissioner believes it desirable to have, lands registered have been so designated.

11. Area - Recording.

A copy of the Commissioner's designation of any registration shall be recorded with the Recorder within 30 days following designation.

12. Area - Survey and Boundaries.

- a. Within 30 days following the Commissioner's written designation of a registration area, the Commissioner shall request the Division of Lands and Surveys to survey the exterior bounds of the area and to make such surveys of plots or claims and place such markers within the area as the Commissioner requests.
- b. After a determination is made by the Commissioner, the boundaries of the land covered by the determination shall be shown by either permanent markers set by the Division of Lands and Surveys at the Commissioner's request, or by easily recognizable natural features.

13. Team Duties.

Teams shall:

- a. Institute preliminary inquiries regarding the title to all lands within the designated area for which the Team is responsible, by personally speaking to all occupants and recorded owners with the Commonwealth Recorder (hereafter Recorder), if any, of such land to ascertain all claims thereto. The team shall make a written statement for each plot of land indicating the person(s) spoken to, the date(s) thereof, the contents of such talks and all other efforts made to ascertain all claims to each plot.

- b. Record within the Commission well-founded claims for hearing.
- c. Upon completion of recording (within the Commission) land claims for a designated registration area, proceed, after given notice of hearing, Section 16 hereof, to hear the parties and witnesses and adjudicate such claims subject to the exceptions provided by law (2 CMC 4211 et. seq.).
- d. Upon a decision being reached on any claim, record within the Commission the place name, if any, of the land, otherwise a brief description thereof, with the names of the rightful owners thereof and the type of ownership involved, and record the name of any person or group who holds either any subordinate rights (such as rights of administration or use or an encumbrance or easement upon such land).
- e. Where the parties to any claim indicate their agreement to a settlement or compromise of a claim to land, in the presence of the Team, the particulars required by subsection 13(d), above, shall be recorded within the Commission and have the same force and effect as a decision. The terms of such settlement shall be reduced to writing and signed by all parties and a representative of the Team.

- f. Upon completion of the actions set forth above, the Team shall submit its record concerning each claim to the Senior Land Commission for review. In all cases where a dispute has arisen, tape recordings or summaries of all pertinent testimony taken shall be made and shall be included in the Team's records.

14. Settlement of Disputed Claims.

- a. Each Team shall endeavor to adjudicate the claims to as much land within the area for which it is responsible as is practicable within a year after that area has been designated. It shall endeavor to avoid becoming involved in such lengthy consideration of disputed claims as will seriously interfere with such adjudication.
- b. If the Team deems that consideration of a disputed claim will seriously interfere with accomplishment of the purpose of these regulations, it may refer the claim to the Commissioner without the Team making any decision thereon.
- c. If the Commissioner deems that one of the Teams is spending an undesirable amount of time on a particular disputed claim, the Commissioner may withdraw that claim from consideration by the Team.
- d. In either of the situations set forth in Subdivisions (b) and (c), above, the Team shall submit to the Commissioner

its record concerning the claim including the tape recordings or summaries of all pertinent testimony, if any, taken by the Team. The Commissioner may then:

(1) Proceed personally to hear the parties and witnesses and make a determination on the claim based on both the testimony, if any, taken by the Team and that taken by the Commissioner or the Deputy Land Commissioner; or

(2) Refer the claim to the Commonwealth Trial Court for adjudication without any determination by the Commission.

(e) If a claim has been referred by the Commissioner to the Commonwealth Trial Court without any determination by the Commission, the Commonwealth Trial Court may, upon the petition of one or more claimants, entertain a quiet title or other appropriate action and enter its decision. After the time for appeal from the Court's decision has expired without any notice of appeal having been filed or after an appeal duly taken has been determined, the Court shall certify its decision, as modified by the Appellate Division if that has happened, and cause its decision to be recorded with the Commonwealth Recorder.

15. Review of Record of Adjudication by Commissioner.

Upon receipt of an adjudication from a land registration team and the record on which it is based, the Commissioner shall review the record and:

- (a) If satisfied therewith, make a determination of ownership based thereon; or
- (b) Hold further hearings personally with the assistance of counsel from the Office of the Attorney General and then make a determination of ownership based on the record and the further information obtained by the Commissioner.

16. Notice of Hearing.

- (a) Before commencement of a hearing with respect to any claim, notice containing a description of the claim and the date, time, and place of hearing shall be given at least 30 days in advance of the hearing as follows:
 - (1) By posting such notice on the land involved; and
 - (2) By serving such notice upon all parties shown by the preliminary inquiry to be interested either:
 - (A) By service in the same manner as a civil summons, or
 - (B) By registered mail, postage prepaid, to the party's last known address.
- (b) Such notice of hearing and notice of determinations of ownership shall be served by any policeman without charge. During the period between the giving of notice of hearing and the hearing, any person or group claiming an interest in the land adverse to the claim as stated in the notice may file their claim with the Commissioner.

Notice of such adverse claims may also be given orally at the hearing, and a record thereof shall be made.

17. Authority to Administer Oaths, Take Testimony, etc.

The Commissioner and each of the Teams shall have the authority to administer oaths to witnesses, take testimony under oath, and tape record testimony, subpoena witnesses, order the production of papers and documents, and punish for contempt committed in its presence. Punishment for contempt shall be limited to a fine of not more than \$50, or imprisonment for a period of not more than 30 days, or both.

18. Conduct of Hearings.

In conducting hearings, the Commissioner and each Team shall be guided by these Regulations (and the Rules of Civil Procedure, in the absence of a pertinent statute or regulation). The Commissioner and each Team may consider any evidence that will be helpful in reaching a just decision. Neither the Commissioner nor a Team, however, shall endeavor to redetermine any matter already decided between the same parties or those under whom the present parties claim by a court judgment or by a Land Title Officer's Determination of Ownership. The Commissioner and Teams shall accept prior determinations as binding on the parties without further evidence than the judgment or determination of ownership. All hearings shall be public and every person claiming an interest in land under consideration shall be given an opportunity, by notice pursuant to section 16, above,

to be heard. Hearings shall be held in the Senatorial District in which the land involved lies. All parties, including any representative (appointed under Section 19 hereof or by a court or other proper authority) of a minor or incompetent, may be represented and assisted by counsel.

19. Hearings Involving Minors or Incompetents.

If the Commissioner or a Team finds that any party in interest is a minor or incompetent, the Commissioner or Team, as the case may be, shall appoint one person to act as guardian and represent such minor or incompetent, unless that party in interest is already represented by a person appointed by a court or other proper authority. A guardian appointed by the Commissioner or Team shall have full authority and power to act for the minor or incompetent in all matters in connection with his or her interest in land; provided, that a guardian may not encumber or in any way alienate any land under his or her guardianship except by an order of the Court.

20. Notice of Determination of Ownership.

Notice of all determinations of ownership by the Commissioner shall be given promptly in the same manner as prescribed in Section 16 above for notices of hearings.

21. Review of Determination of Ownership.

Any person who has actual or constructive notice of the determination of ownership and who claims an interest in the

property which is the subject of the determination of ownership and who disagrees with the determination of ownership may file for a review of the determination of ownership by filing a complaint in the Commonwealth Trial Court within 120 days from the date of the determination. The complaint shall be in the nature of a quiet title suit and shall set forth the description of the property, the determination of ownership, the portion or parts to be reviewed, and the basis of the plaintiff's claim. The complaint shall name as defendants all those persons known to the plaintiff who claim an interest in the land. A determination of ownership shall be upheld if it is supported by substantial evidence found in the record taken as a whole including the record before the Commission and such additional evidence as shall be admitted before the Commonwealth Trial Court. The procedures of the Commonwealth Trial Court for processing and disposing of civil litigation shall apply along with rights of appeal from the Commonwealth Trial Court's decision. Any person exercising the right to appeal under this section shall within 120 days of filing the complaint serve upon the Land Registration Team attorney a written request for the transcript of the hearing along with the reasonable costs of transcribing the record.

22. Certificate of Title: Issuance.

- (a) After the time for appeal from a determination of ownership by the Commissioner has expired without any complaint for review having been filed, the Commissioner

shall issue a Certificate of Title setting forth the names of all persons or groups of persons holding interest in the land pursuant to the determination and shall cause the Certificate of Title to be recorded with the Commonwealth Recorder. The Certificate of Title shall be conclusive upon all persons who have had notice of the proceedings and all those claiming under them and shall be prima facie evidence of ownership as therein stated against the world; provided, that such ownership shall be subject to the following which should, but need not, be stated in the Certificate;

(1) Any rights of way there may be over the land in question;

(2) Any lease or use right for a term not exceeding one year.

(b) Any easements or other rights appurtenant to the land in question which are over unregistered land shall remain so appurtenant even if not mentioned in the Certificate, and shall pass with the land until cut off or extinguished in some lawful manner independent of the determination covered by the Certificate.

(c) In case of an appeal from a determination of ownership to the Commonwealth Trial Court, the Court shall certify its decision, as modified by the Appellate Division if that has happened, and shall cause the same to be

recorded with the Commonwealth Recorder. In such case the judgment shall be binding and conclusive in the same manner as any other judgment affecting land in the Commonwealth, and shall also be conclusive upon all parties to the Land Commission proceedings who had notice of the appeal.

23. Certificate of Title: Registration.

The original Certificate of Title shall be bound in a permanent register. This register shall remain in the custody of and under the supervision of the Commissioner. All original maps, plats and subdivision maps registered with the Commission shall be the property of the Commonwealth and shall remain the custody of the Commissioner. A copy of the original Certificate of Title, and any maps shall be promptly provided to and recorded by the Commonwealth Recorder. A duplicate shall be issued, marked "Owner's Duplicate Certificate," and delivered to the owner or his authorized representative.

24. Files. The Commission is the repository of all original documents of title and original survey maps. No private person or entity may remove any original document from Commission files. Reasonable fees for copying such documents may be assessed, as established by the Commissioner.



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

PROPOSED ADMINISTRATIVE REGULATIONS

The Board of Professional Licensing hereby gives notice to the public of its intention to adopt proposed administrative regulations.

The public may submit written comments and/or recommendations regarding the proposed regulations during the thirty (30) day period following this date of publication in the Commonwealth Register. Such comments and/or recommendations should be sent to the Chairman of the Board of Professional Licensing as follows:

Chairman
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

Dated this 07th day of October, 1991.

Juan Q. Inos, Chairman



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897/6040

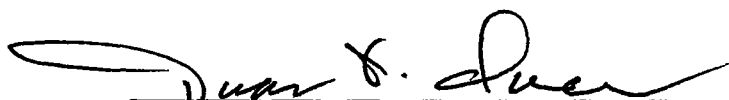
I MA PROPOPONI NA REGULASION ATMINISTRASION

I Board of professional Licensing ginen este ha nana'i nutisia i pupbliku put i entnesion-ña umadapta i manmapropoponi siha na regulasion atminstrasion.

I pupbliku siña mana'halom tinige' siha na komento yan/osino' rekomendasion put i manmapropoponi na regulasion gi halom i trenta (30) dias na tetminu despues di i fecha ni ma pupblika este na nutisia gi halom i Rehistran Commonwealth. Todu komento yan/osino' rekomendasion siha debi di u mana'fanhahanao guato gi Chairman i Board of Professional Licensing gi sigente na adres:

Chairman
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

Ma fecha gi este i mina' 7th na 'dia gi Oktobre, 1991.



Juan Q. Inos, Chairman



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040


ALLÉGH KKA EBWE YOOR MELLÓL ADMINDISTRATIVE

Schóól Board of Professional Licensing rekke arongaar towlap reel igha ebwe fféer allégh bwe ammwelil llól Administrative.

Aramas ye e tipáli nge emmwel schagh bwe ischiitiw meta tipal me ngäre yaal recommendation llól elligh (30) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register. Emmwel schagh bwe rebwe afanga ngáli Chairman of the Board of Professional Licensing reel address ye faal:

Chairman
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

E fféer llól ráalil ye 7th Oktubre, 1991


Juan Q. Inos, Chairman

Administrative Regulations
of the
Commonwealth of the Northern Mariana Islands
Board of Professional Licensing

1. Establishment. The Board of Professional licensing (hereafter the "Board") is a regulatory agency of the Executive branch of the CNMI government established by law (4 CMC 3101).

2. Board Members. The Board is composed of seven Members appointed by the Governor, with the advice and consent of the Senate, pursuant to 4 CMC 3101 (composition) and 4 CMC 3102 (tenure).

3. Officers. The Board shall elect, by the majority vote of a quorum of its members, a Chairman, a Vice-Chairman, and a Secretary. The Board may establish such other offices as it shall deem necessary or appropriate. The Officers of the Board shall serve two-year terms commencing on October 1 in every odd-numbered numbered year, unless their membership on the Board is terminated sooner than two years for whatever reason. The Board may fill any vacancy among its officers, for the remainder of the unexpired term.

4. Committee. The Board may establish such standing and special committees, and prescribe their powers, duties, and functions as it shall deem necessary from time to time. The

Chairman of the Board shall appoint the chairpersons and members of all committees; provided, however, that in so doing, the Chairman shall give due recognition to the desire to each member to serve on a particular committee or committees. No member of the Board may be the chairperson of more than one standing committee. The Chairman of the Board may not serve as the chairperson of a standing committee.

5. Quorum. The concurrence of four Board Members is necessary for the validity of the Board's acts and decisions.

6. Jurisdiction. The Board has the statutory power and duty to review applications for professional licenses, adopt licensing standards and criteria, prescribe fees therefor, adopt forms related thereto, and to do all acts related to its statutory power and duties, involving the following professions in the CNMI:

Architects;

Engineers;

Surveyors;

Plumbers;

Electricians;

Carpenters;

Ship's Offices;

Barbers and beautificians;

and all other professions and trades

except those exempted under 4 CMC 3107, to wit, lawyers, teachers, healing arts practitioners and any profession or trade over which exclusive jurisdiction as to licensing, certification or credentialing has been given to an agency of the United States or to another department, agency or instrumentality of the CNMI.

7. Exceptions. Pursuant to 4 CMC 3106, the hiring of unlicensed apprentices, trainees and helpers is not prohibited so long as they are under the general supervision of a licensee.

8. Compensation. Members of the Board, who serve without pay, shall submit claims to the Board's staff for reimbursement for reasonable and necessary expenses incurred in the performance of their duties. The staff shall forward such requests to the proper authority.

9. Rules and Regulations. Pursuant to 4 CMC 3108, the Board is empowered to adopt rules and regulations governing licensing of professionals, establishing procedures and standards for licensing, regulating the internal administrations of Board functions, and any and all other related matters.

10. Staff. The Board may employ, as needed and funded, persons to assist it in performing its duties, including a Board Administrator, who shall administer the daily operations of the

office, subject to the direction of the Chairman of the Board. The staff shall be Civil Service System members.

11. Professional Organizations and Public Agencies. The Board shall determine those professional or trade organizations it may accept as a basis for approving applications for licensing and set criteria therefor. The Board may accept a license or certification issued by an agency of the United States or of a state or political subdivision of a state, or of a territory or possession of the United States, and set criteria therefor.

12. Examination, Experience and Education Criteria. The Board shall establish examination, experience and education criteria for each profession it is empowered to license, any may enter into contracts with other entities to assist the Board in establishing and administering the Board's criteria.

13. Meetings.

(1) Meetings of the Board shall be held at a regular time and place to be established by the Board. Special meetings of the Board may be called by the Chairman or any two members. Unless otherwise provided by law, all meetings of the Board shall be open, except that: (a) the Board may by a majority vote of its members close any meeting and (b) adjudication proceedings before the Board shall be closed, unless a majority of the Board shall vote to open

said proceedings.

(2) Members of the Board shall be notified of meetings by the administrator, in writing, at least one week before the date of any regular meeting, and as soon as practical before the date of any special meeting. Such notice shall, whenever possible, include a proposed agenda for the meeting and copies of any documents relevant to matters which will be before the Board for its consideration at the meeting.

14. Agenda. The agenda for each regular meeting of the Board shall include the following items: call to order, determination of attendance and quorum, adoption of agenda, adoption of previous minutes, presentation of communications, officers' reports, committee reports, discussion of unfinished business, discussion of new business, miscellaneous matters, proposals for subsequent meetings, and adjournment. The agenda shall be prepared by the Chairman, subject to the direction of the Board.

15. Attendance; Termination. Attendance at all meetings is compulsory unless excused due to medical or other valid reasons, in the opinion of the Chairman. Any member who misses 3 regular meetings in any fiscal year without valid excuses shall be automatically terminated from membership on the Board and the Governor will be requested to appoint a replacement.

16. Conduct of meetings. The conduct of all meetings of the Board, and committees thereof, shall follow acceptable standards of parilaimentary procedure. The Chairman shall decide all questions of order, subject to appeal to the membership. Voting shall ordinarily be by voice vote; provided, however, that any two members of the Board may request a secret ballot upon any question before the Board.

17. Minutes. The Board shall record or cause to be recorded a summary of the proceedings before it at its meetings. The minutes of the Board shall be prepare by the Secretary.

18. Resignation of Members. A member of the Board who desires to resign from membership shall do so in writing, addressed to the Board. The subject of the resignation shall be placed upon the agenda for the next regular meeting of the Board, at which meeting the Board shall act upon the resignation. If the resignation is accepted by the Board, the Chairman shall contact the Governor in writing, to inform him of the vacancy an request appointment of a new member to serve for the balance of the unexpired term of the resigned member.

19. Travel. Travel out of the CNMI at Board expense shall only be as approved by the Board based on funding and other relevant factors, except that, in an emergency where Board action is impracticable, the Chairman shall decide the travel issue. A

written report on the relevant information of Board interest resulting from the travel shall be submitted to the Board within 10 working days following return. No member may travel if he/she has not submitted an acceptable written report from prior travel.

20. Delegation. When the Chairman will be out of the CNMI or otherwise unable to perform official functions, the Vice Chairman shall automatically be delegated such functions. If the Vice Chairman is for any reason unable to assume such functions, the Secretary shall be the delegatee. If the Vice Chairman and Secretary are unable to assume such functions, the Board Administrator shall be the delegatee.

21. Amendments. These Bylaws may be amended during any duly-noticed meeting of the Board.

22. Definitions. The definitions of various professions as contained in 4 CMC 3211, or other applicable law, as amended, shall be controlling.

23. Violations, Investigations and Hearings. It shall be a violation of law, and of these Regulations and other applicable Rules and/or Regulations adopted by the Board, for any unlicensed person or entity to perform any act(s) in the CNMI which act(s) is/are commonly performed by professions or trades subject to the

licensing power of the Board. It shall be a violations of these Regulations for any licensed professional to commit fraud or deceit or negligence in the applications process or in the performance of the licensee's professional duties. The Board is empowered, through the Office of the Attorney General, to obtain appropriate legal remedies therefor, including injunctive relief. The Board is empowered to investigate any alleged violation of law or Board rule or regulations, to conduct hearings consistent with the Administrative Procedures Act and other applicable law, to subpoena witnesses and/or documents, to swear witnesses and to otherwise conduct an investigation of any alleged violation of law or its rules and/or regulations.

Any person or entity, including a Board member, may file written charges alleging a violation of law or Board rules or regulations. These charges shall be reviewed by the Board at the next regularly scheduled meeting following receipt of the charges, or at a special meeting, and the Vote of Four members shall be necessary to institute an investigations as abovementioned. Following an investigation, the Board may schedule a hearing on said charges as abovementioned, upon the vote of four members. The hearing shall be scheduled within three months following receipt of said charges, unless not practicable. A copy of the charges and notice of the hearing shall be sent, by registered mail, return receipt, or by personal delivery, to the subject of the charges,

at lease 30 days prior to the date fixed for a hearing. If the person or entity which is the subject of the charges cannot be located, a legal notice of said charges shall be printed in a local newspaper, in English, Chamorro and Carolinan for two consecutive weeks, unless other applicable law presents a different method of notice.

24. Remedies. The Board, upon a vote of at least four members (except for architects, engineers, landscape architects and land surveyors, for whom a unanimous vote is required by law) finding a person or entity guilty of a violation of licensing law or Board rules or regulation, shall prescribe a penalty therefor, in addition to the penalty set forth in 4 CMC 3222, if applicable. The penalties imposed shall include the prohibition of violative acts, suspension or revocation of a license or registrations, ineligibility for applying for a license or regulation or other appropriate remedy.

25. Architects, Engineers, Landscape, Architects and Land Surveyors. The provisions of 4 CMC 3211 et. seq., as amended, shall apply to said professions and to all Board actions regarding said professions.



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

PUBLIC NOTICE

PROPOSED REGULATIONS
OF THE
BOARD OF PROFESSIONAL LICENSING

The Board of Professional Licensing hereby gives public notice of its Proposed Regulations.

The Proposed Regulations are available for review at the Office of the Board of Professional Licensing, Design Florist Building, San Jose, Saipan.

Anyone interested in commenting on the Proposed Regulations may do so within 30 days from the date they are published in the Commonwealth Register.


Chairman

10/07/91
Date



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040


NUTISIAN PUPBLIKU

I MANMAPROPOPONI NA REGULASION
I
BOARD OF PROFESSIONAL LICENSING

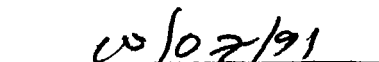
I Board of Professional Licensing ginen este ha nana'i nutisia i pupubliku put i ha propoponi siha na regulasion put i iyo-na atministrasion.

Guaha kopian i manmapropoponi siha na regulasion para ininan pupubliku gi Ofisinan i Board of Professional Licensing, Design Florist Building, San Jose, Saipan.

Todu petsona siha ni maninteresao mama'tinas komento put i manmapropoponi na regulasion siña mana'halom gi halom trenta(30) dias despues di i fecha ni ma pupblika este na nutisia gi halom i Rehistran Commonwealth.



Juan Q. Inos, Chairman



Fecha



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

ARONGORONGOL TOWLAP

FFEERUL ALLEGH
MELLÓL
BOARD OF PROFESSIONAL LICENSING

Schóól Board of Professional Licensing ekki arongaar towlap reel igha ebwe fféé allégh.

Kkoopiyal allégh kkaal nge emmwel schagh bwe aramas rebwe ló bweibwogh bwe rebwe amwuri ghatchúúw mellól Bwulasiyool Board of Professional Licensing, Design Florist Building, San Jose, Saipan.

Aramas ye tipáli bwe iraalong meta mángemángil me ngáre tipal nge emmwel schagh bwe ebwe féerú llól eliigh (30) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.

Chairman

Rál



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897

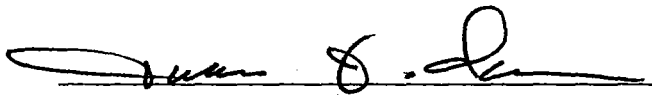
PROPOSED REGULATIONS FOR LICENSED REAL ESTATE APPRAISERS

The Board of Professional Licensing hereby gives notice to the Public of its intention to adopt proposed regulations for Licensing of Real Estate Appraisers.

The public may submit written comments and/or recommendations regarding the proposed regulations for Real Estate Appraisers during the thirty (30) day period following this date of publication in the Commonwealth Register. Such comments and/or recommendations should be sent to the Chairman of the Board of Professional Licensing as follows:

Chairman
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

Date this 7th day of October, 1991.



Juan Q. Inos, Chairman



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897/6040

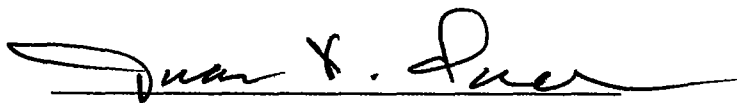
I MA PROPOPONI NA REGULASION SIHA PARA
I MA LISENSIAN REAL ESTATE APPRAISERS

I Board of Professional Licensing ginen este ha nana'i nutisia i publiku put i entension-na umadapta i manmapropoponi siha na regulasion para i Ma Lisensian Real Estate Appraisers.

I publiku siña mana'halom tinige' siha na komento yan/osino' rekomendasion put i ma propoponi na regulasion para Real Estate Appraisers gi halom i trenta (30) dias na tetminu despues di fecha ni ma publika este na nutisia gi halom i rehistran commonwealth. Todu komento yan/osino' rekomendasion siha debi di u mana'fanhanao guato gi Chairman i Board of Professional Lisencing gi sigente na adres:

Chairman
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

Ma fecha gi este i mina' 7th na dia gi Oktobre, 1991.



Juan Q. Inos. Chairman



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

ALLEGH REEL LISENSIYAAR REAL ESTATE APPRAISERS.

Schóól Board of Professional Licensing, rekke arongaar towap igha ebwe adapta allégh reel Lisesiyaar Real Estate Appraisers.

Aramas ye e tipáli bwe ebwe atotoolong met mángemángil me ngáre yaal recommendations reel allegh kka e ghil ngáliir Real Estate Appraisers nge nge emmwel schagh rebwe ischiitiw nge raa atolongol llól eliigh (30) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register. Mángemáng kkaal nge rebwe afanga ngáli Chairman Of the Board of Professional Licensing reel address ye faal:

Chairman
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

E fféer llól ráálil ye 7th Oktubre, 1991

Juan Q. Inos, Chairman

**Regulations
of the
Commonwealth of the Northern Mariana Islands
Board of Professional Licensing
for
Real Estate Appraisers**

1. Purpose. The purpose of these Regulations is to comply with applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and federal regulations, as well as to protect the interests of land owners, financial institutions, appraisers and other interested persons in the Commonwealth of the Northern Mariana Islands (hereafter "CNMI").

2. Intent and Effect.

It is the intent of these regulations to ensure high standards of professional competence for real estate appraisers in the CNMI, and to comply with applicable federal statutes and regulations. Due to the scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real estate appraisers: First, licensed appraisers who meet the standards contained herein for non-federally related real estate transactions, referred to as "licensed real estate appraiser, non-federally related real estate transactions", and, Second, "licensed real estate appraiser, federally related real estate transactions" and "certified real estate appraiser, federally related real estate transactions" as those terms are defined in applicable federal statutes and regulations, for federally related real estate

transactions. The first class of licensed appraisers will qualify to do appraisals in non-federally related real estate transactions but will not qualify under federal law and these regulations to perform federally related real estate transaction appraisals. The second class of licensed and certified appraisers will qualify to perform appraisals in both federally related and non-federally related real estate transactions, the difference between licensed and certified status being further defined herein.

3. Jurisdiction. The CNMI Board of Professional Licensing (hereafter "Board") has jurisdiction to regulate real estate appraisers pursuant to 4 CMC 3105 and 4 CMC 3108.

4. Definitions.

"Appraisal or appraisal report" means a statement independently and impartially prepared by an appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date(s), supported by the presentation and analysis of relevant market information.

"Appraisal Foundation" means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

"Appraisal Qualifications Board" means the board appointed by the Appraisal Foundation to establish criteria for appraiser licensing and certification.

"Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (FFIEC)

consisting of representatives from the federal financial institutions regulatory agencies.

"Appraiser" or "real estate appraiser" means a CNMI licensed real estate appraiser, non-federally related real estate transactions, or a CNMI licensed real estate appraiser, federally related real estate transactions, or transitional CNMI appraiser or CNMI certified real estate appraiser, federally related real estate transaction, who for a fee or other valuable consideration prepares appraisal reports.

"Appraiser assistant" means a person who is not licensed or certified as an appraiser but who assists in the preparation of an appraisal under the direct supervision of a CNMI certified or CNMI licensed appraiser and who is a bona fide employee of a licensed or certified appraiser or an employee of the same entity that employs the licensed or certified appraiser.

"Bona fide employee" or "employee" means an individual who works for wages as the individual's primary compensation and who is not an independent contractor.

"Certificate" means that document issued indicating that the person named thereon has satisfied the requirements for certification as CNMI certified real estate appraiser, federally related real estate transactions.

"Certified" appraiser means a CNMI certified real estate appraiser, federally related real estate transaction.

"Certificate holder" means the person in whose name the Board

grants a certificate.

"Complex one-to-four family residential property appraisal" means one in which the property to be appraised, market conditions, or form of ownership is atypical, and requires the services of a certified appraiser. For example, atypical factors may include but are not limited to:

- (1) Architectural style;
- (2) Age of improvements;
- (3) Size of improvements;
- (4) Size of lot;
- (5) Neighborhood land use;
- (6) Potential environmental hazard liability;
- (7) Leasehold interests;
- (8) Limited readily available comparable sales data; or
- (9) Other unusual factors.

"Director supervision" means to actively and personally review the appraisal report of an appraiser assistant, to accept responsibility for the appraisal, and to sign the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the uniform standards of professional appraisal practice (USPAP).

"Federal Financial Institutions Examination Council" means the council created under the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. §3301 et seq.) consisting of representatives from the Office of the Comptroller

of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision and the National Credit Union Administration Board.

"Federally related real estates transaction" means any real estate-related financial transaction entered into on or after December 31, 1991, that:

- (1) Any regulated institution engages in or contracts for;
and
- (2) Requires the services of an appraiser.

"Forfeit" or "forfeiture" means the immediate and automatic termination of a license or certificate without any prior consultation with the licensee or certificate holder caused by the licensee or certificate holder's failure to comply with the requirements for maintaining or renewing the license or certificate.

"License" means the document indicating that the person named thereon has satisfied all requirements for licensure as a CNMI licensed appraiser.

"Licensed" appraisers shall be one of two categories: First, CNMI licensed real estate appraiser, non-federally related real estate transaction, and, second, CNMI licensed real estate appraiser, federally related real estate transaction.

"Licensee" means the person in whose name the Board grants a license.

"Market value" means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised, and each acting in what each party considers in each party's own best interest;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by an person associated with the sale.

In applying this definition of market value, adjustments to the comparable properties must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of

tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable properties by comparisons to financing terms offered by a third party financial institution that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar-for-dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

"Non-federally related real estate transaction" is any transaction which does not meet the definition of a federally related real estate transaction.

"Real estate-related financial transaction" means any transaction involving:

(1) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; or

(2) The refinancing of real property or interests in real property; or

(3) The use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.

"Regulated institution" or "federally financial institution" means any institution regulated by the Board of Governors of the

Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the National Credit Union Administration.

"Residential property" means any parcel of real estate, improved or unimproved, that is utilized for one-to-four family purposes and where the highest and best use is for one-to-four family purposes. A residential unit in a condominium, townhouse or cooperative complex is considered to be residential real estate. Residential property does not include subdivisions wherein a development analysis or appraisal is necessary or utilized.

"Restore or restoration" means the granting of permission to perform appraiser work by the Board to a person whose license or certificate has been previously forfeited or suspended.

"Tract development" means a project of five units or more that is constructed or is to be constructed as a single development. A tract development may be units in a subdivision, condominium project, time share project, or any similar project meant to be sold as individual units over a period of time. A project is deemed to be a tract development whether it currently is or is intended to sold as a single development.

"Transaction value" means:

- (1) For loans, participation, or other extensions of credit, the amount of the loan, participation, or extension of credit;
- (2) For sales, leases, purchases, and investments in or

exchanges of real property, the market value of the real property involved; or

- (3) For the purchase or sale of loans or interests in real property pooled for sale, the amount of the loan or the market value of the real property calculated with respect to each loan or real property interest in the pool. The transaction value for a series of related transactions will be calculated as if only one transaction is involved it appears that an entity is attempting to evade the requirements to have the appraisal performed by a licensed or certified appraiser.

"Transitional license" means the permission granted by the Board to a person to act as a transitional licensed appraiser.

"Transitional licensed appraiser" means any individual who has met all requirements for licensure as a CNMI licensed appraiser, federally related real estate transaction, except the education or the experience requirement.

"Uniform standards of professional appraisal practice" or "USPAP" means the uniform appraisal standards including ethics and competency provisions established by the Appraisal Standards Board as adopted and as it may subsequently be amended by the Appraisal Foundation.

5. Powers and Duties of the Board.

In addition to those powers and duties specifically enumerated by law, the Board shall have the following powers and duties:

- (a) To grant, deny, renew, or refuse to renew permission to practice as a licensed or certified real appraiser in the CNMI;
- (b) To adopt, amend, or repeal rules and/or regulations as necessary to effectuate fully the law;
- (c) To enforce the law and rules and regulations adopted pursuant thereto;
- (d) To discipline a real estate appraiser for any cause prescribed by law or for any violation of the rules and regulations and refuse to grant a person permission to practice as a real estate appraiser for any cause that would be grounds for disciplining a real estate appraiser;
- (e) To act as the designated representative of the CNMI to exempt, waive or implement the requirements of 12 U.S.C. §3301 et seq.;
- (f) To revoke or suspend the permission to practice as an appraiser or otherwise condition the scope of the license or certification of the appraiser for any violation of law or these Regulations.
- g. To impose continuing education requirements as a prerequisite to renewal of licensing or certification, as necessary;
- h. To issue an annual statement describing the receipts and

expenditures in the administration of these regulations during each fiscal year;

- i. To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the Board or the Board's authorized representatives acting by authority of law;
- j. To contract with qualified persons, including attorneys, hearings officers, accountants, investigators, and other necessary personnel to assist the Board in exercising the Board's powers and duties;
- k. To contract with a professional testing agency to develop and administer examinations; and
- l. To appoint an Appraiser Advisory Committee to assist and inform the Board in its implementation of these Regulations and all applicable law.
- m. To do all other things necessary to carry out the provisions of these regulations and to meet the requirements of federal law where necessary regarding licensing and certification of appraisers that the Board determines are appropriate for licensed and certified appraisers in the CNMI.

6. Immunity

The members of the Board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any facts performed in the course of their duties except for their intentional or willfull misconduct.

7. Real Estate Appraiser Advisory Committee.

(a) There shall be a Real Estate Appraiser Advisory Committee ("Committee") consisting of 3 members appointed by the Governor to assist with the implementation of these Regulations.

(b) Two members of the committee shall be appraisers who have been actively performing appraisal work for a period of not less than three years preceding the date of the member's appointment. The third member shall be as selected in the discretions of the Governor.

(c) Except for appraiser members first appointed, appraiser members subsequently appointed shall be licensed or certified appraisers holding a current license or certificate.

(d) Each member of the committee shall serve without pay.

(e) The committee shall meet not less than once a year at a time and place determined by the Board or 2 members of the Committee.

(f) Immediately upon the appointment and qualification of the original members, and annually thereafter, the committee shall organize by election of one member as chair and one member as vice

chair.

(g) Terms of members.

- (1) The terms of the member shall be for two years;
- (2) Appraiser members first appointed shall have obtained a licensed or certificates as licensed or certified appraiser to continue in office after July 31, 1992.
- (3) Any member whose term has expired may continue in office as a holdover member until a successor in appointed; provided that a holdover member shall not hold office beyond the end of the calendar year that the member's term expired.
- (4) A vacancy occurring in the membership of the committee during a term shall be filled for the unexpired term thereof by the Governor.
- (5) The Governor may remove or suspend for cause any member of the committee after due notice.

8. License and Certification Requirements.

a. License or certification required. It shall be unlawful for an individual who is not licensed or certified in the CNMI to prepare or hold oneself out as being able to prepare an appraisal in connection with a real estate related transaction requiring licensure or certification under these Regulations. It shall be unlawful for a person with one class of license to perform an appraisal requiring a different class of license.

b. Requirements Generally. All applicants for a license

or certificate shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experiential requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation and not been convicted of a felony. Except that the examination, if any, for the non-federally related real estate licensed appraiser shall be as approved by the Board.

c. Education requirement for federally related real estate transactions. Applicants shall submit proof of successful completion of courses taken from approved course providers in subjects related to real estate appraisal which shall include coverage of the uniform standards of professional appraisal practice.

(1) An applicant for a federally related real estate transaction appraiser license shall have completed seventy-five classroom hours. A course in the uniform standards of professional appraisal practice shall have been completed within two years prior to the application date.

(2) An applicant for a federally related real estate transaction appraiser certificate shall have completed one hundred sixty-five hours of classroom hours with emphasis on the appraisal of nonresidential properties. A course on the uniform standards of professional appraisal practice shall have been completed within two years prior to the application date.

(3) A classroom hour is defined as fifty minutes out of each

sixty minute segment.

(4) Applicants must demonstrate that the applicant's education included coverage of all the topics listed below:

- (A) Influences on real estate value;
- (B) Legal considerations in appraisal;
- (C) Types of value;
- (D) Economic principles;
- (E) Real estate markets and analysis;
- (F) Valuation process;
- (G) Property description;
- (H) Highest and best use analysis;
- (I) Appraisal math and statistics;
- (J) Sales comparison approach;
- (K) Site value;
- (L) Cost approach;
- (M) Income approach;
- (N) Valuation of partial interests; and
- (O) Uniform standards of professional appraisal practice.

(5) It shall be the applicant's responsibility to ensure that the course provider verifies the number of classroom hours, the length of the educational offering, and that the applicant successfully completed an examination for the course.

d. Approval of course providers.

(1) Colleges, universities, and community and junior colleges accredited by nationally recognized accreditation

organizations and State or Federal agencies or commissions or other entities or persons approved by the Board are approved course providers.

(2) Real estate appraiser or real estate related organizations, proprietary schools, and others shall be approved provided the course provider or the course offered by the course provider has been endorsed by the Appraisal Subcommittee or the Appraiser Qualifications Board and proof of the endorsement is filed with the Board.

(3) Real estate appraisal or real estate related organizations, proprietary schools, and other providers may be approved by the Board provided the course provider submits the course outline, course objectives, and instructor qualifications for approval, and agrees to:

(a) Submit, upon request, the copy of the course examination for review;

(b) Provide completion certificates to attendees which include information regarding the number of classroom hours, successful passage of examination and the index number assigned by the Board to the courses within two weeks of completion of the courses;

(c) Permit, upon request, the Board or the Board's representative to audit the course at no cost to the Board or the Board's representative;

(d) Provide that nonmembers of the association or

organization may apply for the course without membership in the association or organization on the same terms and conditions as members of the association or organization; and

(e) Keep attendance records for a minimum of three years.

(f) Upon approval of the course, an index number shall be assigned to indicate approval. The approval shall be valid only until June 30 of the following odd-numbered year.

e. Disapproval of course providers of courses.

(1) Course providers or courses may be disapproved when:

(a) The instructor or administrators of the course provider has had any disciplinary proceeding filed or disciplinary action taken by any jurisdiction;

(b) The instructor fails to demonstrate knowledge and competency in the subject matter being taught;

(c) The course is not equivalent in content and complexity to a college or professional level course;

(d) The course does not contribute to the professional competence of participants; or

(e) Five per cent or more of the course covers nonsubstantive material such as, but not limited to personnel management, office management, or computer program courses not related to the appraisal practice.

(f) Course approval may be withdrawn for cause after notification to the course provider by the Board.

f. Education/Experience Requirements For Non-Federally Funded Real Estate Transactions as Prerequisite to Examinations.

As a prerequisite to taking the examination for licensing as a "licensed real estate appraiser, non-federally funded real estate transactions", or for renewal, an applicant shall present evidence satisfactory to the Board that he or she has successfully completed one of the set of education and experience requirements adopted by the Board as listed below:

1. Fifteen credit hours of appraisal related courses with six years experience as an appraiser; or
2. An AA in Business with fifteen credit hours of appraisal related courses and four years experience as an appraiser; or
3. A Bachelors Degree or higher with two years experience as an appraiser; and
4. That the applicant has not been convicted of a felony. Police clearance from all states where licensed or certified or presently or formerly residing shall be furnished as a condition to apply for a license or certification or renewal.

To verify appraisal experience as required in (1), (2) or (3), the applicant must submit at least one appraisal report he or she has written for each of the required years of experience

abovementioned.

The examination shall be based upon recognized appraisal standards, to be selected and administered by the Board pursuant to its rulemaking power.

f. Continuing Education

(1) The equivalent of ten (10) classroom hours of instruction in courses or seminars for each year during the period preceding the renewal is required. (For example, a two-year certification term would require twenty hours. These hours may be obtained anytime during the two-year term.)

(A) Credit for the classroom hour requirements may be obtained from the following:

- (i) Colleges or Universities;
- (ii) Community or Junior Colleges;
- (iii) Real Estate Appraisal or Real Estate Related Organizations;
- (iv) Commonwealth, state or Federal Commissions;
- (v) Proprietary School;
- (vi) Other providers approved by the state certification/licensing agency.

(B) Credit may be granted for educational offerings which cover real estate appraisal related topics such as those listed below and which are consistent with the purposes of continuing education stated in subsection (3) below.

- (i) Ad Valorem Taxation
- (ii) Arbitrations
- (iii) Business courses related to real estate appraisal
- (iv) Construction estimating
- (v) Ethics and standards of professional practice
- (vi) Land use planning, zoning and taxation
- (vii) Management, leasing, brokerage, timesharing
- (viii) Property development
- (x) Real estate appraisal (valuations/evaluations)
- (xi) Real estate financing and investment
- (xii) Real estate law
- (xiii) Real estate litigation
- (xiv) Real estate appraisal related computer applications
- (xv) Real estate securities and syndication
- (xvi) Real property exchange

(2). Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be

equivalent to obtained continuing education.

(3). The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraising.

f. Experience requirement for federally related real estate transactions.

(1) Each applicant for licensed (federally related) or certified (federally related) status shall submit notarized verification of a minimum of two years of appraisal experience obtained prior to the date of application. A year is defined as one thousand hours and may be cumulative.

(2) Acceptable appraisal experience includes but is not limited to:

- (1) Fee and staff appraisal;
- (b) Ad valorem tax appraisal;
- (c) Review appraisal;
- (d) Appraisal analysis;
- (e) Real estate counseling;
- (f) Highest and best use analysis;
- (g) Feasibility analysis/study; or
- (h) Teaching of appraisal courses.

(3) Applicants shall produce, upon request, experience documentation in the form of reports or file memoranda.

g. Reputation for honesty, truthfulness, fairness, and financial integrity. Applicants shall demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity.

h. Examination requirement. Each applicant for a license (federally related) or a certificate (federally related) shall successfully pass the appropriate examination which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation for federal related real estate transactions or an examination for non-federally related estate transactions approved by the Board.

i. Issuance of license or certificate. The CNMI appraiser license or CNMI appraiser certificate shall be issued upon the applicant meeting all appropriate requirements and shall be valid until June 30 of the odd-numbered year immediately following the issuance of the license or certificate.

j. License or certificate issued. A CNMI license or CNMI certificate shall only be issued to individuals and the license or certificate shall not be transferable.

k. Filing of current address. Every licensee or certificate holder shall provide written notice to the Board of any changes of the licensee's or certificate holder's mailing, business, or residence address within ten days of the change. Any requirements that the Board provide notice to licensed or certified

appraisers shall be deemed met if notice is sent to the address on file with the Board.

8. Transitional appraisers.

a. Requirements; scope of practice.

(1) An applicant for transitional CNMI license shall meet all requirements for licensure as a licensed appraiser except the education or experience requirement. No transitional license shall be issued to any applicant who fails to meet both the education or experience requirements.

(2) The transitional CNMI license appraiser may perform reports and advertise as a "transitional licensed appraiser."

(b) Terms of validity; application for issuance of license or certification. The validity of the transitional license shall not exceed two years and, in every case, shall expire on December 31, 1994. The transitional license shall not be renewed. All provisions of these Regulations shall be applicable to transitional licensed appraisers. Application for issuance of licensure or certification may be made at any time by the transitional licensed appraiser. The application shall apply as a new applicant.

(9) a. Application for licensure or certification. Application for licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide:

1. The applicant's full name;
2. A statement that the applicant has attained the age of

majority (18);

3. The applicant's current business or mailing address for publication, and the applicant's current residence address;
4. The applicant's social security number;
5. The applicant's employment history during the five years preceding the date of the filing of the application, with names and addresses of each employer;
6. The date and place of any conviction of felony or any crime directly related to any appraisal practice.
7. Information regarding any disciplinary proceedings or disciplinary actions taken by any jurisdiction;
8. A designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served. The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant and the authority of the Board shall remain in force as long as any liability remains outstanding;
9. A photograph of the applicant for identification purposes;
10. A statement that the applicant is a United States citizen or an alien authorized to work in the CNMI and
11. Any other information the Board may require to

investigate the applicant's qualifications for licensure or certification.

(9) b. Supporting documents required. Every applicant shall furnish the following with the application:

- (1) The appropriate fees;
- (2) Proof that the applicant has met the educational and experience requirements;
- (3) Notarized statement of experience;
- (4) Three references from lenders or other individuals who have had dealings relating to the application's appraisal assignments attesting to the applicant's experience and reputation for honesty, truthfulness, fairness, and financial integrity;
- (5) If requested, proof that the applicant is a CNMI or United States citizen or alien authorized to work in the CNMI or
- (6) If requested, appraisal reports or file memoranda.

(9) c. Responsibility of applicant to furnish information and documentation. It shall be each applicant's responsibility to furnish the information and document requested. In the event of any change of information provided, the applicant shall notify the Board in writing within thirty days of any change.

(9) d. Signing and verification of application. Every application and all references shall be signed by the applicant or the person attesting to the experience and reputation of the

applicant. All persons signing shall swear to the truth of the statements contained therein before a notary public.

(9) e. Application for CNMI State certified status from CNMI licensed status. (1) An individual holding a current CNMI appraiser license may apply for CNMI certified status upon submittal of the following:

(a) Appropriate fees;

(b) Proof that the applicant has performed one thousand hours of nonresidential appraisal work; and

(c) Proof of ninety additional classroom hours (total 165 hours).

(2) The experience and education submitted shall not be credited if the education and experience was previously credited when the appraiser first applied for license.

The classroom hours shall be in addition to any continuing education hours credited for renewal of the license.

f. Criminal conviction. When an applicant has been convicted of felony or a crime related to the appraisal profession the Board may request the following documents from the applicant:

Copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict of the court with regard to that conviction, the sentence imposed, and the actual terms of the sentence.

16. Date for filing. All licensees and certificate holders

shall complete and submit a renewal application together with the required fees, and proof of the required completed continuing education hours on or before June 30 of the odd-numbered year. A completed renewal application with the required documents sent by United States mail shall be considered timely filed if the envelope bears a postmark no later than June 30 of the odd-numbered year.

17. Automatic forfeiture for failure to renew. The failure to timely renew the license or certificate, pay the applicable fees, submit the required continuing education hours, or paying fees with a check which is dishonored upon first deposit shall cause the license or certificate to be automatically forfeited.

18. Restoration of forfeited license or certificate. (a) A license or certificate which has been forfeited may be restored within two years after the date of forfeiture provided the applicant pays the appropriate fees including restoration fees, and submits all continuing education hours that would have been required had the licensee or certificate holder maintained licensure or certification.

(b) An individual whose license or certificate has been forfeited and who fails to restore the license or certificate as provided above, shall apply as a new applicant.

19. Board may refuse to renew or restore. (a) The Board may refuse to renew or restore a license or certificate for failure or refusal of the licensee or certificate holder:

(1) To properly complete or timely submit the renewal

application form and submit all fees and required documentation;

- (2) To maintain a good reputation for honesty, truthfulness, fairness, and financial integrity;
- (3) To meet and maintain the conditions and requirements necessary to qualify for the issuance of the license or certificate; or
- (4) To comply with these Regulations.

(b) An applicant, whose application has been refused by the Board to be renewed or restored for the above reasons may file for an administrative hearing as provided by law.

21. INACTIVE STATUS

(a) A license or certificate may be placed on an inactive status upon notification to the Board by the licensee or certificate holder in writing of the effective date of inactivation and payment of an inactive fee.

(b) A licensee or certificate holder on inactive status shall be considered as unlicensed or uncertified.

(c). Requirements to reactivate. (1) An inactive licensee or certificate holder may apply for reactivation upon payment of all fees due and owing from the time of inactivity and proof of completion of all continuing education hours the applicant would have had to submit if the applicant had maintained licensure or certification from the date of inactivation.

(2) Failure to meet the requirements for reactivation shall

require a person desiring licensure or certification to apply as a new applicant.

22. SCOPE OF LICENSED AND CERTIFIED APPRAISERS

a. Supervision of appraiser assistants. Licensed and certified appraisers may directly supervise appraiser assistants provided:

(1) The appraiser assistant is a bona fide employee of the licensed or certified appraiser, or an employee of the same entity who employs the licensed or certified appraiser; and

(2) The licensed or certified appraiser signs the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the USPAP.

b. CNMI licensed appraiser. (1) A CNMI licensed appraiser, federally related real estate transactions is licensed to perform:

(a) Appraisals of noncomplex one-to-four family residential property for transactions with a value up to \$1,000,000;

(b) Other appraisals rendered in connection with any federally-related transaction having a transaction value up to, but not including, \$250,000; and

(c) Appraisals of rural properties where the rural property is a one-to-four family residential property where production of agricultural income is not significant or is primarily used for recreation or other non-income producing purposes.

(d) If, during the course of an appraisal assignment of a one-to-four family residential property, market conditions, or form of ownership to be a complex one-to-four family residential property appraisal, the licensed appraiser shall inform the regulated institution or eluent for whom the appraisal is being performed that a Commonwealth certified appraiser shall either complete the assignment or sign the appraisal report.

(3) CNMI Certified appraiser. A CNMI certified appraiser federally related real estate transactions is certified to perform appraisals for all real properties.

(4) Use of terms "transitional licensed appraiser," "licensed appraiser," and "certified appraiser." (a) The terms "transitional licensed appraiser", "licensed appraiser, federally related real estate transactions", or "licensed appraiser, non-federally related real estate transactions" and "certified appraiser federally related real estate transactions" may only be used to refer to an individual who is licensed or certified, as the case may be, under these Regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any other group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed or certified.

(b) This requirement shall not be construed to prevent a licensee or certificate holder from signing an appraisal report on behalf of a corporation, partnership, association, or any other group practice if it is clear that only the individual is licensed or certified and the corporation, partnership, association, or group practice is not.

(c) No person may assume or use the title "transitional licensed appraiser," "CNMI Licensed appraiser," or "CNMI certified appraiser" as the case may be, or any title designation or abbreviation likely to create the impression of licensure or certification unless that person holds a current license or certificate hereunder.

f. Nonapplicability to real estate brokers or real estate salespersons. These regulations shall not apply to a real estate broker or salesperson, who, in the ordinary course of the real estate broker's or salesperson's business, gives an opinion as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate, provide:

- (1) The opinion as to the listing price or the purchase price shall not be referred to as an appraisal;
 - (2) No compensation, fee, or other consideration is charged for such opinion other than the normal brokerage fee rendered in connection with the sale of the property;
- or

(3) No representation is made that the real estate broker or salesperson is a certified or licensed real estate appraiser.

22. TEMPORARY RECOGNITION OF LICENSURE OR CERTIFICATION OF OUT-OF-CNMI APPRAISERS

a. Recognition of license or certificate. The Board may recognize the license or certification of an appraiser licensed or certified in another jurisdiction provide:

(a). The licensure and certification requirements in that other jurisdiction are substantially equivalent to the CNMI and provided further that:

- (1) The property to be appraised is part of a federally related transaction;
- (2) The appraiser's business is of a temporary nature; and
- (3) The appraiser applies for the temporary recognition of the license or certificate.

(b) The out of CNMI appraiser may elect to obtain licensure or certification by CNMI by filing an application.

b. Requirements for recognition. (1) Application for recognition of appraiser licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide items abovementioned.

(2) in addition, the application shall:

- (a) Submit evidence of current licensure or certification by that other state;
- (b) Submit a copy of the contract for appraisal services that

requires the applicant to appraise real estate in this jurisdiction and certify that such contract is in full force and effect;

- (c) Certify that disciplinary proceedings are not pending against the applicant in any jurisdiction;
 - (d) Agree, in writing, to conform with all the provisions of these Regulations; and
 - (e) File a designation in writing which appoints the Board to act as the appraiser's licensed agent upon whom all judicial and other process or legal notices directed to the appraiser may be served. The appraiser shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the appraiser and that the authority of the Board shall continue in force as long as any liability of the appraiser remains outstanding in this jurisdiction.
- c. Board may refuse to recognize. The Board may refuse to recognize licensure or certification for reasons hereunder; if the applicant fails to submit appropriate fees, within sixty days of notification to do so; or fails to meet equivalent qualifications or requirements for appraiser licensure or certification of this jurisdiction.
- d. Term of recognition; renewal. (1) Recognition shall remain in force as long as the license or certificate is

current in the other jurisdiction; provided however, that any new contracts for appraisal assignments shall be filed with the Board.

(2) The appraiser shall file with the Board evidence of renewal of licensure or certification in the other jurisdiction; within two months of renewal.

e. Withdrawal of recognition. Recognition of the licensure and certification may be withdrawn after hearing pursuant to law and these Regulations if the recognized appraiser is found to have violated the provisions of this law and/or these Regulations or if the appraiser's license or certificate is disciplined, revoke, suspended, or forfeited in the other jurisdiction.

23. APPRAISAL STANDARDS

a. Appraisal standards. (1) All appraisals shall, at a minimum:

- (a) Conform to the current uniform standards of professional appraisal practice (USPAP);
- (b) If appropriate, disclose any steps taken to comply with the competency provision of the USPAP;
- (c) Be based upon the definition of market value as defined in these Regulations;
- (d) Be written and be sufficiently descriptive to enable the reader to ascertain the estimated market value and the

rationale for the estimate; and provide detail and depth of analysis that reflect the complexity of the real estate appraised which can be readily understood by a third party;

- (e) Analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following minimum time periods:
 - (1) For one-to-four family residential property, one year preceding the date when the appraisal was prepared; or
 - (2) For all other property, three years preceding the date when the appraisal was prepared;
- (f) Analyze and report data on current rents and current vacancies for the subject property if it is and will continue to be income-producing;
- (g) Analyze and report a reasonable marketing period for the subject property and disclose the assumptions used;
- (h) Analyze and report on current market conditions and trends such as, but not limited to increasing vacancy rates, greater use of rent concessions, or declining sales prices that will affect projected income or the absorption period, to the extent they affect the value of the subject property;
- (i) Analyze and report appropriate deductions and discounts for any proposed construction, or any completed

properties that are partially leased or leased at other than market rents as of the date of the appraisal, or any tract developments with unsold units;

- (j) Include in the certification required by the USPAP, an additional statement that the appraisal assignment was not conditioned upon the appraisal producing a specific value or a value within a given range or on whether a loan application is approved;
- (k) Contain sufficient supporting documentation with all pertinent information reported including acceptance or rejection of a third party study and its impact on value so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a final conclusion will enable the reader to understand the reasonableness of the conclusion;
- (l) Include a legal description in addition to, and not in lieu of, the description required in the USPAP of the real estate being appraised;
- (m) Identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of market value; and
- (n) Follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to

market value, reconciles those approaches, and explains the elimination of each approach not used.

(3) If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal report.

(4) An appraiser shall perform all appraisals, review, or consulting service with impartiality, objectivity, and independence, without any direct or indirect interest in the property.

(5) Signature on appraisal reports. (a) If an appraisal report is prepared and signed by CNMI licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI licensed appraiser" and the appraiser's license number and expiration date.

(b) If an appraisal report is prepared and signed by a CNMI certified appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI certified appraiser" and the appraiser's certificate number and expiration date.

(c) Appraisal reports prepared by appraiser assistants shall be approved and signed by the licensed or certified appraiser.

24. RECORDS AND APPRAISAL REPORT RETENTION REQUIREMENT

a. Records and appraisal report retention requirement. (a) Every licensed or certified appraiser shall retain originals or true copies of appraisal contracts, appraisals, and all supporting data and documents for a period of five years.

(b) The five-year period shall commence upon date of delivery of the appraisal report to the client provided that if the appraiser is notified that the appraiser or appraisal report is involved in litigation, the five-year period shall commence upon the date of the final disposition of the litigation.

(c) The appraiser shall make all records available, upon request, to the Board or the Board authorized delegate.

25. ADVERTISING PRACTICES

a. Advertising practices. A license or certificate holder advertising through any media shall be identified as a CNMI licensed, transitional CNMI licensed, or CNMI certified appraiser by listing the appropriate designated licensed or certified status and the appraiser's license or certificate number. For purposes of this section, "media" includes, but is not limited to newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

26. DISCIPLINARY SANCTIONS

a. Disciplinary action. (1) The Board may order one or more of the following remedies as appropriate relief:

- (a) Refunding the money paid as fees for services;
- (b) Correcting the work done in providing services;
- (c) Revoking the license or certificate;
- (d) Suspending the license or certificate;
- (e) Imposing a fines; and

(f) Any other reasonable means to secure relief as determined by the Board.

(g) In addition, the Board may also impose conditions or limitations upon a license or certificate after a hearing conducted in accordance with applicable law and regulation. The violation of any condition or limitation on a license or certificate may be cause to impose additional sanctions against the appraiser. Any fine imposed by the Board after a hearing shall be no less than \$100 each violation, and each day of violation may be deemed a separate violation.

c. Hearings. Any proceeding before the Board to take disciplinary action or other sanctions against a licensed or certified appraiser shall be conducted in accordance with applicable law and regulation.

d. Grounds for revocation, suspension, refusal to renew or restore, denial, or conditioning of licenses or certificates. nI addition to any other acts or conditions provided by law, the Board may revoke, suspend, refuse to renew or restore, deny, or condition in any manner, any license or certificate for any one or more of the following acts or conditions:

- (1) Procuring a license or certificate through fraud, misrepresentation, or deceit;
- (2) Failing to meet or maintain the requirements or conditions necessary to qualify for licensure or certification;

- (3) Acting negligently or incompetently or failing without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;
- (4) Failing to comply with the uniform standards of professional appraisal practice;
- (5) Performing, for any valuable consideration, an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;
- (6) Conviction of, or pleading nolo contendere to any felony or any crime that is substantially related to the qualification, functions, or duties of an appraiser;
- (7) Entrance against the appraiser of a civil or criminal judgment on grounds of fraud, misrepresentation, or deceit in the development or communication of an appraisal;
- (8) Committing any act or omission in the practice of real estate appraising which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the appraiser or another person or with the intent to substantially injure another person;

- (9) Accepting an appraisal assignment if the employment or fee is contingent upon;
 - (A) The appraiser reporting a predetermined estimate, valuation, analysis, or opinion; or
 - (B) The consequences resulting from the appraisal assignment.
- (10) Engaging in the business of real estate appraising under an assumed or fictitious name not properly registered;
- (11) Paying a finders fee or a referral fee to a person who is not a licensed or certified appraiser in this jurisdiction in connection with appraisal of real estate or really property in this jurisdiction.
- (12) Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;
- (13) Aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these Regulations;
- (14) Violating any conditions or limitations upon which the license or certificate was issued;
- (15) Failing to report to the Board, in writing, any disciplinary decision issued against the licensee or certificate holder in another jurisdiction; and
- (16) Violating the provisions these Regulations or any order of the Board.

e. Restoration of suspended license or certificate. A person whose license or certificate has been suspended may apply for restoration of the license or certificate upon complete compliance with any term or condition imposed by the order of suspension. The application for restoration shall be accompanied by the appropriate fees, application, completed continuing education hours, and any other documents required.

f. Revoked license or certificate. Upon the expiration of at least two years from the effective date of the revocation of the license or certificate, a person may apply for a new license or certificate by filing an application and complying with all current requirements for new applicants.

g. Relinquishment no bar to jurisdiction. The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license or certificate by an appraiser shall not bar jurisdiction by the Board to proceed with any investigation, action, or proceeding against the appraiser to revoke, suspend, condition, or limit the appraiser's license or certificate.

h. Judicial review. Any person aggrieved by a final decision and order of the Board in a contested case is entitled to judicial review thereof according to law.

27. **UNAUTHORIZED PRACTICE AS AN APPRAISER**

a. No compensation for unauthorized activity; civil action.

The failure of any person to maintain a current and valid

license or certificate prior to engaging in any activity requiring licensure or certification by the Board shall prevent such person from recovering in a civil action for work or services performed on a contract or on any legal basis to recover the reasonable value thereof.

b. Sanctions for unauthorized activity; fines; injunctive relief; damages. (a) Any licensee or certificate holder aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these Regulations or knowingly combining or conspiring with an unlicensed or uncertified person, or acting as agent, partner, associate, or otherwise, of an unlicensed or uncertified person with the intent to evade these Regulations may be fined up to \$1,000 for each violation.

(c) The Board may maintain a suit to enjoin the performance or the continuance of an act or acts by a person acting without a license or certificate where a license or certificate is required by law or these Regulations and if injured thereby, for the recovery of damages. The Board may also seek the imposition of fines provided by subsection (a) above.

28. PUBLICATION OF ROSTER

Publication of roster. The Board shall prepare annually, a roster showing the name and place of business of each individual holding a license as a CNMI licensed appraiser, or transitional CNMI licensed appraiser, or a certificate as a CNMI certified appraiser. The roster shall be sent to the Appraisal Subcommittee

by January 15 of each year.

29. FEES

a. Fees established. The fees for licensure or certification shall be as follows:

- (1) Application fee \$100
- (2) License or certificate fee \$100
- (3) Annual registry fee to be transmitted to
the Federal Financial Institutions
Examination Council (FFIEC) \$25
- (4) Renewal fee \$50
- (5) Inactive fee \$20
- (6) Reactivation fee \$20
- (7) Restoration fee \$20
- (8) Examination fee shall be as provided by
contract with a professional testing
organization
- (10) Application fee for recognition of license
or certificate \$25

(b) The application fees shall be nonrefundable.

(c) The annual registry fee may be increased if the Appraisal Subcommittee or the Federal Financial Institutions Examination Council so informs the Board of the increase, and may be imposed on licensees or certificate holders without hearing. Failure to pay any increase of the annual registry fee within sixty days of notification to do so shall result in automatic forfeiture of the

license.

d. Form of fee. The fees, if in the form of a money order or check, shall be made payable to the Board.

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

f. Fees deposited; transmittal to the Federal Financial Institutions Examination Council. (1) All fees, except for special fund fees and the annual registry fees shall be deposited in the general fund of the CNMI.

(2) The annual registry fees shall be transmitted by the Board to the Federal Financial Institutions Examination Council annually."



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897

RULE FOR RECONSIDERATION OF DISAPPROVAL OF APPLICATION

The Board of Professional Licensing hereby gives notice to the public of the adoption of the Rule for Reconsideration of Disapproval of Application.

Copies of this rule are available at the Office of the Board of Professional Licensing, 2nd Floor, Design Florist Building, San Jose, Saipan MP 96950.

This said rule takes effect ten (10) days after this publication in the Commonwealth Register.

Dated this 7th of October, 1991.

Juan Q. Inos, Chairman



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897/6040

AREKLAMENTO PARA INAGONKONSIDERASION APLIKASION
SIHA NI MANMADISAPRUEBA

I Board of Professional Lincensing ginen este ha nana'i nutisia i pupbliku put i ma adapta-ña i areklamento para inagonkonsiderasion aplikasion siha ni manmadisaprueba.

Guaha kopia siha put este na areklamento ya siña manmachuchule' ginen i ofisinan i Board of Professional Licensing, gi 2nd Floor, Design Florist Building, giya San Jose, Saipan, MP 96950.

Este na areklamento para u efektibu dies (10) dias despues di ma pupblika este na nutisia gi halom Rehistran Commonwealth.

Ma fecha este gi mina' 7th na dia gi Oktobre, 1991.

Juan Q. Inos, Chairman



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897/6040

ALLÉGH REEL RECONSIDERATION ME ASEFÁÁLIL APPLICATION

Schóol Board of Professional Licensing ekke arongaar towlap reel igha a fféer allégh reel Reconsideration me ngáre asefáál application.

Kkoopiyal allégh kkaal nge eyoor llól Bwulasiyool Board of Professional Licensing, 2nd floor, Design Florist Building, San Jose, Saipan MP 96950.

Ebwe aléghéghéló allégh kkaal seigh (10) rál sáangi igha e toowow mellól Commonwealth Register.

E fféer llól ráalil ye 7th Oktubre, 1991.

Juan Q. Inos, Chairman

RULE FOR RECONSIDERATION OF DISAPPROAL OF APPLICATION

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

1. 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 forty-five (45) days of the date of the notice of disapproval.

2. 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:

- a. Mistake of fact or law;
- b. 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;
- c. Any other evidence or reason justifying a petition for reconsideration.

3. Only one petition for reconsideration shall be accepted by the Board.

4. 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.

BOARD OF EDUCATION

NOTICE OF PROPOSED POLICIES

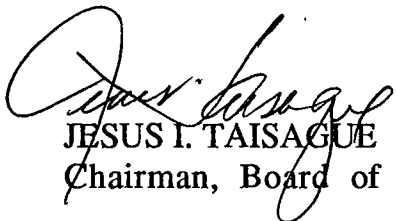
The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain new and amended policies. The proposed policies, which would have the force and effect of law, are promulgated pursuant to the authority provided by the Education Act of 1988 and the Administrative Procedures Act.

The policies involve the following subject areas:

- | | | |
|------------|-------------|--|
| 1. Amended | Policy 403 | Daily School Sessions |
| 2. New | Policy 415 | Home Study |
| 3. Amended | Policy 609 | Daily Operational Discipline Guidelines |
| 4. Amended | Policy 901 | Operation of Buildings & Grounds |
| 5. Amended | Policy 1003 | Non-employment Contracts &
Personal Service Contracts |

The text of the proposed policies are published following this notice. Anyone interested in commenting on the proposed policies may do so by submitting comments in writing to the Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

Dated October 9, 1991.



JESUS I. TAISAGUE
Chairman, Board of Education

BOARD OF EDUCATION

NUTISIA PUT I MANMAPROPOONI SIHA NA AREKLAMENTO

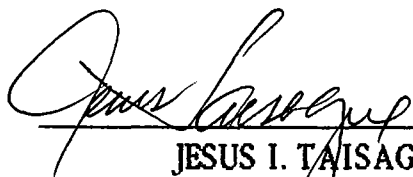
I Board of Education i Commonwealth i Sangkattan siha na Islas Mariana. ginen este ha nutisia i publiku hinerat put i entension-na umadapta nuebo yan unos kuantu siha na areklamento ni manma'amenda. I manmapropooni siha na areklamento, ni para u fanggai fuetsa komu lai, manmalaknos sigon i aturidat ni ma pribeni nu i Education Act of 1988 yan i Administrative Procedures Act.

I areklamento ni manmapropooni ha tutuka i sigente siha na suhetu:

- | | | | |
|--------------|-------------|------|---|
| 1. Ma'amenda | Areklamento | 403 | Ora siha gi Eskuela Kada Dia |
| 2. Nuebo | Areklamento | 415 | Inestudio gi Gima' |
| 3. Ma'amenda | Areklamento | 609 | Areklamenton Kondukta Kada Dia |
| 4. Ma'amenda | Areklamento | 901 | Uperasion i Kuatto yan Plasa siha |
| 5. Ma'amenda | Areklamento | 1003 | Kontratan i Ti Emplehao siha & Kontratan Setbision Petsonat |

I sostansian i manmapropooni siha na areklamento siempre u fanmapublika despues di este na nutisia. Todu enteresante siha na petsona manmama'tinas komento put i manmapropooni na areklamento siña mana'halom tinige' siha guato gi Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 gi halom trenta dias despues di fecha ni ma publika este na nutisia gi halom i Rehistran Commonwealth.

Ma fecha gi Oktobre 9, 1991.



JESUS I. TAISAGUE
Chairman, Board of Education

BOARD OF EDUCATION

ARONGORONG REEL FFÉÉRÚL POLICIES

Schóól Board of Education, mellól Commonwealth of the Northern Mariana Islands, rekke arongaar towap igha rekke mángiyy bwe rebwe fféer me ngáre adapta policy kka e ffé me liwilil akkáaw. Policies kka rebwe féerúl nge ebwe weewe schagh mamaawal me allégh reel ngáre rebwe tabweey bwángil me ailéewal mille Education Act of 1988 me iye Administrative Procedures Act.

Policies kka re adaptááilil nge ikka elo faal:

- | | | |
|--------------|--------------------|---|
| 1. E Iliiwel | <u>Policy 403</u> | Session-ul gakko alongal rál |
| 2. E ffé | <u>Policy 415</u> | Estudiyaal llól iimw |
| 3. E Iliiwel | <u>Policy 609</u> | Daily Operational Discipline Guidelines |
| 4. E Iliiwel | <u>Policy 901</u> | Aghatchúl imwal gakko me lúghúl |
| 5. E Iliiwel | <u>Policy 1003</u> | <u>Non-employment Contracts</u> me
<u>Personal Service Contracts</u> . |

Tilighiyyal policies kkaal nge iye ebwe toowow mwiril yaal toowow arongorong yeel. Aramas ye e tipáli bwe ebwe atoolong meta mángemángil reel policies kkaal, nge emmwel schagh bwe ebwe ischiitiw nge aa afanga ngáli Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 llól eliigh (30) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.

E fféer llól rááilil ye Oktubre 9, 1991


JESUS I TAISAGUE
Chairman, Board of Education

PROPOSED AMENDMENT TO BOARD POLICY

POLICY 403 DAILY SCHOOL SESSIONS

403.1 The Board recognizes the need for students to acquire basic skills and that the business of the schools is to equip all children with the knowledge, values, attitudes, and skills which will lay the basis for learning now and into the future. This means giving highest priority to developing skills in reading, writing, speaking, listening and solving numerical problems.

403.2 The Board recognizes that children need more than literacy, therefore, the schools need to give them opportunities to develop their capacities for thinking, working, creation, and gaining satisfaction out of life, each in their own way. To meet these Board goals, the Commissioner shall recommend, and the Board shall approve daily school sessions for all grades and schools in the System.

403.3 Minimum Daily School Sessions

Elementary School (Grades K-6)	Three hundred sixty (360) <u>Three Hundred (300)</u> instructional minutes.
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Jr. High School (Grades 7-8)	Four hundred five (405) <u>Three hundred (300)</u> instructional minutes.
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High School (Grades 9-12)	Four hundred ten (410) <u>Three hundred (300)</u> instructional minutes.
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"Instructional Minutes" is defined as actual minutes of instruction exclusive of recess, passing time, activity periods, and lunch periods.

403.4 School Activities

School activities not reflected on the approved school calendar shall not be conducted without the approval of the Commissioner of Education.

POLICY 415 HOME STUDY

The Board of Education hereby recognize a program of study at the Home. The Commissioner is responsible for ensuring that all requirements and procedures are followed in granting an exemption to the compulsory school attendance requirement, pursuant to 3 CMC Sec. 1141 (Pub. L. No 6-10, Sec. 1540).

415.1 Justification

Parents or legal guardians provide the Commissioner compelling evidence that justifies a Home Study Program.

415.2 Application

An application for home study shall be submitted to the Commissioner at least sixty (60) days prior to the beginning of a school year. No one will be excused from non attendance at a public or chartered private school until a waiver has been granted by the Commissioner. The following must accompany the application.

- (a) Name, address, and telephone of parents and student or tutor.
- (b) Justification for the Home Study.
- (c) Auspices under which the Home Study will operate and curriculum will be taught.
- (d) Description and qualifications of parent-instructor or tutor and, for any hired tutor, policy clearance for the past three (3) years.
- (e) Dates and hours of instruction.
- (f) Negative active tuberculosis records for any hired tutor.
- (g) Any other pertinent and necessary information as requested by the Commissioner.

415.3 Application Processing

The Commissioner will take action on the application not more than three (3) months from the date of receipt of a complete application. All applicable curricular and other standards of the Board shall be met and any investigation conducted in the review of the application shall be completed before a decision is officially rendered.

415.4 Limitations

A waiver is granted for a Home Study based on meeting certain requirements. Parents or guardians must report in writing to the Commissioner any changes in the Home Study within five (5) days.

The term of a Home Study is for one school year. The Commissioner may, however, suspend or revoke the waiver if the holder violates the terms of the application or this policy.

415.5 Home Study Records

A chartered Home Study program shall keep adequate records for the student containing personal data, attendance, goals and such information as required by the Commissioner. Student records of courses taken shall be transferred at the end of the school year to a school where the student would otherwise be attending and shall be kept on file there for at least five (5) years.

415.6 Reports

The parents shall submit to the Commissioner monthly, quarterly, and annual reports on the progress of the program.

415.7 Other Requirements

A chartered Home Study Program shall provide 300 minutes of secular instruction daily. It shall be in operation for 180 days instructional days in a year.

Mentors of a Home Study Program shall meet the qualifications stipulated by Board policies.

The PSS shall monitor Home Study Program to ensure compliance with its application and this policy.

415.8 Revocation of Waiver

Failure to comply and maintain the standards and conditions required by the Commission and this policy shall be considered reason for suspension or revocation of the waiver.

415.9 Duty to Cooperate and Provide Information

Parents or guardians, including mentors of any Home Study students shall cooperate, provide information and access, and assist the Commissioner in any inquiry or investigation conducted regarding application, monitoring, and related matters. Failure to cooperate constitutes reason for disapproval of an application or suspension or revocation of a waiver.

POLICY 609 DAILY OPERATIONAL DISCIPLINE GUIDELINES

- 609.1 The daily classroom discipline procedures are based on the philosophy that teachers should take the first steps to resolve minor classroom problems. Teachers are therefore responsible for documenting both the problems and steps taken to resolve them. Students should be referred to the office only after three unsuccessful documented attempts to resolve minor problems. The procedures of Policy 610 must be followed to effect a suspension or expulsion. *
- 609.2 Major classroom problems are to be referred to the office immediately.
- 609.3 The general guidelines for procedures to be followed for violations that do not warrant immediate suspensions are as follows:

CAMPUS PROBLEMS

MINOR OFFENSES: (e.g., gum chewing, sleeping and failure to participate in class activities when assigned, dirty looks, smart aleck answers, harassing others, tardiness, etc.)

First Three Offenses - Each instance of misbehavior and the attempts made by the teacher to deal with the offense is documented.

Fourth Offense - The student is referred to the counselor for counseling.

Fifth Offense - A parent conference is requested.

Subsequent Offenses - Referral to the administration.

MAJOR OFFENSES: (e.g., outright refusal to obey teacher, unexcused absences, insubordination, obscene gestures, swearing or obscene language with abusive intent, defacing property, leaving class without permission, theft, behavior which totally disrupts classes, etc.)

First & Subsequent Offenses - Immediate referral to administration.

ACTION TAKEN BY ADMIN: Minor & Major Offenses

First Referral - Mandatory conference with administration and student. The student's parent(s) and teacher may be required to attend this conference at the discretion of the administrator. Student will either be returned to class and/or given work assignments as determined by the administration with teacher input. Parents that are required to attend this conference must comply with the administrator's request for meeting or the student may be withheld from attending school.

Second Referral

- Mandatory counseling.
- The student may be suspended for 3 days in accordance with Policy 610, or be given work and/or study detail as determined by the administrator.
- Mandatory parent conference. (The provisions given above relative to the parent not attending the conference also apply here.)

Subsequent Referrals

- Mandatory counseling.
- The student may be either suspended or expelled, in accordance with Policy 610.

Note on Suspensions

- Should the parent(s) and student fail to come to school for this conference during the suspension period, the student incurs an unexcused absence for every day they fail to come to school after the suspension period is over. Parents who do not attend the conference within suspension period are to be notified that their failure to do so may be contributing to their child's truancy inclusive of having the attendance office contact the parent(s) if deemed necessary.

609.4 Exceptions

In the event of a serious criminal act committed by a student, the principal may suspend, or the Commissioner may expel, the student immediately without following the above procedures.

609.5 The above procedures are general guidelines only and may be modified, but Policy 610 must be followed. 7

609.6 School Bus Riders Rules & Discipline Procedures

Every student has the duty to:

- (a) Leave home early enough to arrive at your school bus station on time.
- (b) Wait for your school bus in a safe place and remain there quietly. Stay well off the roadway.
- (c) Enter your school bus in an orderly manner and take your seat. Remain quiet.
- (d) Follow all instructions of your school bus driver. He is in charge at all times.
- (e) Remain seated at all times while your school bus is in motion.
- (f) Help to keep your school bus clean and in good condition.
- (g) You and/or your parent(s) are responsible to pay for damages or destruction you make to the bus or to the property of others.
- (h) Keep your head, arms and other parts of your body inside your school bus at all times.
- (i) Be courteous to your school bus driver, conductor and fellow passengers.
- (j) Be alert for traffic when leaving the school bus.
- (k) Not carry tools or equipment to or from school unless turned over to the school bus driver to be returned when disembarking.
- (l) Learn emergency drill procedures and follow them at all times.
- (m) Not eat, drink, or chew gum while inside your school bus.
- (n) Turn over instruments, such as radio, cassette recorder, guitar, ukelele, etc., to the school bus driver upon entering the bus and to be returned when disembarking.
- (o) To place books, lunches, purses and other belongings directly under your seat.

609.7 General Guidelines for Drivers Responsibilities Related to Public Discipline & Suspension on School Buses

Respect: Respect for the driver by the students must be earned, not demanded! Only by having a feeling of mutual respect between driver and passengers can the driver give his best attention to the road and traffic conditions.

Expected Behavior: The first responsibility of the school bus driver, before taking a specific disciplinary action, is to be sure all students know what behavior is expected:

Step 1 FIRST OFFENSE
Written or oral reprimand by the school principal to the student(s) involved.

Step 2 SECOND OFFENSE
Immediate loss of bus privilege until a conference is held among the school principal, involved parents, the bus driver and the Bus Supervisor to resolve the problems.

Step 3 THIRD OFFENSE
Loss of bus privilege for one-to-three weeks period or longer, depending on the severity of the offense.

Suspension: If the bus driver feels that suspension for more than three (3) days is necessary, he is to check (X) SUSPENDED PENDING CONFERENCE and discuss the suspension with the Bus Supervisor. In case of property damage by a student, the student should be suspended pending a conference.

Conference: If the Bus Supervisor wishes to have a conference with the parent(s), school administrators and the driver, he (Bus Supervisor) shall contact the school immediately and make arrangements for the conference as soon as possible, at the convenience of school and parents.

Priority: The Bus Supervisor shall give high priority to scheduling conference as above.

Suspension: Suspending students from bus privileges is a last resort. It is the responsibility of the driver to use very possible means to change the student's attitude relating to misconduct on the bus, prior to suspension.

Drastic: Under emergency conditions, when the bus driver
Action: considers drastic action must be taken in the interest of safety, he can drop the offending student(s) at the nearest school or Department of Public Safety Office, after receiving confirmation that the officials of those office will communicate directly with the parents of offending student(s). The bus driver will also inform the Bus Operations of such actions. Bus Operation shall inform the school principal of the situation requiring such action, giving the present location of the student(s), the bus number and a statement of the problem.

609.8 Alternative Methods of Discipline

While counseling, corporal punishment, suspension, and expulsion are sanctioned as appropriate methods of discipline, schools are authorized to develop alternative methods of discipline consistent with the school's resources and capacity. Such alternative methods are to be approved by the Commissioner prior to their implementation.

POLICY 610 STUDENT SUSPENSION & EXPULSION

610.1 The right to attend school is a civil right, fully recognized in the courts. However, it is not an absolute right; it is one which an individual possesses until the exercise of this right becomes damaging to the rights of others. The right of one person to attend school must not place in jeopardy the opportunity of others to profit from school attendance.

610.2 Suspension is an action taken by the principal of a school which prohibits a student from attending that school for a fixed period.

The principal may suspend a student for one or more of the following reasons: (1) violation of school regulations; (2) conduct which tends materially and substantially to disrupt the right of others to an education; (3) conduct which endangers the student or other persons; (4) conduct which endangers school property; (5) conduct which is in violation of the laws of the Commonwealth; or (6) other conduct which violates any Board of Education Policy.

(a) A student may be suspended from elementary school for a period of not more than three (3) consecutive days, and not more than five (5) days in any one school quarter, unless such suspension has been reviewed and approved by the Commissioner; provided, however, that in no event may an elementary school student be suspended for more than the remainder of the then-current school year. Suspension should be avoided for students in the primary grades K, 1, 2 and 3. >

(b) A student at a school other than an elementary school whose attendance at school is mandated by law may be suspended from such school for a maximum of the duration of the current semester, or for 20 calendar days, whichever is less. A student who is not mandated by law to attend school may be suspended in excess of the foregoing limitations, up to a maximum of the remainder of the school year for just cause.

- (c) No student shall be suspended from any public school setting without documentation of reasonable attempts made to make corrective changes prior to the implementation of a suspension.
- (d) Parents or legal guardians of a student suspended for not more than three (3) consecutive days or more than five (5) days in any one school quarter may appeal to request reinstatement to the Commissioner.

610.3 Expulsion is a permanent exclusion from public school attendance. Expulsion shall be used only in severe cases, or where other means of correction have failed, or where no other reasonable alternatives are available. An expulsion may be recommended if the student is persistently guilty of conduct which warrants suspension, or if the student by means of a single action evidences behavior which is serious enough to warrant removal to protect the rights or safety of others.

Only the Commissioner may expel a student. The principal recommending expulsion shall prepare written documentation in justification of such recommendation.

The Commissioner reserves the right to exclude other students, if the expulsion is deemed in the best interest of the student or the operation of the school, i.e., student with a contagious health problem.

610.4 As an exception to these rules in the event of a serious criminal or other action committed by a student, the principal may suspend, or the Commissioner may expel the student immediately and for an unlimited period with a hearing to be held in accordance with this policy after the suspension or expulsion.

610.5 In the case of either suspension or expulsion, prior to the action being taken, the student shall be advised by the principal of the specific conduct resulting in the action; the student shall be given the opportunity to present and explain his or her conduct, and the student shall be advised of the applicable appeal procedures.

610.6 In the case of review and approval of a suspension by the principal or expulsion by the Commissioner the student, parents, or legal guardians shall be advised by the principal that they have a right to a hearing before the Commissioner. If the student, parents, or legal guardian choose to have a hearing, the principal shall provide a written notice of: the conduct resulting in the suspension or expulsion action; the proposed action; and the date, time, and place of the hearing before the Commissioner. The hearing shall be tape recorded and copies of all written materials and other evidence presented shall be made a part of the record. The student may be represented by any person of his choice, including an attorney at his parents or legal guardians expense, and may present witnesses and evidence and cross examine opposing witnesses. The rules of evidence shall not apply in the hearing but the Commissioner shall have control of the hearing. The Commissioner shall enter a decision in writing on the suspension or expulsion and, if suspension or expulsion is imposed, the decision shall state findings of fact based on the evidence presented which support the action, the length and other conditions of the suspension or expulsion, and the right of the student to appeal in writing within seven days to the Board of Education.

610.7 The Board of Education shall consider the appeal of students who have been suspended or expelled pursuant to Section 610.6 above. Appeals by the student must be made in writing within seven (7) days of the Commissioner's written decision on the suspension or expulsion. The Board shall review the suspension or expulsion SOLELY on the record of the hearing and decision of the Commissioner. The Board may permit the student and Commissioner or their respective representatives, to argue why the record justifies the reversal, modification or affirmation of the decision of the Commissioner. The Board may reverse, modify or affirm the decision of the Commissioner.

DRAFT

AMENDMENT TO POLICY 901
OPERATION OF BUILDINGS & GROUNDS

(Note: Proposed additions to existing policy are underlined.)

901.1 The Principal or administrative head of each Public School System facility is responsible for the security of all facilities under his/her jurisdiction. Incidents of burglary, vandalism or fire must be reported immediately to the Commissioner and to the police department.

The distribution and accountability of keys shall be such as to provide access to Public School System facilities as required by the assignment of employees while at the same time minimizing financial losses resulting from vandalism and theft. Employees are responsible for and are to be held accountable for the keys issued to them and for the daily security of the facilities accessible to them by the use of the keys.

Lost keys must be replaced by the employee at his/her cost. In the event that a lock must be replaced or changed due to an employee's carelessness, the employee must pay for the replacement or changing of such lock.

901.2 Use by Outside Persons and/or Agencies

No Public School System facility, equipment or property shall be used for any non-public School System activity except with the expressed approval of the principal or administrative head.

All requests for the use of public school facilities shall be made in writing on a designated form available in the principal's office to the school principal at least three days in advance of the proposed usage.

Each request must state the purpose and nature of the proposed use, and the name(s) of the responsible party. For the use of a building, the requestor must state the approximate time involved, the estimated number of people to be in attendance, and any other pertinent information requested by the principal.

An appropriate certificate of insurance must be provided as evidence of liability, comprehensive, and collision insurance for the full replacement cost of the equipment by all groups requesting the use of school buses, except where this coverage is already provided by the Board. The Public School System, Board of Education, and Commonwealth Government must be named as insured parties by endorsement to the certificate. Required liability limits shall be established by the Commissioner.

The school principal shall have the authority to grant such approval, provided no approval whatsoever shall be granted for any use which will impose on or adversely affect the school's normal operations. However, the Commissioner has the right to overrule the principal's decision if, in his opinion, it is in the best interest of the Public School System.

- 901.3 Any person or agency using a Public School System facility, equipment or property for a non-Public School System activity shall agree in writing to be responsible for any damages, losses, repairs, etc., incurred as a result of that usage. The requesting party is solely responsible for returning the facilities or equipment to its previous condition after its usage. A statement of liability shall be signed by the requesting party prior to the actual usage of the Public School System facilities or equipment in which the requesting party promises to indemnify and hold harmless the Public School System, Board of Education, and Commonwealth Government against any claims arising from the use of the facilities or equipment.

In the event a school is declared by the Governor to be a typhoon shelter, the persons occupying the school shall

be responsible for cleaning and restoring the facility to its previous condition.

Fees covering the use of facilities, busses, equipment, or property shall be promulgated by the Commissioner of Education. A \$50.00 deposit is required for the rental of such equipment or facilities fully refundable if no damages are incurred.

PROPOSED FEE'S SCHEDULE

ITEM	DAILY RATE
Classroom	\$25
Auditorium	40
The Outside Campus	20
Sedan/Pick-Up	30
School Bus	60 (plus driver's overtime)
Video Taping Equipment	50
Movie Projector	25
Overhead Project	10
Picnic Table	5
Chair	2

POLICY 1003 NON-EMPLOYMENT CONTRACTS & PERSONAL SERVICE CONTRACTS

- 1003.1 Non-employment Contracts: Contracts in excess of \$10,000 should be reviewed and approved by the Chairman of the Board in addition to the review and approval of the Commissioner of Education, the Education Fiscal Officer and the ~~Finance~~ Director official with expenditure authority for disbursement of funds. The Attorney General's signature will be required for legal sufficiency as well as that of PSS legal counsel.
- 1003.2 Personal Services Contracts: Personal Services contracts will be signed by the Commissioner of Education, the Chairman of the Board and the Education Fiscal Officer for availability of funds/justification (initials). The ~~Director of Finance~~ Director official with expenditure authority will sign for disbursement of funds; the Attorney General and PSS Legal Counsel will sign for legal sufficiency and the PSS Personnel Officer for purposes of concurring on employment benefits.
- (a) Contract applications recommended through the Commissioner,
 - (b) Commissioner present to Fiscal/Personnel Committee for screening and selection by Fiscal Committee,
 - (c) Chairman of the Board concurs and final approval.
- 1003.3 Signatories
- (a) Commissioner as requestor
 - (b) Fiscal Office for availability of funds (initials)
 - (c) Chairman of the Board for approval
 - (d) Legal Counsel and/or AG for legal sufficiency
 - (e) ~~Director of Finance~~ Director Official with expenditure authority for concurrence and disbursement of funds

NOTE: Audit clause will be included in the contract.



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897/6040

NOTICE OF PROPOSED AMENDMENTS
TO THE REGULATIONS FOR ENGINEERS, ARCHITECTS,
LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Having received no comments, the Board of Professional Licensing hereby adopts the proposed amendments to the regulations for Engineers, Architects, Land Surveyors and Landscape Architects as published in the Commonwealth Register June 15, 1991.

This amendments to the regulations for Engineers, Architects, Land Surveyors and Landscape Architects shall be binding on all persons, partnerships, corporations, associations and joint ventures providing or advertising engineering, architectural, land surveying and landscape architectural services within the jurisdiction of the Commonwealth of the Northern Marianas Islands.

This said amendments to the regulations takes effect ten (10) days after this publication in the Commonwealth Register.

Dated this 7th of October, 1991.

Juan Q. Inos,

Chairman



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897/6040

NUTISIA PUT I MANMAPROPOPNI NA AMENDASION
GI REGULASION SIHA PARA I ENGINEERS, ARCHITECTS, LAND SURVEYORS
AND LANDSCAPE ARCHITECTS

Put i taya ma risibi siha na komento, i Board of Professional Licensing ginen este ha adapta i manmapropopni na amendasion gi regulasion siha para i Engineers, Architects, Land Surveyors yan Landscape Architects komu i ma publika gi halom i Rehistran Commonwealth gi Hunio 15, 1991.

Este siha na amendasion gi regulasion siha para i Engineers, Architects, Land Surveyors yan Landscape Architects para u afekta tadu petsona, kompañeru, kotporasion, asosiasion yan dinanña' siha gi put kompania ya mapribebeni osino' manpubliblika setbesion engineering, architectural, land surveying yan landscape architectural gi halom i aturidat i Commonwealth of the Northern Mariana Islands.

I ma sangnan na amendasion gi regulasion siha para u efektibu dies (10) dias despues di este na publikasion gi halom i Rehistran Commonwealth.

Ma fecha gi este i mina 7th na dia gi Oktobre, 1991.

Juan Q. Inos, Chairman



Commonwealth of the Northern Mariana Islands

BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078

Saipan, MP 96950

Tel. No.: (670) 234-5897/6040

ARONGORONG REEL FFÉÉRÚL LLIIWEL LLÓL
ALLÉGH KKA E GHIL NGÁLIIR ENGINEER, ARCHITECTS,
LAND SURVEYORS ME LANSCAPE ARCHITECTS.

Igha esóor comments kka e atotoolong, nge schóól Board of Professional Licensing aa adaptaáli allégh kka ebwe aléghéleghéló bwe e ghil ngáliir Engineers, Architects, Land Surveyors me Landscape architects iwe aa toowow mellól Commonwealth Register maram ye June 15, 1991.

Allégh kka e ghil ngáliir Engineers, Architects, Land Surveyors me Landscape architects nge e ghil ngáliir aramas kka re féerú tappal angaang kkaal e bwal weewe schagh me partnership, corporations, associations, me joint ventures ika re ghal ayoorá advertising engineering, architectural, land surveying me landscape architectural services mellól Commonwealth of the Northern Mariana Islands.

Ebwe aléghéleghéló allégh seigh (10) rái sáangi igha e toowow mellól Commonwealth Register.

E Fféer llól ráalil ye 7th Oktubre, 1991.

Juan Q. Inos, Chairman

R E G U L A T I O N S
 of the
BOARD OF PROFESSIONAL LICENSING
 for
Engineers, Architects, Land Surveyor and Landscape Architects

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REGULATIONS
of
BOARD OF PROFESSIONAL LICENSING
for
Engineers, Architects, Land Surveyors and Landscape Architects

PART I. GENERAL PROVISIONS

- 1.1 **PURPOSE.** The purpose of adopting these rules and regulations is to clarify and implement Public Laws 1-8, 4-53 and 5-43, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served.
- 1.2 **AUTHORITY.** The Regulations of the Board of Professional Licensing are adopted herewith pursuant to authority vested in the Board under P.L. 5-43.
- 1.3 **FORCE AND EFFECT.** The Regulations of the Board and Rules of Professional Conduct adopted by the Board shall be binding upon all persons and entities registered under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding certificates or registration, certificates of authorization and temporary permits. No person except those exempted by 4 CMC 3213 and 3215 shall practice professional engineering, architecture, land surveying or landscape architecture unless registered hereunder.
- 1.4 **Rules of Order.** The latest edition of the Robert Rules of Order shall govern the normal proceedings of the Board.

PART II. DEFINITIONS.

- (A) **ABET.** The letters "ABET" shall mean Accreditation Board for Engineering and Technology.
- (B) **Approval 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 or architecture accredited by the Accreditation Board for Engineering and Technology, Inc. and the National Architectural Accreditation Board, respectively.
- (C) **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 the Accreditation Board for Engineering and Technology, Inc., or the NCEE Ad Hoc Subcommittee on Foreign Education of the International Relations Committee, the National Architectural Accreditation Board or Council of Landscape Architects Registration Boards.

- (D) ARE. The letters "ARE" shall mean Architect Registration Examination prepared by NCARB.
- (E) Architect. The term "architect" shall mean a person who has been duly registered by the Board to engage in the practice of architecture within the Commonwealth.
- (F) Base State. The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially registered or the jurisdiction to which an applicant has transferred his base state status.
- (G) Board. The term "the Board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by P.L. 1-8, Chapter 5.
- (H) Branch. The term "branch" of engineering shall mean the various subdivisions of the engineering profession, i.e. civil, structural, mechanical, electrical, marine etc.
- (I) CLARB. The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.
- (J) Certification. The term "certification" or "certify" shall mean the sealing and signing of documents prepared under the responsible charge of the individual affixing his seal and signature.
- (K) Certificate of Authorization. The term "certificate of authorization" shall mean that documents issued by the Board to a sole practitioner, partnership, corporation, association or joint venture in the name of the firm and identifies the firm as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.
- (L) Certificate of Registration. The term "certificate of registration" shall mean that document issued by the Board to an individual in his or her own name, which identifies the individual as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.
- (M) 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 and 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 and valuations and inspection of the construction of engineering structures. Engineering of

structures and buildings by a civil engineer shall be limited to 3 stories in height or 45 feet in height which ever is less in height.

- (N) Commonwealth. The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.
- (O) Consultation. The term "consultation" shall mean meetings, discussions, written and verbal messages, reports, etc., involving scientific, aesthetic and technical information, facts, and advice for purposes of planning, designing, deciding, or locating construction or alteration of structures, buildings, works, machines, processes, land areas and projects.
- (P) Consulting Engineer. The term "consulting engineer" shall mean a professional 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.
- (Q) Design. The term "design" shall mean any analysis, calculation, sketch, plan, drawing, outline, statement, 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.
- (R) 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.
- (S) Electrical Engineering. That branch of engineering which embraces studies, design and activities relating to the generation, 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.
- (T) Engineer. The term "engineer" shall mean a person as defined in 4 CMC 3211(d) who has been duly registered by the Board to engage in the practice of engineering in the Commonwealth.
- (U) Engineer-in-Training. The term "engineer-in-training" shall mean a person who has met the education or experience and character requirements as set forth herein, passed the Board's examination Part I - Engineering Fundamentals and has been duly registered by the Board.
- (V) Evaluation. The term "evaluation" shall mean careful research, examination, or inquiry to reveal, determine or estimate the value, worth, merit, effect, efficiency or practicability of planning, design, location,

construction or alteration of existing or proposed structures, buildings, works processes, land areas or projects.

- (W) **Inspection of Construction.** The term "inspection of construction" shall mean making periodic visits to the site by a registered engineer, architect, or landscape architect, as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is progressing in accordance with the contract documents.
- (X) **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.
- (Y) **Jurisdiction.** The term "jurisdiction" shall mean the state, commonwealth, territory, possession or country authorized by law to register professional engineers, architects, land surveyors or landscape architects.
- (Z) **Landscape Architect.** The term "landscape architect" shall mean a person as defined in 4 CMC 3211(e) who has been duly registered by the Board to engage in the professional practice of landscape architecture in the Commonwealth.
- (AA) **Land Surveyor.** The term "land surveyor" shall mean a person as defined in 4 CMC 3211(f) who has been duly registered by the Board to engage in the professional practice of land surveying in the Commonwealth.
- (BB) **Land Surveyor-In-Training.** The term "land surveyor-in-training shall mean a person who has met the education or experience requirement as set forth herein, and in either case has passed the Board's examination on fundamentals of land surveying and has been duly registered by the Board.
- (CC) **Lawful Experience.** The term "lawful experience" shall mean full-time experience in the appropriate professional discipline under the direct supervision of an engineer, architect, land surveyor or landscape architect registered to practice in that discipline.
- (DD) **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.
- (EE) **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.

- (FF) NAAB. The letters "NAAB" shall mean the National Architectural Accreditation Board.
- (GG) Naval Architect. 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, structural mechanics, elements of ship architecture and ship statics and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.
- (HH) NCARB. The letters "NCARB" shall mean the National Council of Architectural Registration Boards.
- (II) NCEES. The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- (JJ) Photocopy. The term "photocopy" shall mean any mechanical means of photographic reproduction.
- (KK) Planning. The term "planning" shall mean careful research, analysis, examination, calculation, inquiry, study and the formulation and execution of a statement, outline, draft, map, drawing, diagram and picture showing arrangement, scheme, schedule, program and procedure for locating, building and altering existing and proposed buildings, structures, works, machines, processes, land areas and projects.
- (LL) Practice of Architecture is defined by 4 CMC 3211 (a)(2) as follows: "A person practices "architecture" who holds himself or herself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical science."
- (MM) Practice of Engineering as defined by 4 CMC 3211 (d)(3) (A) and (B) as follows: "Practice of Engineering means any service or creative work, the adequate performance of which requires knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with the 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 and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or

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."

"A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Chapter, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is registered under this Chapter or holds himself 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."

- (NN) Practice of Landscape Architecture is defined by 4 CMC 3211 (e)(2) as follows: "A person practices "landscape architecture" who holds himself or herself out as able 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 (A) the preservation and enhancement of land uses and natural land features; (B) the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and, (C) 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. This Chapter shall not empower a landscape architect, registered under this Chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches."
- (OO) Practice of Land Surveying is defined by 4 CMC 3211(f)(2) (A) and (B) as follows: "Practice of Land Surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

Any person shall be construed to practice or offer to practice land surveying with the meaning and intent of this Chapter who engages in land surveying or who by verbal, sign, letterhead, card or in any other way represents himself to be a land surveyor or who represents himself 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."

- (PP) Professional Practice. Any person shall be construed to practice or offer to practice engineering, architecture, land surveying or landscape architecture within the meaning and intent of P.L. 4-53 who by verbal claim, sign, advertisement, letterhead, card or in any other way or through the use of some other title implies or represents himself to be professional engineer, architect, land surveyor or landscape architect or holds himself out as able to perform or who does perform any engineering, architecture, land surveying or landscape architecture service or work or any other service designated by the practitioner which is recognized as engineering, architecture, land surveying or landscape architecture.
- (QQ) Registered. Registered means having received a Certificate of Registration.
- (RR) Responsible Charge. The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying or landscape architecture work by a registered Engineer, Architect, Land Surveyor or Landscape Architect.
- (SS) Rules of Professional Conduct. The term "Rules of Professional Conduct for Professional Engineers, Architects and Land Surveyors" shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture and land surveying and landscape architecture in the Commonwealth.
- (TT) Signature. The term "signature" shall mean the reproducible original signing of ones own name. Rubber signature stamps shall not be acceptable.
- (UU) 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.
- (VV) Structural Engineering. That branch of engineering which deals with investigation, design, selection, and construction supervision of the force-resisting and load-supporting members, of structures, such as foundations 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 3 stories high must be designed by a structural engineer.

PART III. APPLICATIONS

3.1 GENERAL PROVISIONS.

- (A) Applicants for registration as an Engineer-In-Training or Land Surveyor-In-Training shall be accepted for individuals who believe they are qualified by education and/or experience, in accordance with requirements of the Laws of the Commonwealth, to sit for the Fundamentals of Engineering or Fundamentals of Land Surveying Examination.
- (B) Applications for registration 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 registered to practice their profession in the Commonwealth.

3.2 FORMS.

- (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.

3.3 INSTRUCTIONS

- (A) Information on Application forms 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 1/2 x 11 or 8 1/2 x 14, white paper shall be used.
- (B) To allow time for the Board to process the Application, receive verification of required information and order examination booklets, applications for examination must be filed with the Board at least ninety (90) days prior to the date established by the Board for the appropriate examination.
- (C) Information on the Application form must account for all time that has elapsed since the date of the applicant's first employment. If the applicant was not employed in another type of work for a period of time, that must be indicated in the applicants experience record.
- (D) Comity Registration. An applicant shall make such request in writing. File the required application and indicate that he or she has or has not attained a passing score in a written examination equivalent to NCEES, NCARB, or CLARB as set forth in these regulations. A non-refundable fee shall accompany the written request for registration.
- (E) Certificates of Registration submitted to the Board by National Council of Examiners for Engineering and Surveying, National Council of Architectural Registration Boards or the Council of Landscape Architectural Registration Boards shall be accepted in addition to the information required on the form prepared and furnished by the Board.
- (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; unretouched, full-face taken within 30 days of the date of the Application.

- (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 registration.
- (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.

3.4 **FUNDAMENTALS OF ENGINEERING EXAMINATION.** An applicant to sit for the Fundamentals of Engineering Examination and registration as an Engineer-In-Training shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.

3.5 **PRINCIPLES AND PRACTICE OF PROFESSIONAL ENGINEERING EXAMINATION.** An application to sit for the Principles and Practice of Professional Engineering Examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.

3.6 **PROFESSIONAL ARCHITECT EXAMINATION.** An application to sit for the Architect Registration Examination shall be filed no later than March 01, before examination which is regularly conducted by the Board in June or not later than Sept. 01, for the A.R.E. Division B (graphic) and C which is regularly conducted in December.

3.7 **LAND SURVEYOR-IN-TRAINING EXAMINATION.** An application to sit for the Land Surveyor-In-Training Examination shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.

3.8 **PROFESSIONAL LAND SURVEYOR EXAMINATION.** An application to sit for the land surveyor examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.

3.9 **LANDSCAPE ARCHITECT EXAMINATION.** An application to sit for the Landscape Architect Examination and registration shall be filed no later than March 01, before the examination which is regularly conducted by the Board once a year in June. The application must be accompanied by the application fee.

3.10 **RE-EXAMINATION.** An application for re-examination shall be filed no later than the following dates:

- (A) January 01, for engineering fundamentals, professional engineer, land surveyor-in-training and professional land surveyor examinations which are conducted in April, or July 01, for such examinations which are conducted in October.
- (B) March 01, for landscape architect examinations which are conducted once a year in June.
- (C) March 01, for professional architect examinations which are conducted once a year in June, and Sept. 01 for Division B (graphic) and C which are conducted once a year in December.

The application must be accompanied by the application fee. An approved applicant for re-examination is not required to pay an application fee which was previously paid.

3.11 TEMPORARY PERMIT REGISTRATION. In the case of an applicant for a temporary permit pursuant to 4 CMC 3213 (c), the application shall be accompanied by a statement setting forth the reason or reasons for the applicant's desire for registration and identify the project in which the applicant will work.

3.12 SUPPORTING DOCUMENTS

- (A) Applications for registration by comity shall include one (1) copy each of the applicant's:
 - 1) college or university diploma or a transcript of all college courses taken;
 - 2) professional registration certificate and current registration card issued by the jurisdiction where the applicant was first registered by examination or the applicant's current base state if different from the jurisdiction of first registration.

Applicants for registration as a NCEES, NCARB or CLARB Certificate holder shall be exempt from this requirement.

- (B) Applications for registration by examination shall include a certified transcript forwarded to the Board by the college or university from which the applicant graduated.

3.13 CHARACTER AND EXPERIENCE

- (A) Applicants for registration shall submit the names and current addresses of five (5) references, three of the references must be registered practitioner in the branch or profession in which registration is requested. References must be able to provide information based upon first hand knowledge of the applicants character, experience and professional qualifications.

3.14 VERIFICATION REQUIREMENTS

- (A) **CHARACTER.** 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 him or herself and the form is signed and sealed by the reference him or herself.
- (B) **EDUCATION.** The Board shall accept only a certified copy of a transcript or certificate of graduation from an approved school or college as evidence of having met the education requirement for examination.
- (C) **EXPERIENCE.** The Board shall accept detailed sealed and signed statements from duly registered practitioners of the branch or profession for which registration is sought, attesting to the term of lawful experience.
- (D) **RESPONSES.** Slow response or failure of a reference college or 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.
- (E) **BASE STATE.** In addition to the requirements set forth in (B) and (C) above, the Board shall accept only an official verification of registration forwarded by the jurisdiction when sealed with the Board seal and signed by a responsible board administrator, which issued the applicant's initial registration 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 part IX of these regulations.
- (F) **TRANSMITTAL.** Verification submitted by or passing thru the hands of the applicant shall not be accepted. Telefax transmittal of Verifications shall not be accepted unless followed by the original copy delivered to the Board as set forth in (A) 1 or 2.
- (G) **NATIONAL COUNCIL CERTIFICATES.** The applicant shall be responsible for requesting the transmittal of Council records to the Board and paying all Council fees associated with the transmittal.

3.15 FOREIGN EDUCATION AND EXPERIENCE

- (A) All foreign language documents submitted for review by the Board shall be accompanied by a certified translation in English by a competent authority.
- (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, NCARB or CLARB as appropriate.
- (C) An applicant shall be able to speak, read and write in the English language as a requirement for registration.

- (D) Foreign experience not under the direct supervision of an Architect, Landscape Architect, Engineer or Land Surveyor as defined herein shall be creditable for a maximum of 2 years experience.
- 3.16 DENIAL. In the event an application for examination, registration, temporary permit or Certificate of Authorization or for the reinstatement thereof is denied, the Board shall notify the applicant by letter of the Board's decision and shall include a concise statement of the reasons therefor.

PART IV FEES

4.1 METHOD OF PAYMENT

- (A) 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 to the Treasurer.

4.2 APPLICATION FEES

- (A) 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.

4.3 EXAMINATION FEES

- (A) The receipt issued by the Treasurer upon payment of the examination fee shall be attached to the Application when submitted to the Board Office. 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. Examination fees are non-refundable.

4.4 RENEWAL FEES

- (A) Renewal fees are due and payable before the last day of April of each even year.
- (B) Registrants whose renewal fees are received after the renewal date shall be assessed a monthly late penalty until the fee is paid or until the registration expires.

4.5 CHANGES IN FEES

- (A) Changes in the amount of a fee charged shall be by revision of the Board Regulations in accordance with Commonwealth Law.

See next page for Schedule of Fees (section 4.6)

4.6 SCHEDULE OF FEES

Application Fees

Initial Application	\$100.00
Re-consideration Application	50.00
Corporate Application	100.00
Examination Application	100.00

Examination Fees

Fundamentals of Engineering (EIT)	30.00
Principles and Practice of Engineering (PE)	60.00
Special Structural I	50.00
Special Structural II	100.00
Fundamentals of Land Surveying (FLS)	40.00
Principles and Practice of Land Surveying (PLS)	
Part I & II together	50.00
Part I or II	30.00
Part II Only	30.00
CNMI Land Matters Exam	50.00

NCARB A.R.E.

Division A	40.00
Division B (graphic)	60.00
Division B (written)	25.00
Division C	90.00
Division D/F	35.00
Division E	20.00
Division G	40.00
Division H	40.00
Division I	40.00

Registration Fees

Initial Registration	150.00
Corporate	300.00
Temporary Permit	200.00

Renewal

Bi-Annual	75.00
Delinquent (each month)	25.00
Corporate	150.00
Delinquent	50.00

Reinstatement 100.00

Replacement/Duplication of Certificate 25.00

These examination fees will automatically change without notice once NCEES, NCARB or Education Testing Service (ETS) raise fees.

PART V. REGISTRATION REQUIREMENTS

- 5.1 **CHARACTER AND REPUTATION.** An applicant shall be of good moral and ethical character and reputation.
- 5.2 **ENGINEER-IN-TRAINING.** An applicant for registration as an Engineer-In-Training, shall take and pass the Fundamentals of Engineering Examination and shall:
- (A) Be a graduate of an approved school or college of engineering; or,
 - (B) Be a graduate of a four year non approved engineering, related sciences or engineering technology program and have four (4) years of full-time lawful experience; or,
 - (C) Have not less than eight (8) years of full-time lawful experience in engineering.
- 5.3 **LAND SURVEYOR-IN-TRAINING.** An applicant for registration as a Land Surveyor-In-Training shall take and pass the Fundamentals of Land Surveying Examination and shall:
- 1) Have a bachelor's degree in a four year geo-science, civil engineering or general engineering curriculum from an approved school or college; or
 - 2) Have an associate degree in a two year civil engineering technology (survey option) curriculum from an approved community or technical college and also have not less than four (4) years of full-time lawful experience in land surveying; or
 - 3) Have not less than eight (8) years of full-time lawful experience in land surveying.
- 5.4 **Qualification for Registration.** The qualification for registration is defined by 4 CMC 3216 as amended as follows:
- (a) "No person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect unless:
 - (1) Such person is the holder of an unexpired certificate of registration issued to him by any jurisdiction, domestic or foreign, in which the requirements for registration at the time such person was first registered were of a standard satisfactory to the Board; Provided, that such person shall successfully pass a written or oral examination, or both, prescribed by the board and designed to test his or her knowledge of laws and regulations of the Commonwealth for the profession for which registration is desired; or
 - (2) Such person is a graduate of a school or college approved by the Board as of satisfactory standing, and has completed an engineering or landscape architectural curriculum of four years or more, all as the case may be; and also has had four years of full-time lawful experience in engineering or landscape architecture

work, as the case may be, of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both prescribed by the board and designed to test such person's knowledge, skill and competency in the profession for which registration is desired; or

- (3) Such person has had twelve years of full-time lawful experience in engineering or landscape architecture work as the case may be, of a character satisfactory to the Board, or part-time experience which the Board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the board and designed to test such person's knowledge, skill, and competency in the profession for which registration is desired; or
- (4) (A) Such person holds a masters degree in architecture from an approved institution of higher education with training and education in the field of architecture adequate to the satisfaction of the Board; and has also had one year of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or

(B) Such person holds a bachelors degree in architecture from a school or college approved by the Board as of satisfactory standing, and has completed an architectural curriculum of five years; and has also had two years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (5) Such person is a graduate of a school or college approved school by the Board as of satisfactory standing and has completed a pre-architecture or arts and science curriculum of four years or more; and has also had five years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (6) Such person has had 12 years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or

- (7) Such person is a graduate of a school or college approved by the Board as of satisfactory standing, and has completed a geoscience, civil engineering or general engineering curriculum of four years or more; and has also had four years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competence in the profession of land surveying; or
- (8) Such person is a graduate of a community college approved by the Board as of satisfactory standing, and has completed a civil engineering technology (survey option) curriculum of two years or more; and has also had eight years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or
- (9) Such person has had 12 years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or
- (10) Such person was a Registered Land Surveyor under Title 31 of the Trust Territory Code as of December 31, 1979; and applies for registration as a land surveyor under this Chapter by June 30, 1985; or
 - (a) Such person meets all of the qualifications for registration as a Professional Engineer, Architect, or Landscape Architect under any of subsections (1) through (7) of this Section, other than the passage of an examination prescribed by the Board; and has been a domiciliary of and practiced such profession in the Commonwealth for at least four years up to and including December 31, 1985; and who applies for registration under this Act December 31, 1990.
 - (b) In addition to the foregoing requirements, the Board, may, in its discretion, require additional proof that the applicant is competent to practice professionally, and whenever the Board is not fully satisfied from the results of an examination that an applicant is competent to practice professionally, it may give the applicant a further examination or examinations.
 - (c) Except as provided in the Commonwealth Constitution, Schedule on Transitional Matters, no person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect who is not of good character and reputation. Notwithstanding any other provision of this Section 3216, no person shall be eligible for registration as an

engineer under the provisions of subsection (2) or (3) of this Section unless such person shall first have passed a written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in engineering fundamentals.

(d) No person shall be eligible for registration as a structural engineer unless such person shall first have been registered as civil engineer.

5.5 **INTERVIEW.** An applicant for examination shall appear before the Board for a personal interview.

5.6 **COMITY.** No person shall be eligible for a certificate of registration pursuant to 4 CMC 3109 unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same profession or branch.

5.7 **TEMPORARY PERMIT.** No person shall be eligible for a certificate of registration pursuant to 4 CMC 3213 (c) unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same branch or discipline.

5.8 **LAND MATTERS.** Applicants for comity registration as a Land Surveyor shall be required to pass an examination testing such person's knowledge of CNMI land matters when such examination is in existence.

5.9 **EXEMPTIONS.** Persons practicing professional engineering, architecture, land surveying and landscape architecture shall be exempted for registration pursuant to 4 CMC 3213, who are defined as follows:

(a) "Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the United States.

(b) Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the Commonwealth during the terms of office or employment of such persons.

(c) Such nonresident persons as may be granted temporary permits by the Board to practice professional engineering, architecture, land surveying or landscape architecture for a limited period. Temporary permits may be issued only to persons who present evidence satisfactory to the Board that they possess the same qualifications as are required of applicants for permanent registration, and such temporary permits may be cancelled at any time at the pleasure of the Board. The fee for each temporary permits shall be fixed by the Board by regulation."

5.10 **PUBLIC WORK.** In accordance with 4 CMC 3214 as amended, "the Commonwealth and its officers shall not engage in the construction of any public works involving professional engineering, architecture or landscape architecture for which plans, specifications and estimates have not been made and the

construction of which is not supervised by a professional engineer, architect or landscape architect duly registered or exempted hereunder, provided, that nothing in this section shall apply to any public works involving professional engineering, architecture or landscape architecture projects wherein the total aggregate contractual cost thereof does not exceed the sum of \$200,000 and the officer is a citizen or national of the United States of America or a permanent resident of the Commonwealth. All land surveys involving property boundaries for public purposes or plans thereof shall be made or supervised by a registered land surveyor or professional exempted hereunder, provided the surveyor is a citizen of the United States of America."

PART VI EDUCATION

6.1 ENGINEERING AND LAND SURVEYING

(A) The term "approved school or college" shall be interpreted by the Board to mean:

- 1) a Baccalaureate degree in a professional engineering curriculum accredited by the Accreditation Board for Engineering and Technology, Inc.;
- 2) a foreign degree in an engineering curriculum recognized by the NCEES Ad Hoc Subcommittee on Foreign Education of the International Relations Committee as a program that "would appear to have" acceptable academic qualifications; or

6.2 ARCHITECTURE

(A) The term "approved school or college" is interpreted by the Board to mean:

- 1) a Baccalaureate degree in a 5-year architecture curriculum accredited by the National Architectural Accreditation Board; or
- 2) Certificate issued by NCARB. The accreditation statement shall be based within (2) years before graduation.

6.3 LANDSCAPE ARCHITECTURE

(A) The term "approved school or college" is interpreted by the Board to mean:

- 1) a baccalaureate in a 4-year landscape architecture curriculum accredited by the Landscape Architectural Accreditation Board.

PART VII. EXPERIENCE

7.1 GENERAL PROVISIONS

- (A) 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 or CLARB member board registered Engineer, Architect, Land Surveyor or Landscape Architect.
- (B) An applicant's Application to Practice must confirm lawful experience as follows:
 - 1) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors or Landscape Architects;
 - 2) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors, Landscape Architects, Planners or Interior Designers when the experience is gained out of the profession or branch for which registration is sought; and
 - 3) Teaching above the second year level in and accredited Engineering, Architecture, Land Surveying or Landscape Architecture school or college. One year teaching shall be considered to be a total teaching load of twenty (20) semester credit hours or thirty (30) quarter credit hours.
- (C) Experience history must indicate a progressive increase in the quality and complexity of projects worked on and an increase in responsibility.
- (D) Successful completion of graduate study leading to a Master's degree in engineering following a Baccalaureate Degree in engineering is creditable for one year of experience. If a Ph.D. in engineering is completed under the same conditions, a total of two (2) 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 shall be on (1) year.
- (E) Experience as a contractor in the execution of work designed by a professional Engineer, Architect or Landscape Architect or in employment considered as supervision of construction of such work shall not be considered as creditable experience.
- (F) Only full-time work is creditable.
- (G) Experience may not be anticipated. The required experience must have been gained prior to submittal of an application for examination.
- (H) Experience may not be gained in violation of Commonwealth Law.

7.2 ENGINEERING. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified engineering experience as an employee working in the office of a registered Engineer. Credit Allowance: 100% Maximum Credit: Unlimited

An Organization will be considered to be the "office of an Engineer" if: a) the engineering practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Engineer, b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified engineering experience as an employee of an organization (other than offices of Engineers) when the experience is under the direct supervision of a registered Engineer.
Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to engineering when under the direct supervision of an Engineer but not qualifying as diversified experience or when under the direct supervision of a registered Architect, Landscape Architect or Surveyor or Planner.
Credit Allowance: 50% Maximum Credit: 6 months
- (D) Experience other than (1), (2) or (3) above, directly related to on-site building construction or experience involving physical analysis of existing structures.
Credit Allowance: 50% Maximum Credit: 6 months
- (E) Doctoral or Master's Degree in engineering, except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit: 1 year
- (F) Teaching or research in an ABET accredited engineering program.
Credit Allowance: 100% Maximum Credit: 1 year

7.3 ARCHITECTURE. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified architectural experience as an employee working in the office of a registered Architect.
Credit Allowance: 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of an Architect" if: a) the architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified architectural experience as an employee of an organization (other than offices of Architects) when the experience is under the direct supervision of a registered Architect.
Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to architecture, when under the direct supervision of an Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Landscape Architect, Planner, or Interior Designer.
Credit Allowance: 50% Maximum Credit: 6 months
- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.
Credit Allowance: 50% Maximum Credit: 6 months
- (E) Master's Degree in Architecture except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit: 1 year
- (F) Teaching or research in an NAAB accredited architecture program.
Credit Allowance: 100% Maximum Credit: 1 year

7.4 LAND SURVEYING. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified land surveying experience as an employee working in the office of a registered Land Surveyor.
Credit Allowance; 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of a Land Surveyor if:
a) the land surveying practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Land Surveyor.
- (B) Diversified land surveying experience as an employee of an organization (other than offices of Land Surveyors) when the experience is under the direct supervision of a registered Land Surveyor.
Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to land surveying, when under the direct supervision of a Land Surveyor but not qualifying as diversified experience or when under the direct supervision of a registered Civil Engineer or Planner.
Credit Allowance: 50% Maximum Credit: 6 months
- (D) Master's Degree in Land Surveying except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit 1 year
- (E) Teaching or research in a ABET accredited Land Surveying or Civil Engineering Program.
Credit Allowance: 100% Maximum Credit 1 year

7.5 **LANDSCAPE ARCHITECTURE.** In evaluating an applicant's experience the following will be considered:

- (A) Diversified landscape architectural experience as an employee working in the office of a registered Landscape Architect.
Credit Allowance: 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of a Landscape Architect" if: a) the landscape architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Landscape Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified landscape architectural experience as an employee of an organization (other than offices of Landscape Architects) when the experience is under the direct supervision of a registered Landscape Architect.
Credit Allowance: 100% Maximum Credit: 2 years

- (C) Experience directly related to landscape architecture, when under the direct supervision of a Landscape Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Architect, or Planner.
Credit Allowance: 50% Maximum Credit: 1 year

- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.
Credit Allowance: 50% Maximum Credit 6 months

- (E) Master's Degree in Landscape Architecture except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit: 1 year

- (F) Teaching or research in a CLARB accredited landscape architecture program.
Credit Allowance: 100% Maximum Credit: 1 year

PART VIII REFERENCES

8.1 GENERAL PROVISIONS

- (A) References shall be individuals who are personally acquainted with the applicant and are able to pass judgement on the applicant's character and reputation, ability and experience.
- (B) Relatives of the applicant may not be used as references.
- (C) No member of the Board may be used as a reference.

- (D) The applicant is responsible for providing current and correct addresses of living character and experience references and ensure that the references return the verification forms to the Board promptly.
- (E) 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.

8.2 CONFIDENTIALITY

- (A) 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.

8.3 APPLICANT'S RESPONSIBILITY

- (A) The applicant is responsible for insuring that the mailing address of each reference is current and correct.
- (B) Each applicant is responsible for assuring that the references return the completed reference form to the Board within a reasonable time. The responsibility includes education and employment records and verification of registration and examination from other jurisdictions. All required supporting documents shall be received by the Board Office prior to the Board taking any action.

8.4 EXPERIENCE

- (A) Applicants for registration shall submit at least five experience references as stated in 3.13 of these Regulations.

8.5 CHARACTER AND REPUTATION

- (A) Of the five references required for Engineer, Architect, Land Surveyor and Landscape Architect applicants, three shall be from persons who are registered to practice such profession and who have personal knowledge of the applicant's character, reputation and lawful experience in such profession.
- (B) 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.

8.6 VERIFICATION

- (A) The Board shall forward a verification form to each reference given and duly consider the responses prior to rendering a decision on the application.

PART IX EXAMINATIONS

9.1 GENERAL PROVISIONS

- (A) The application and experience record submitted by an applicant for registration 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.
- (B) The Board shall notify the applicant of the time, date and place of the examination along with any information the Board receives from NCEES, NCARB and CLARB for distribution to the examinees at least thirty (30) days prior to the examination date.
- (C) Applicant shall submit exam fee.
- (D) The applicant shall notify the Board as to whether he or she will or will not sit for the examination within ten (10) 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 three (3) days from the date of mailing.

- (E) A qualified applicant shall be given two (2) 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.
- (F) The Board shall adopt the recommendations of NCEES, NCARB and CLARB on cutoff, raw and converted 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.

9.2 ENGINEERING

- (A) Classifications. The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as an Engineer as follows:
 - (1) FE - Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants; and
 - (2) PE - Principles of Engineering Examination (8 hours) for Professional Engineers.
- (B) Waiver of Examination. The examination requirement may be waived, upon approval by the Board, for an applicant who:

- (1) Has taken and passed an examination administered by another NCEES member Board, is a registered Professional Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.
- (C) Qualification Requirements.
- (1) No applicant may sit for the FE or PE 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 registration except passage of the examination.
 - (2) An applicant for the Professional Engineer Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination.
 - (3) An applicant for registration as an Engineer-In-Training shall become eligible to sit for the Fundamentals of Engineering Examination during his or her senior year of enrollment in an engineering curriculum leading to a baccalaureate degree at an approved school or college of engineering. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college directly to the Board.
- (D) Passing Score. A grade of not less than seventy (70) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.
- (E) Examination Offerings. An applicant who fails to pass the FE or PE examinations shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

9.3 STRUCTURAL ENGINEERING

- (A) Classifications. The Board shall adopt and administer the examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as a Structural Engineer as follows:
- (1) FE - Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants;
 - (2) PE - Principles and Practice of Engineering Examination (8 hours) for Civil Engineers; and
 - (3) SE - Principles and Practice of Structural Engineering Examination (16 hours). Structural I - 8 hours and Structural II - 8 hours.
- (B) Waiver of Examination. The examination requirement may be waived, upon approval by the Board, for an applicant who:
- (1) Has taken and passed a written examination administered by another NCEES member Board, is a registered Professional

Structural Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.

(C) Qualification Requirements.

- 1) No applicant may sit for the Principles and Practice of Structural Engineering 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 registration except passage of the structural engineering examination.
- 2) An applicant for the Principles and Practice of Structural Engineering Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering and the Principles and Practice of Engineering Examination (Civil).

(D) Passing Score. Grading shall conform to current practices of NCEES.

(E) Examination Offerings. An applicant who fails to pass the Structural Examination shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

9.4 ARCHITECTURE

(A) Classifications. The Board shall adopt and administer the Architect Registration Examination (36 hours) prepared by the National Council of Architectural Registration Boards as the standard for examination of applicants for registration as Professional Architect.

(B) Qualification Requirements.

- 1) 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 registration except passage of the examination.

(C) Passing Score. Grading shall conform to current practices of NCARB. A grade of not less than seventy-five (75) shall be a passing score for any part of the examinations. Notice of results to candidates will indicate numerical scores for each part of the examination.

(D) Examination Offerings. An applicant who fails to pass part or parts of the ARE shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

9.5 LAND SURVEYING

(A) Classification. The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors as the standard for examination of applicants for registration as a Land Surveyor as follows:

- (1) FLS - Fundamentals of Land Surveying Examination (4 hours) for Land Surveyors-In-Training applicant;
 - (2) An applicant for the Professional Land Surveyor Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Land Surveying Examination.
 - (3) PLS - Principles and Practice of Land Surveying Examination (4 hours - NCEES and 4 hours - CNMI Land Matters for a total of 8 hours) for Professional Land Surveyors (if exam is in existence).
- (B) Qualification Requirements.
- (1) 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 registration except passage of the examination.
 - (2) An applicant for registration as a Land Surveyor-In-Training shall become eligible to sit for the Fundamentals of Land Surveying Examination during his or her senior year of enrollment in an engineering or land surveying curriculum leading to a baccalaureate degree at an approved school or college of engineering or land surveying. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college to the Board.
- (C) Passing Score. Grading shall conform to current practices of NCEES. A grade of not less than seventy (70) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.
- (D) Examination Offerings. An applicant who fails to pass the FLS, PLS or CNMI Land Matters examinations shall be permitted to sit for an unlimited number of successive examinations upon payment of examination fee.

9.6 LANDSCAPE ARCHITECTURE

- (A) Classification. The Board shall adopt and administer the Landscape Architect Examination prepared by the Council of Landscape Architectural Registration Boards as the standard for examination of applicants for registration as a Professional Landscape Architect.
- (B) Qualification Requirements.
- 1) No applicant may sit for the 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 registration except passage of the examination.
- (C) Passing Score. Grading shall conform to current practices of CLARB. A grade of not less than seventy-five (75) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.

- (D) Examination Offerings. An applicant who fails to pass part or parts of the examination shall be permitted to sit for an unlimited number or successive examinations upon payment of the examination fee.

9.7 EXAMINATION DATES AND LOCATIONS

- (A) Examination dates are determined by the Board based on recommendations by NCEES, NCARB and CLARB respectively. The dates for each exam are available at the Board Office.

- (B) The location of each examination is determined by the Board and is based upon the availability of acceptable examination space. Information is available from the Board Office.

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

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

9.10 EXAMINATION REFERENCE MATERIALS. Instructions prior to each examination will inform the candidates if an exam part is to be open or closed book exam.

9.11 FAILURE TO SIT FOR EXAMINATION.

- (A) A candidate who fails to sit for an examination for which he or she has been qualified by the Board shall forfeit his or her examination fee. In cases of severe illness, death in the immediate family or other unavoidable causes which the candidate can attest under oath, witnessed by a notary public, the examination fee shall not be forfeited.

- (B) Failure of a candidate to sit for an examination for which he or she has been qualified shall not be considered as a failure of the examination.

9.12 EXAMINATION RESULTS. Examination results will be reviewed by the Board and no information will be given to any applicant who has taken the examination until after the scores have been approved by the Board. The passing score on each examination will be determined by the Board. Passing scores will not be reported; however, the candidate will be advised of his score if below the passing score.

9.13 REVIEW OF EXAMINATIONS. An applicant who fails to make a passing score on a written examination may request to be allowed to review his examination paper within 30 days after notice of results of his examination has been mailed to him. The review must be done in the office of the Board under the supervision of a staff member.

9.14 EXAMINATION FOR RECORD PURPOSES

- (A) An Engineer, Architect, Land Surveyor or Landscape Architect registered by the Board may take the examination(s) in his or her profession or branch for record purposes upon payments of the examination fee.

- (B) Failure to pass an examination will in no way affect the candidates current registration.

9.15 RE-EXAMINATION.

- (A) Retaking parts failed. Applicants for Architect registration only for re-examination may retake part(s) failed at a regularly scheduled examination under Article 3.10 above.
- (B) Examinations. A candidate failing one examination may apply for re-examination which may be granted upon payment of a fee established by regulation of the board. Before re-admission to the examination, in the event of a second failure, the examinee may, at the discretion of the Board, be required to appear before the Board with evidence of having acquired the necessary additional knowledge to qualify.
- (C) ARCHITECT REGISTRATION EXAMINATION (A.R.E.)

To pass the A.R.E. an applicant must achieve a passing grade on each division. Scores from the individual divisions may NOT be averaged. The Council does not required applicants to take all divisions of the A.R.E. at their initial sitting for the examination nor that they take all previously failed divisions at any subsequent sitting for the examination. For purpose of certification, the Council permits applicants unlimited opportunities to retake divisions previously failed.
- (D) EXAMINATION RETAKES. A candidate who has failed the professional engineering, land surveying, architectural, or landscape architectural examination may retake the examination at any succeeding examination session upon written request and payment of the required fee.
- (E) EXAMINATION RETAKE ELIGIBILITY. If a candidate fails to complete the examination requirement successfully after three years and wishes to continue to seek registration, he must file a new application with required fees and indicate additional qualifications in support of his request. Once a candidate is approved to take examination, the candidate may continue to retake the examination but must reapply for each examination.

PART X CLASSIFICATIONS OF REGISTRATION

10.1 ENGINEERING

- (A) An applicant approved for registration as an Engineer shall be registered as an:
 - 1) Engineer-In-Training; or
 - 2) Professional Engineer
- (B) Professional Engineers shall be registered in one of the recognized NCEES branches of engineering.

10.2 ARCHITECTURE

- (A) An applicant approved for registration as an Architect shall be registered as a :

- 1) Professional Architect

10.3 LAND SURVEYING

(A) An applicant approved for registration as a Land Surveyor shall be registered as a:

- 1) Land Surveyor-In-Training; or
- 2) Professional Land Surveyor

10.4 LANDSCAPE ARCHITECTURE

(A) An applicant approved for registration as a Landscape Architect shall be registered as a:

- 1) Professional Landscape Architect

PART XI CERTIFICATES OF REGISTRATION

11.1 **ISSUANCE OF CERTIFICATES.** Upon completion of all the requirements for registration, the Board shall issue a Certificate of Registration to an applicant. The Certificate shall identify the applicant as an Engineer-In-Training, a Professional Engineer, Professional Architect, Land Surveyor In-Training, Professional Land Surveyor or a Professional Landscape Architect, as the case may be.

11.2 **PROHIBITED ACT.** It is expressly prohibited, and is a violation of these regulations for any registrant to use his/her registration and authorization hereunder to apply a seal or stamp of approval to any plans or work over which he/she does not have proper control or supervision. Further, no registrant may use his/her authorization hereunder for any plans or work performed by any other person or entity unless the registrant is a full time employee of such person or entity, or a partner or officer of such entity; and such acts of the registrant must be in full compliance with the terms of these regulations.

11.3 **REGISTRATION NUMBERS.** Each registrant shall be assigned a registration number at the time registration 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 the applications are approved.

11.4 **FORM.** The certificate shall be in the form required by Law, and as otherwise approved by the Board.

11.5 **ENGINEERING BRANCHES.** The Certificate of Registration for a professional engineer or engineering firm shall designate the branch in which such person or firm is registered to practice.

11.6 **DISPLAY.** Every person registered as an individual and every partnership, corporation, association and joint venture maintaining an office or other place of business for the practice of his/its profession, shall display his or its original Certificate of Registration or Certificate of Authorization or permit together with evidence of current validation in a conspicuous manner, in his or its principal office of place of business.

- 11.7 **REPLACEMENT.** Upon submittal of a request and a notarized affidavit attesting to loss, destruction or mutilation of the original certificate, a registrant in good standing will be furnished a new certificate upon payment of a replacement fee.

PART XII TEMPORARY PERMITS

12.1 GENERAL PROVISIONS

- (A) The Board may grant a Temporary Permit for a limited period to a non-resident, sole practitioner, partnership, corporation, association or joint venture who or that has no established place of business in the Commonwealth but desires to practice or offer to practice engineering, architecture, land surveying or landscape architecture in the Commonwealth.

12.2 REQUIREMENTS

- (A) No person shall be eligible for a Temporary Permit under 4 CMC 3213(c) unless such person possesses the same qualifications as are required of other applicants for certificate of registration in the same discipline or branch.
- (B) Requests for a Temporary Permit shall be submitted in writing setting forth reasons for the desired permit.
- (C) Temporary Permits issued, shall be for one project only. A Temporary Permit grants the permittee the right to practice engineering, architecture or landscape architecture for only the duration of the project identified on the permit.
- (D) A Temporary Permit may not be renewed or extended to include any other project.

PART XIII SEALS

- 13.1 **BOARD SEAL.** The official seal of the Board shall consist of a latte stone with star super imposed surrounded by the words "CNMI Board of Professional Licensing".

13.2 INDIVIDUAL SEAL

- (a) **Authorized Design.** The holder of a Certificate of Registration shall be authorized and required to use a seal or rubber stamp of the following design:

Two circles - a smaller one, 1-1/8" to 1-1/4" in diameter, with a larger one, 1-1/2" to 1-5/8 in diameter. The name of the registrant and the words "Commonwealth of the Northern Mariana Islands" shall appear in the outer annular space and the words "Registered Professional Engineer," "Registered Professional Architect," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect" together with the registrant's certificate number, shall appear in the center space.

- (b) **Required Use.** All drawings, specifications, maps, reports, surveys and descriptions prepared by or under the supervision of a registered Professional Engineer, Architect, Land Surveyor or Landscape Architect, shall be stamped with the authorized seal or stamp and authenticated as provided in PART XIV below.

PART XIV AUTHENTICATION OF DOCUMENTS

14.1 GENERAL PROVISIONS

- (A) As contained in 4 CMC 3219 the contents of certificates and use of seal are defined as follows:
 - (a) "Each certificate of registration issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the Board to practice professional engineering, architecture, land surveying, or landscape architecture."
 - (b) "In the case of a certificate issued to a person authorizing such person to practice professional engineering, the certificate shall also indicate the major branch or branches of engineering in which the person has specially qualified."
 - (c) "Every registered person may use a seal or rubber stamp of a design authorized by the Board bearing such person's name and the words "registered professional engineer", "registered architect", "registered land surveyor", or "registered landscape architect", or otherwise as may be authorized by the Board."
 - (d) "All plans, specifications, maps, and reports prepared by or under the supervision of a registered engineer, architect, surveyor, or landscape architect shall be stamped with such seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the certificate of the registrant names thereon has expired or has been revoked or suspended unless such certificate has been renewed or reissued."
 - (e) "No official of the Commonwealth who is or may hereafter be charged with the enforcement of 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 registered architect holding an unexpired certificate or with the seal of a registered engineer holding a certificate on which has been indicated that he has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this Chapter; and no map or survey prepared after the effective date of this Chapter shall

be filed with any official of the Commonwealth unless stamped with the seal of a registered land surveyor."

- (B) The seal and signature of the responsible registrant shall be placed on all complete drawings, specifications, maps, reports, surveys, plans, designs and calculations whenever presented to a client or any public or government agency to certify that the work thereon was done by the registrant or under his or her direct supervision.
- (C) The registrant'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.
- (D) When a document contains more than one sheet or page, the first sheet or title page shall be sealed and signed by all registrants who were in direct charge and are responsible for the work. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet. When the work is performed by a firm, partnership or corporation, each sheet shall be sealed and signed by the principal in responsible charge.
- (E) The seal and signature shall be placed on work only when the work was done under the registrant's direct supervision and control.
- (F) When a registrant 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 Temporary Permit number to all work done in the Commonwealth.
- (G) When a CNMI registrant certifies the work of an out-of-state registrant, the CNMI registrant shall have complete dominion and 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.

14.2 SEAL AND SIGNATURE

- (A) Design Authentication. All design work prepared by or under the supervision of a registered Professional Engineer, Architect, Land Surveyor or Landscape Architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Signature

- (B) Construction Inspection. In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamp of the duly registered professional Engineer, Architect or Landscape Architect charged with inspection of the

construction pursuant to this rules and regulations and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

CONSTRUCTION OBSERVATION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

Signature

In the event the registered Engineer, Architect 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 registered Engineer, Architect or Landscape Architect shall so notify the Board within fifteen (15) days, and such notification shall include the name, if known, of the registered Engineer, Architect or Landscape Architect charged with continuing the construction inspection.

- (C) Design and Construction Inspection. When an Engineer, Architect or Landscape Architect has responsibility for the design and construction, the authentication shall be in the following form:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION INSPECTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

Signature

- (D) Temporary Permit Holder. The holder of a Temporary Permit shall be authorized and required to use the seal or stamp authorized by the Board with which he or she is permanently registered on all work and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

Temporary Permit No. _____

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Signature

In addition to the foregoing requirements, documents submitted for building or construction permits involving public safety or health, prepared by a temporary

permit holder, shall bear the permit holders authorized seal or stamp and be authenticated as prescribed in subsections (A), (B) and (C) above.

14.3 ENGINEER'S SEAL

- (A) The seal and signature of a registered professional Engineer shall be affixed to each drawing, specification, report, calculation or other document in its final form which involves the practice of engineering as defined herein.
- (B) The seal and signature of an Engineer, registered 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 detached dwellings may be sealed and signed by a professional Civil or Structural Engineer;
 - 2) Documents for the structural portion of buildings no greater than three (3) stories or thirty (30) feet in height may be sealed and signed by a Civil Engineer.
- (C) Documents for multi-family dwelling and residential subdivisions shall be sealed and signed by professional Engineers registered in the appropriate branches as well as an Architect.
- (D) Documents for foundations of pre-engineered structures sealed and signed by a professional Engineer registered in another jurisdiction shall also be reviewed and sealed and signed by a Structural or Civil Engineer registered in the Commonwealth.

14.4 ARCHITECT'S SEAL

- (A) The seal and signature of an Architect shall be affixed to each drawing, specification, report, calculation or other document 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.

PART XV RENEWAL

15.1 NOTICES

- (A) Certificates shall be renewed on a biannual basis. Renewal of all certificates shall be not later than April 30 of each even year.
- (B) A renewal notice shall be mailed by the Board to the last known address of each individual registrant holding a Certificate of Registration and to each partnership, corporation, association or joint venture holding a Certificate

of Authorization indicating the date of expiration of the certificate and the amount of the renewal fee.

- (C) Temporary permits shall not be renewable.

15.2 FEES

- (A) Renewal fees may be paid any time prior to the annual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal.
- (B) Failure of a registrant to renew before the renewal date shall render the registrant's Certificate of Registration or Certificate of Authorization null and void. A registrant whose certificate has expired by failure to renew must file a new application and receive Board approval for reinstatement.
- (C) A registrant who supplies the Board with an affidavit that he or she is no longer practicing in the Commonwealth before the expiration date of his or her certificate may retain the certificate for later use upon reinstatement and payment of a reinstatement fee.
- (D) Renewal fees paid by mail shall be considered as paid if the envelope bears a postmark of April 30 or earlier.
- (E) Responsibility for the timely payment of the renewal fee rests solely with the registrant.

PART XVI NOTIFICATION AND FILING

16.1 NAMES, ADDRESSED AND CHANGES.

- (A) General. Each sole practitioner holding a Certificate of Registration and each corporation holding a Certificate of Authorization or Temporary Permit to practice in the Commonwealth shall file his or her mailing address and the name and address of his or her employer, as applicable, with the Board and shall immediately notify the Board in writing of any and all changes.

16.2 PARTNERSHIP AND CORPORATIONS. Pursuant to 4 CMC 4101 et. seq. and 4 CMC 3220, a partnership or corporation may engage in the practice of professional engineering, architecture, land surveying or landscape architecture in the Commonwealth, provided the person or persons connected with the partnership or corporation directly in charge of the professional work is or are duly registered hereunder. Such persons in direct charge shall be full-time employees, principals, and/or full-time partners of the partnership or corporation, and their names shall be filed with the Board as required in subsection (C) below.

- (A) Form of filing. Such filing shall be in the form of a notarized statement from the partnership or corporation and shall contain the following:

Partnership or Corporation Filing: A signed statement by an authorized partner or corporate officer that the person whose name is being filed is

duly registered and possesses a valid certificate therefor in the Commonwealth in the appropriate profession; that such person is designated as being directly in charge of the professional work, including construction observation, performed by the partnership or corporation that such person is a full-time employee or partner of a partnership or; officer of the corporation; that such person has been delegated the legal authority to bind the partnership or corporation in all matters relating to the professional work; and that should there be any change in the status of any person on file, whether as to valid Certificate of Registration, direct charge of the professional work, full-time employment, partnership or principalship or legal authority to bind the corporation or partnership, the partnership or corporation shall so notify the office of the Board within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, file the name of another qualified person.

(B) The following "FORM C-64" shall be used for filing:

FORM C-64

BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950

Form for Partnership and Corporations to File with the Board Names of Persons Directly in Charge of Professional Work

I, _____ being an authorized
_____ of _____
partner/office Name of partnership/corporation

whose address is _____

said company being engaged in the practice of professional

- Engineering
- () Civil
- () Electrical
- () Mechanical
- () Structural
- () Other Specify _____
- () Architecture
- () Land Surveying
- () Landscape Architecture

do hereby declare, under penalty of perjury, as follows:

1. That the following persons are duly registered and possesses valid certificates therefor in the Commonwealth of the Northern Mariana Islands in their respective professions and branches:

<u>Person's Name</u>	<u>Person's Signature</u>	<u>Profession</u>	<u>Certificate Number</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. That the above named person(s) is/are designated as being directly in charge of the professional work, including construction observation, performed by this Company;
3. That the above named person(s) is/are full-time employees and/or partners of this Company;
4. That the above named person(s) has/have been delegated the legal authority to bind this company in all matters relating to the professional work; and
5. That should there be any change in the status of the above named person(s), wether as to valid Certificate of Registration, direct charge of the professional work, including construction observation, full-time employment or partnership, or legal authority to bind this Company, this Company will so notify the Board by letter within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, will file in the manner herein prescribed, the name of another qualified person.
6. That the corporation or partnership was lawfully formed and registered under, and is currently operating in compliance with, the laws of the Commonwealth. (Enclose a copy of the certificate of incorporation or a statement that the partnership is duly registered with the Registrar of Corporations.)

Name of Partnership or Corporation

Signature & Title of Authorized Officer

Date

(C) Each Engineering, Architectural, Landscape Architectural or Land Surveying services shall have a resident registered professional in charge.

- 1) Each partnership or corporation is responsible with and for the conduct or acts of the agents, employees or officers in respect to

any professional engineering, architecture, land surveying, or landscape architecture, services performed or to be executed in the Commonwealth. No individual practicing professional engineering, architecture, land surveying or landscape architecture is relieved of the responsibility for his conduct or acts performed by reason of his employment by or relationship with such partnership or corporation.

PART XVII PROFESSIONAL CONDUCT

17.1 RULES OF PROFESSIONAL CONDUCT

The Board has prepared and adopted Rules of Professional Conduct for Professional Engineers, Architects, Land Surveyors and Landscape Architects practicing in the Commonwealth.

17.2 KNOWLEDGE OF THE RULES

All persons registered to practice professional Engineering, Architecture, Land Surveying or Landscape Architecture in the Commonwealth are charged with having knowledge of the existence of the Rules of Professional Conduct as well as amendments from time to time which shall be made known in writing to every registrant and applicant for registration.

17.3 CONVICTIONS

An individual or corporate registrant of this Board or an individual or corporate applicant for registration who has been fined, received a reprimand, had a certificate to practice revoked, suspended or denied by another jurisdiction for reasons or causes which this Board finds would constitute a violation of the law or any provision of these Regulations governing the practice of engineering, architecture, land surveying or landscape architecture in the Commonwealth shall be subject to fine, reprimand, revocation or suspension by this Board of the certificate to practice in the Commonwealth.

It is the duty of each registrant to report such conviction to the Board within 10 days following entry of such conviction, notwithstanding any appeal.

XVIII RECONSIDERATION OF DISAPPROVAL OF APPLICATIONS

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

- 1) 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 forty-five (45) days of the date of the notice of disapproval.
- 2) 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:

- (a) Mistake of fact or law;
 - (b) 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;
 - (c) Any other evidence or reason justifying a petition for reconsideration.
- 3) Only one petition for reconsideration shall be accepted by the Board.
- 4) 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.

PART XIX COMPLIANCE AND ENFORCEMENT

19.1 COMPLIANCE

Any person, firm, partnership, organization, association, corporation or other entity using the words "engineer", "engineering", "architect", "architecture", "landscape architecture", or any modification or derivative thereof in its name or form of business activity, or any person presenting or attempting to use the Certificate of Registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate to registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked or non-existent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he or she is registered under the provisions of P.L. 4-53, or any person who shall violate any of the provisions of P.L. 4-53 shall be guilty of violation of the Law and shall be subject to disciplinary action by the Board and prosecution by the office of the Attorney General.

19.2 ENFORCEMENT

The Board may initiate disciplinary or legal action in cases where an individual's or corporation's actions, within reasonable doubt, are in violation of the provisions of P.L. 4-53 or these regulations. It is the duty of the Attorney General of the Commonwealth to enforce compliance with the Law.

PART XX DISCIPLINARY ACTION

20.1 DISCIPLINARY ACTIONS. Grounds for discipline are defined in 4 CMC 3218 as follows:

- (1) "The Board may revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the certificate, or of gross negligence, incompetency, or misconduct in the practice of his profession, or who is convicted of violating this Chapter or the rules or regulations of the Board.

Any person, including a Board member, may prefer charges in writing with the Secretary of the Board against any person holding a certificate. The charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they were filed, and at a time and place to be fixed by the Board.

A copy of the charges, together with the notice of the time and place of hearing, shall be sent by registered mail to the accused at least thirty days before the time fixed for hearing, and such mailing to the last known place of business or residence of the accused shall be sufficient service.

It shall require a unanimous 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 shall, in its discretion, either revoke or suspend the certificate of registration of the accused."

- (a) Any act or omission which fails to meet the generally accepted standards of engineering practice;
 - (b) Conviction of or pleading guilty to a felony. A certified copy of the judgement of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea 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;
 - (c) Violation of, or aiding or abetting in the violation of the provisions of this part, any rule or regulation adopted by the board, or any order of the board issued in conformance with the provisions hereof;
 - (d) Use of false, deceptive, or misleading advertising;
 - (e) Performing services beyond one's competency, training, or education;
 - (f) Failure to report to the board any registrant known to have violated any provision of any board order or rule or regulation;
 - (g) Failure to report to the board any malpractice claim against such registrant or any firm partnership, corporation, or joint-stock association of which he is a member, that is settled or in which judgement is rendered, within sixty days of the effective date of such settlement or judgement, if such claim concerned professional services performed or supervised by such registrant.
- 2) Any disciplinary action concerning licensure or enrollment in another state or jurisdiction on grounds substantially similar to those that would constitute a violation under this shall be prima facie evidence of grounds for disciplinary action, including denial licensure.

20.2 Disciplinary proceedings.

- 1) Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until

- dismissed or until notice of hearing and charges are served on a registrant or until final agency action is otherwise taken by the board.
- 2) All charges, unless dismissed by the board, shall be referred to an administrative hearing by the board within 90 days after the date on which they were filed.

PART XXI REINSTATEMENT

21.1 PETITION FOR REINSTATEMENT

An individual registrant or corporation holding an expired or revoked Certificate of Registration or Certificate of Authorization may petition the Board for reinstatement. The petition must clearly and concisely set forth reasons for requesting reinstatement.

21.2 BOARD ACTION

For reason(s) the Board deems sufficient, an expired or revoked Certificate of Registration or Certificate of Authorization may be reinstated.

PART XXII BOARD RECORDS

22.1 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.

An application from either an individual or corporation in which a violation of Commonwealth Law was evident shall be retained indefinitely by the Board.

22.2 DISPOSAL OF RECORDS

(A) Applications which are disapproved or denied by the Board will be destroyed after two (2) 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 items submitted by the applicant.

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

Disapproved	2 years
Examination, Inactive	2 years
Expired Certificate	2 years
Deceased	6 months
Revoked or Suspended	1 year

PART XXII SEVERABILITY

If any provision of these Regulations, or the application of any such provision, to any person or corporation or under any circumstances shall be held invalid by a court of competent jurisdiction, the remaining provisions of these Regulations and the application of such remaining provisions to persons or corporations or under circumstances other than those to which it is held invalid, shall not be affected thereby, and to such extent, the provisions of these Regulations are and shall be severable.

PART XXIV ADOPTION AND AMENDMENT OF REGULATIONS

THE END



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624



NOTICE OF THE ADOPTION OF THE AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS

The Board of Trustees of the Northern Mariana Islands Retirement Fund/Workers Compensation Commission hereby notifies the general public that it has adopted the amendments to the Administrative Rules and Regulations as published in Commonwealth Register, Volume 13, No. 07 on July 15, 1991.

NMI Retirement Fund/
Workers Compensation Commission
P.O. Box 1247
Saipan, MP 96950

Dated this 19TH day of September 1991.

Crispin A. Taitano
Acting Chairman
Board of Trustees,
NMIRF/WCC

Tomas B. Aidan
Administrator
NMI Retirement Fund,
NMIRF/WCC



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624



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NMI Retirement Fund/
Workers Compensation Commission
P.O. Box 1247
Saipan, MP 96950

Dated this 19TH day of September 1991

Crispin A. Taitano
Acting Chairman
Board of Trustees,
NMIRF/WCC

Tomas B. Aidan
Administrator
NMI Retirement Fund,
NMIRF/WCC



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

NOTICE OF THE ADOPTION OF THE AMENDMENTS AS FINAL REGULATIONS TO THE MEMBER HOME LOAN PROGRAM REGULATIONS

THE BOARD OF TRUSTEES OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND HEREBY NOTIFIES THE GENERAL PUBLIC THAT IT HAS ADOPTED THE AMENDMENTS AS FINAL REGULATIONS TO THE MEMBER HOME LOAN RULES AND REGULATIONS AS PUBLISHED IN VOLUME 11 NO. 6, DATED JUNE 15, 1989, AND AS AMENDED IN VOLUME 12, NO. 3, DATED MARCH 15, 1990, AND AS FURTHER AMENDED IN VOLUME 13, NO. 4, DATED APRIL 15, 1991, COMMONWEALTH REGISTER.

DATED THIS 19TH DAY OF SEPTEMBER, 1991.

CRISPIN A. TAITANO
ACTING CHAIRMAN
BOARD OF TRUSTEES
NMI RETIREMENT FUND

TOMAS B. ALDAN
ADMINISTRATOR
NMI RETIREMENT FUND



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624

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MAFECHA GI DIA 19 SEPTEMBRE, 1991.

CRISPIN A. TAITANO
ACTING CHAIRMAN
BOARD OF TRUSTEES
NMI RETIREMENT FUND

TOMAS B. AIDAN
ADMINISTRATOR
NMI RETIREMENT FUND

**NORTHERN MARIANA ISLANDS RETIREMENT FUND
ADOPTED MEMBER HOME LOAN PROGRAM REGULATIONS**

PART 1. AUTHORITY

1.1 **Scope.** These regulations shall govern the administration of the Member Home Loan Program as established and adopted herein by the Board of Trustees of the NMI Retirement Fund.

1.2 **Authority.** Under and by virtue of the authority provided under 1 CMC 8315(f) and the Administrative Procedures Act, 1 CMC 9101, et. seq., the Board of Trustees hereby promulgates these regulations, as amended.

1.3 **Limitations.** These regulations shall be limited by and interpreted consistent with and the NMI Retirement Fund Act of 1988, as amended.

PART 2. PURPOSE

2.1 **Purpose.** The purpose of the Member Home Loan program is to facilitate investment of the assets and funds of the NMI Retirement Fund in a well-secured, prudent, and historically sound investment instrument, and at the same time assist eligible members of the Fund by making available certain sums of money for loans to construct, purchase or improve a principal home or residence, or to purchase a leasehold upon which an existing home is situated, or to refinance certain mortgage loans as approved by the Board of Trustees."

2.2 **Priority.** Member home loans shall be provided in the following order of priority:

- (a). Acquisition or construction of a principal home for first time homeowners;
- (b). Acquisition of a principal home for previous homeowners and home improvement loans;
- (c). Refinancing of current loans for acquiring an existing principal home, whether or not the borrower is a first time homeowner.

2.3 **Funding Allocation.** The Board may set aside up to 40% of the Fund's assets at cost for the Member Home Loan Program. Of the amount set aside by the Board for the Member Home Loan Program, at least fifty percent (50%) shall be reserved for loans under Section 2.2(a). The Board of Trustees may reallocate any of the reserved amounts herein described from time to time as it deems appropriate. [Source: 1 CMC 8351(b)]

PART 3. DEFINITIONS

3.1 As used in these regulations:

- a. "Administrator" means the Administrator of the NMI Retirement Fund.
- b. "Active member" means a member who is currently included within the membership of the Fund. It does not include a member who ceases to be an employee, notwithstanding the member's establishment of vested benefit status. [Source: 1 CMC 8314(k)]
- c. "Applicant" means any eligible member signing the note or mortgage, or both, and occupying the subject property, including any guarantor, endorser, or co-signer that occupies the property.
- (d) "Appraised value" means the value assigned to or placed upon a property and improvements thereon, offered as collateral when securing or obtaining a loan under these regulations. The appraised value includes the value of the improved property plus the loan amount, or unimproved property plus the loan amount, approved under these regulations.

- e. "Board" or "Board of Trustees" means the Board of Trustees of the Northern Mariana Islands Retirement Fund as defined in 1 CMC 8314(f).
- f. "Borrower" means the person who signs the note evidencing the loan and the mortgage securing it.
- g. "Buyer" includes a lessee who purchases a principal home on a leasehold land where the lease has more than 30 years remaining.
- h. "Eligible member" means a person who meets the eligibility requirements as described in Section 4.3 of these regulations.
- i. "Guarantor, endorsers, or co-signers" means the persons signing the note or mortgage, or both, but who may or may not be occupying the subject property.
- j. "Home improvement" means a major physical addition made to a principal home situated on improved real property, including renovations which, upon completion, will substantially add to the value and life of the property. A home improvement may be an added room, garage, or retaining wall, for example. It does not include remodeling maintenance, repairs, repainting, or replacement of furniture, fixtures, or appliances.
- k. "Improved real property" means real property upon which are situated or shall be constructed permanent buildings suitable for residence, industry or commerce. [Source: 1 CMC 8354(a)(4).]
- l. "Leasehold conversion loan" means a loan obtained for the purpose of and used solely for the borrower's purchase of the fee simple interest where the borrower's principal home is situated on leasehold land, whether or not the borrower has an existing first leasehold mortgage loan. [Source: 1 CMC 8354(a)(6).]
- m. "Lender" or "Participating lender" means a financial institution or an agency of the government which may by law make loans secured by first or second mortgages on real estate and which participates in the Member Home Loan Program under an agreement with the NMI Retirement Fund. Lender or participating lender includes the NMI Retirement Fund, if the Fund establishes a branch within its organization.
- n. "Loan" or "Member Home Loan" means a loan made under the Member Home Loan Program administered and funded by the NMI Retirement Fund.
- o. "Member" means any person who is included within the membership of the Fund at any time and includes an active member or a retiree. [Source: 1 CMC 8314(k).]
- p. "Mortgage" includes a deed of trust for security. [Source: 1 CMC 8354(a)(4).]
- q. "NMIRF" or "Fund" means the Northern Mariana Islands Retirement Fund.
- r. "Unimproved real property" means real property upon which no structures or permanent buildings are situated; or upon which temporary structures or buildings are situated but are not suitable for residence, industry or commerce.
- s. "Program" means the Member Home Loan Program administered by the NMI Retirement Fund.
- t. "Retiree" means an active member who has retired and becomes a beneficiary of the NMI Retirement Fund, but does not include recipients of any of the survivor's benefits paid by the Fund.

PART 4. OPERATION OF THE PROGRAM

4.1 General Provisions. The following generally describes the operation of the program as it is administered by the NMIRF

MHL Rules and Regulations

- (a) Periodically, the Board of Trustees may allocate, as part of its overall investment, plan a portion of its assets available for investment in the Member Home Loan Program. The allocation shall be made subject to the limitations of the Retirement Fund Act, as amended, and in such amounts as the Board deems prudent, subject to an aggregate limitation of 40 percent of the Fund's assets at cost. Funds so allocated may be further allocated among the participating lenders.
- (b) Members of the Fund desiring a member home loan shall file an application at a participating lender for such a loan.
- (c) Financial institutions or agencies desiring to participate as lenders in the Fund's Member Home Loan Program shall file an application with the Fund, and upon approval and certification as a participant, such institution or agency shall execute a servicing agreement with the Fund and thereafter become a "participating lender."
- (d) The participating lender shall:
- (1) Apply to the Fund for certification of the applicant's eligibility for a loan;
 - (2) Ensure the purpose for which the loan is sought is an eligible purpose as described Section 4.2 of these regulations.
 - (3) Determine the applicant's creditworthiness;
 - (4) Make the loan in its own name as lender;
 - (5) Provide the interim or construction financing, if necessary;
 - (6) Forward the note, mortgage and the documentation to the Fund for its approval of the permanent financing.
- (e) If the loan and the mortgage securing the loan comply with the regulations, the participating lender shall endorse the note and assign the mortgage and note to the Fund which shall purchase the same from the participating lender without recourse.
- (f) The Fund may, in its discretion, service the loan or forward it to a participating lender having a loan servicing agreement with the Fund.

4.2 Purpose of Loan. There shall be no outright cash disbursement or cash take out to the applicant or borrower under the Member Home Loan Program. Member home loans shall be made for the following purposes only, all of which shall be verified before and during the term of the loan:

- (a) The construction, purchase or home improvement of a principal home situated on improved real property;
- (b) The refinancing or conversion of a construction, home purchase or improvement loan to a permanent member home loan for a principal home situated on improved real property;
- (c) The purchase or refinancing of the purchase of the fee simple interest in a principal home situated on improved real property that is a qualified leasehold land;
- (d) The refinancing of an existing member home loan if the purpose is to additionally finance a proposed or prospective home improvement amounting to at least \$5,000;
- (e) The refinancing of an existing second mortgage loan not made under the Member Home Loan Program and convert it to a first mortgage member home loan, if the second mortgage loan was made for the purpose of:

- (1) Making the down payment for the subject property upon which is situated a principal home;
- (2) Purchasing leasehold property in fee simple; or,
- (3) Making home improvements;
- (4) Constructing a new principal home.

(f) To purchase a note, debt, or other obligation secured by mortgages or insured by the Federal Home Administration (FHA). [Source: 1 CMC 8354(a)(2).]

(g) To purchase a note, debt, or other obligations for the repayment of home loans under the servicemen's readjustment Act of 1944 or under Title II of the National Housing Act. [Source: 1 CMC Section 8354(a) (3).]

4.3 Persons Eligible For Member Home Loans. To be eligible for a member home loan, the applicant shall be a retiree or an active member of the Fund, with at least thirty-six (36) continuous months of contributing membership in the Fund immediately before certification by the Fund that the applicant is eligible for the loan, provided that:

(a) An active member holding a permanent position classified under the Civil Service System shall have had at least thirty-six (36) continuous months of contributing membership immediately before certification; and shall have at least 18 continuous immediate months of actual work in the member's position;

(b) An active member holding a position not classified by the Civil Service System, or a position requiring the advice and consent of the Legislature, or an elective position, shall have had at least fifteen (15) years of total service and have been a contributing member of the Fund for at least five (5) years on the date of certification of eligibility; and shall have at least 18 continuous immediate months of actual work in the member's position;

(c) An active member on leave without pay or an active member whose appointment or employment is for a fixed date or limited term, or otherwise temporary in nature, shall not be eligible; provided that a member on authorized educational or child care leave where contributions are made for the member shall be excepted from this subsection;

(d) A member who has an outstanding member home loan shall not be eligible, except as provided in Section 4.4;

(e) A member shall not be eligible to apply for or obtain a loan for another person, except as provided in Section 6.2(i) of these regulations;

4.4 Eligibility For Another Loan: Limitations. A member who once had a member home loan or who holds an outstanding member home loan shall not be eligible for another member home loan unless both of the following conditions are met:

(a) The expiration of two years after the date the Fund purchased the prior or outstanding loan from the lender; and,

(b) Full and timely satisfaction of the prior or outstanding loan without default or other credit related problems as reasonably determined by the Fund and participating lender.

PART 5. QUALIFYING SECURITY

5.1 Property Qualifying Under The Program; No Construction by Owner.

(a) To qualify under the Member Home Loan Program, the property securing the loan shall be "improved real property" located in the Commonwealth of the Northern Mariana Islands. The member shall own or propose to own the property in fee simple or possess it under a lease

agreement acceptable to the Board. This includes homestead property, as such property is defined by the Marianas Public Land Corporation (MPLC), to which the applicant has been duly granted a permit to occupy, provided that a memorandum of understanding has been properly executed between the Fund and the MPLC, which permits the borrower to mortgage the homestead property, and grants the Fund quiet title to the property in the event of the borrower's default and foreclosure of an approved loan. The property to be acquired, refinanced, or constructed may include:

- (1) A one to four-family home, dwelling unit or structure which may be attached or detached;
- (2) A one-family dwelling unit in a planned development; or,
- (3) A one-family dwelling unit in a condominium project or townhouse.

The member shall occupy or agree to continuously occupy the dwelling unit as the member's principal home during the term of the loan. Any appraisal of the property shall include the value of all improvements, but the value of the dwelling unit or units not occupied by the member shall be deducted in computing the loan-to-value ratio.

(b) Unless the Board finds a compelling justification otherwise on a case by case review, the Fund shall not purchase a loan secured by encumbered property, or property which is not served by any utilities, lacks or has difficult access to or from a public road, or does not conform to all applicable zoning and land use restrictions or building code regulations, is located on a substandard lot, is a lodging unit, or has any other unusual characteristic that the Fund determines to adversely affect its value. The participating lender may request the Fund's prior written approval as to whether a specific property qualifies for purchase by the Fund before issuing a loan commitment to the applicant. The Board may establish a minimum lot size.

(c) The Fund shall not purchase any member home loan made for the construction of or home improvements to a principal dwelling, unless the construction was done or improvements were made by:

- (1) a duly licensed contractor from a prequalified list maintained by the Board; and,
- (2) the construction or improvements are in accord with such building and zoning code regulations as the CNMI legislature, or in the absence thereof, the Board, may from time to time adopt.

(d) An interim or construction financing loan shall not be made if the Fund determines that the owner or his family or an affiliated business is the contractor.

5.2 Co-ownership or Estate Ownership of Mortgaged Property. The member or the member and the member's spouse, if married, shall have at least a fifty percent (50%) interest in the mortgaged property. If the member is not the sole owner of the mortgaged property, all persons whose signatures are required to create a valid first mortgage lien upon the mortgaged property shall sign the mortgage. If the property is owned, in whole or in part, by a decedent, the estate of the decedent shall first be subject to a probate action and a final probate decree.

5.3 Appraisals. Any appraisal required under these regulations is subject to review by, and the approval of, the Fund. The Fund may require that an appraisal be obtained from an approved list of appraisers maintained by the Fund. Such a list may include the appraisers approved for listing by FHA. All appraisers must meet the applicable requirements set forth in Section 5.5 of these regulations.

5.4 Surveys. The Fund, in its discretion, may require a survey of the property upon which a principal home will be constructed, purchased or improved, if the last survey was performed

more than two years prior to the date of application for a member home loan. This survey must determine the exact location, size and shape of such property. Monument markers shall be visibly placed on each corner of the boundaries surrounding the property being surveyed. The survey work must be done by a surveyor who meets the criteria established in Section 5.5 of this Part. The borrower is wholly responsible for the cost of the survey.

5.5 Criteria For Surveyors, Appraisers and Contractors. In order to develop a qualified list of surveyors, appraisers and contractors, the Board of Trustees may solicit a statement of interest from the general public, and shall require these individuals or firms to:

- (a) Be duly licensed to do business in the Commonwealth;
- (b) Have been in business for the last 3 years immediately prior to being selected for a project under a member home loan; except that for contractors whose principal place of business is on the island of Rota or Tinian, such contractors must have been in business for at least 1 year immediately prior to being selected for a project under these regulations.
- (c) In the case of contractors, have constructed a minimum of 10 construction projects, one of which was worth at least \$25,000;
- (d) Be able to provide a list of projects completed and a short client list;
- (e) Be insured against legal liability, and;
- (f) All contractors must secure a performance bond as required under Part 12, Section 12.5 of these regulations.
- (g) Whenever required by Commonwealth law, or by the CNMI Board of Professional Licensing, any surveyor or appraiser who performs services under these regulations must be certified and licensed as required by such law, or by the CNMI Board of Professional Licensing.

PART 6. CREDIT AND PAYMENT ABILITY

6.1 Creditworthiness. The lender shall be responsible for determining the creditworthiness of each applicant who applies to it for a member home loan. In making that determination the lender shall take into consideration:

- (a) The applicant's monthly debt payment to income ratio;
- (b) The applicant's credit reputation; and,
- (c) Any other factor considered by a prudent lender.

6.2 Underwriting Guidelines: Monthly Mortgage Payment To Income Ratio. As a general rule:

- (a) The lender shall require that the applicant's monthly mortgage payment does not exceed thirty percent (30%) of the applicant's stable monthly income less any monthly debt payments.
- (b) As used in this section, the term "Monthly mortgage payments" shall include, as applicable, the first mortgage payment, mortgage or life insurance payments, hazard and flood insurance payments, lease rent, property taxes, and monthly dues for common element/property charges and maintenance, but excluding dwelling unit utility charges for condominiums and property with similar dues and charges.
- (c) As used in this section, the term "Monthly debt payment" shall include all monthly payments on installment debts having a remaining term of one year or more. Secondary financing for the subject property, mortgage loan payment for other properties, alimony, child support, and separate maintenance payments shall be considered installment debts, unless the obligations terminate within one year.

(d) As used in this section, the term "Stable monthly income" is the applicant's gross monthly income from the applicant's primary employment base earnings plus recognizable secondary income averaged for the past 12 months. Secondary income of the applicant, such as rental income, overtime or part time employment may be included in stable monthly income only if those items of secondary income are substantiated by written evidence of the applicant's previous year's earnings and that the continuation thereof is probable. Interest and dividends may be considered if substantiated by written evidence and averaged for the past two years. Rental income for the subject property may be considered if substantiated by written evidence.

(e) If the applicant chooses to disclose income from alimony, child support, or maintenance payments, the lender may consider these payments as income to the extent that they are likely to be consistently made. Factors which the lender may consider in making that determination include, but shall not be limited to:

- (1) Whether the payments are received pursuant to written agreement or court decree;
- (2) The length of time the payments have been received;
- (3) The regularity of payments;
- (4) The availability of procedures to compel payment;
- (5) Whether full or partial payments have been made;
- (6) The age of any child; and,
- (7) The creditworthiness of the payer, including the credit history of the payer where available to the lender under the Fair Credit Reporting Act (15 USC 1681-1681(t)) or other applicable laws. The lender shall submit to the Fund evidence to support its determination.

(f) Factors such as expected pay increases under mandatory contract terms, education, training, technical skills, occupation, potential or expected pay increases, past employment history, and future employment expectations may be taken into account on case-by-case basis in determining stable monthly income.

(g) Income necessary to qualify the borrower from sources not substantiated in the credit report shall be verified in writing from a reliable source.

(h) When the borrower is self-employed, the minimum acceptable documentation to verify income shall be the:

- (1) Profit and loss statements for the prior two years, which should include the last statement covering the year before the applicant's date of application; or,
- (2) Tax returns for the previous two years.

(i) If the applicant does not qualify for the loan under the above credit underwriting guidelines described in this Part, and upon recommendation by the participating lender, the Fund may consider purchasing on a case-by-case basis a loan with no more than two personal guarantors, endorsers or other co-signers. The guarantee, endorsement, or agreement shall not be qualified or limited in any manner. All credit underwriting standards shall apply to the credit evaluation of a guarantor, endorser, or co-signer. The monthly mortgage payment shall not exceed forty percent (40%) of the combined stable monthly income of the applicant and the guarantor, endorser or co-signer less any monthly debt payments. In addition, the applicant's monthly mortgage payment shall not exceed thirty percent (30%) of the applicant's stable monthly income less any monthly debt payments.

(j) If an eligible member is already liable for a member home loan and wishes to guarantee, endorse or co-sign the note for another member home loan, the mortgage loan payment for both loans shall not exceed thirty percent (30%) of the eligible member's stable monthly income less any monthly debt payments.

(k) If an eligible member has guaranteed, endorsed or co-signed for an existing member home loan and is applying for his own member home loan, the mortgage loan payment for both loans shall not exceed thirty percent (30%) of the eligible member's stable monthly income less any monthly debt payments.

(l) If the member is applying for a leasehold conversion loan, the monthly mortgage payment shall not exceed thirty percent (30%) of the applicant's stable monthly income less any monthly debt payment including any other mortgage payment for the subject property.

PART 7. LOAN AMOUNTS: Minimum and Maximum

7.1 First Mortgage Loans on Fee Simple or Leasehold Interests; Insurance Required.

(a) No member home loan secured by a first mortgage on unencumbered improved real estate owned in fee simple shall exceed:

(1) \$80,000; and,

(2) Seventy-five percent (75%) of the lesser of the purchase price or the appraised value of the real estate and improvements mortgaged to secure it.

[Source: 1 CMC 8354(a)].

The Board may by future regulation make such exceptions to the above as are authorized by 1 CMC Section 8354(a)(4).

(b) No member home loan secured by a first mortgage on a leasehold interest in improved real property shall exceed (1) \$80,000 and (2) seventy-five percent (75%) of the lesser of the purchase price or the appraised value of the leasehold interest and improvements. [Source: 1 CMC 8354(a)(4).]

(c) The "value" in a loan-to-value ratio shall in no event exceed the lesser of:

(1) \$80,000,

(2) the purchase price; or,

(3) the appraised value of the property to be mortgaged.

(d) All loans shall be further secured by an insurance or guarantee against default or loss under a mortgage insurance policy issued by a casualty insurance company. If no mortgage insurance is available, the applicant shall purchase a life insurance policy naming the Fund as the primary beneficiary to the extent of the borrower's current balance remaining unpaid. The mortgage insurance or life insurance, as the case may be, shall be obtained from an insurer licensed to do business in the Commonwealth of the Northern Mariana Islands and shall insure or guarantee against the borrower's default or loss sufficient, in case of death of the borrower, to cover the Fund's exposure to the lesser of the purchase price or appraised value of the mortgaged property. Mortgage or life insurance coverage shall remain in force until the principal amount of the loan is reduced to ten (10%) percent of the current appraised value of the mortgaged property, at which time the coverage shall be subject to cancellation solely at the Board's option. The borrower shall pay for the premiums for the insurance. A copy of any insurance policy required under this section shall be submitted to the Fund after approval of the loan and prior to the release of loan proceeds. [Source: 1 CMC 8354(a)(4),(5).]

(e) No member home loan secured by a first mortgage shall be made in an amount exceeding \$80,000 or less than \$5,000.

(f) There shall be a minimum cash equity of three percent (3%) of the purchase price of a principal home.

7.2 Leasehold Conversion Loans: Minimum and Maximum Loan Amounts.

(a) No leasehold conversion loan shall be made which, when combined with the outstanding balance of a first leasehold home loan, exceeds \$80,000, or when the combined balances of any first leasehold mortgage loan and the amount of the leasehold conversion loan exceeds seventy-five percent (75%) of the appraised value of the real estate mortgaged to secure it.

(b) No leasehold conversion loan shall be made in an amount less than \$8,000.

(c) The collateral for a leasehold conversion loan shall be a first mortgage on the fee simple interest and a first or second mortgage on the leasehold interest on the improved real estate. A leasehold conversion loan is a loan obtained for the purpose of and used solely for the borrower's purchase of the fee simple interest in the improved real estate. If the leasehold conversion loan is secured by a second leasehold mortgage on improved real estate, then the Fund shall first determine that the first leasehold mortgage does not contain any provisions which might jeopardize the security position of the Fund or the borrower's ability to repay the two mortgage loans. [Source: 1 CMC 8354(a)(6).]

7.3 Appraisals.

Any appraisal required under these regulations is subject to the requirements of Section 5.3.

PART 8. TERM OF LOANS

8.1 Repayment Period: Leasehold Loan Security Requirements.

(a) The term of any member home loan shall not exceed thirty (30) years or any lesser period the Board may in its sole discretion determine to be appropriate upon consideration of the character and economic life of the property securing the loan. There shall be no minimum repayment period requirement.

(b) If the loan is secured by a first mortgage on leasehold property, the fixed rental term of the lease, prepaid or otherwise, shall extend at least two (2) years beyond the stated maturity date of the note, mortgage or other obligation it secures. [Source: 1 CMC 8354(a)(5)(i).]

(c) The term of any leasehold conversion loan shall not exceed twenty (20) years.

PART 9. ASSIGNMENT AND TRANSFER OF MORTGAGED PROPERTY

9.1 Sale or Transfer of Mortgaged Property.

(a) Every mortgage shall contain a due-on-sale clause giving the Fund the right to require the borrower to make immediate payment in full of the entire indebtedness secured by the mortgage if the borrower sells, transfers leases, subleases, or assigns all or part of the interest in real property securing a member home loan, including any equitable or beneficial interest, without first obtaining the Fund's prior written consent.

(b) The due-on-sale clause shall be fully effective as to any sale, lease transfer or assignment of interest in the mortgaged trust property by any trustee, or the sale, lease, transfer or assignment of the borrower's equitable or beneficial interest in the property, without the prior written consent of the Fund.

9.2 Consent By The Fund.

- (a) The Fund's consent shall be subject to the Member Home Loan Program policy in effect on the date a request for consent is received by the Fund.
- (b) The Fund's right to require the borrower or the trustee to make payment in full with respect to the sale, lease, transfer or assignment shall be subject to any applicable laws which restrict or prohibit the Fund from its exercise of this right.
- (c) The Fund shall not unreasonably withhold its consent to the borrower's sale, lease, transfer or assignment of the mortgaged property by agreement of sale, provided:
- (1) the Fund's mortgage priority is not in any way affected by the sale, lease, transfer or assignment;
 - (2) the borrower has not been and is not in default of the loan or has not broken any promises made in obtaining the loan;
 - (3) has notified the Fund within a reasonable time of the proposed transaction;
 - (4) the borrower agrees to the shortening of the remaining loan term to the earlier of the term of the agreement of sale or three (3) years, and to make immediate payment in full of all amounts due if the buyer or lessee under the agreement of sale or lease is not an eligible member;
 - (5) the borrower agrees to the increase of the interest rate for the loan to the lesser of either four percent (4%) above the interest rate then in effect, or the interest rate then in effect for the program; except if the result is less than the interest rate for the loan in effect, there shall be no change in the interest rate;
 - (6) the borrower agrees to pay or reimburse the lender, participating servicer, or the Fund, as the case may be, for all costs or expenses, including reasonable attorney's fees and consent fees incurred to review the proposed transaction and draft documents;
 - (7) the borrower agrees to acknowledge that the Fund shall not consent to any assumption of the loan or to any further sale, lease, transfer or assignment of the mortgaged property;
 - (8) the borrower agrees to acknowledge that as a condition for the Fund's consent, the buyer or lessee shall sign a certification of occupancy in which the or lessee buyer represents and agrees to occupy and use the mortgaged property as a principal home for the entire term of the loan;
 - (9) the borrower agrees to sign the documents as may be necessary, including a loan modification agreement;
 - (10) the borrower agrees to give assurances as the participating lender or servicer may require to protect the Fund's lien priority in the mortgaged property.
- (d) If any of the conditions described in subsection (c) of this section, require the borrower to pay an interest rate or finance charge which would exceed the highest rate permitted by law, then the borrower's obligation to pay interest or finance charge shall be limited to the highest rate permitted by law, so that the borrower is not obligated to pay any interest or finance charge which would result in the payment of interest or finance charge in excess of the limit so permitted.

PART 10. ASSUMPTION OF LOAN

10.1 Assumption of Loan

No assumption shall be allowed of any loan.

PART 11. CERTIFICATION OF BORROWER AND DELIVERY OF LOAN

11.1 Applicant's Eligibility.

- (a) The participating lender shall be responsible for obtaining from the Fund certification as to whether the applicant is eligible for a member home loan. The name of every applicant who claims to be a member shall be submitted to the Fund for certification;
- (b) Before the applicant's name is submitted for certification, the participating lender shall obtain the sales or lease contract, agreement of sale or lease documents, construction contract, plans and specifications, and/or title insurance;
- (c) The participating lender shall not incur any costs chargeable to the applicant until certification of eligibility is obtained from the Fund;
- (d) The terms and conditions of a member home loan shall be in accordance with these regulations including amendments thereto in effect on the date the applicant's eligibility is certified.

11.2 Delivery of Loan.

- (a) The participating lender shall fully disburse the loan proceeds within four (4) months after the date of certification, or within six (6) months where new home construction is involved under this program, or within six (6) months where a home improvement is involved under this program or the Fund's approval shall lapse.
- (b) The participating lender shall deliver the loan file to the Fund for approval to purchase within six (6) months after the date of certification, or within 14 months after the date of certification where new home construction is involved under this program, or within ten (10) months after the date of certification where a home improvement is involved under this program;
- (c) The participating lender shall sell the loan to the Fund within one (1) month after the date of the letter of approval to purchase by the Fund;
- (d) The participating lender may request a pre-certification of eligibility if the participating lender anticipates that the loan proceeds cannot be disbursed within sixty (60) days after the date of certification.

11.3 Pre-certification of Eligibility.

- (a) Pre-certification against future allocations may be obtained from the Fund for the following purposes:
 - (1) To purchase a principal home which is under construction or will be constructed and will be conveyed to the borrower upon completion of construction;
 - (2) To finance the purchase of the fee simple interest on leasehold land on which is located a principal home.
- (b) If the Fund pre-certifies the applicant as an eligible member, the participating lender may issue a pre-commitment to make the applicant a member home loan, subject to the following conditions:
 - (1) The availability of funds for the allocation period when the member is recertified;

- (2) The eligibility and qualification of the member to take out a loan at loan closing;
 - (3) The possibility that the interest rate may have changed when the member is recertified as still being eligible.
- (c) The participating lender shall recertify the member to assure that the member is still eligible to obtain a member home loan within thirty (30) days of the date that the loan proceeds are anticipated to be funded.
- (d) The terms and conditions of the member home loan shall be in accordance with these regulations in effect on the date of the member's recertification of eligibility.
- (e) The application, credit report, appraisal reports, verification of employment and deposits shall be updated if made more than three (3) months before the request for recertification.
- (f) The participating lender shall deliver the loan file to the Fund for approval to purchase within three (3) months after the date of recertification of member's eligibility or within four months where construction is involved.
- (g) The lender shall sell the loan to the Fund within one (1) month after the date of the letter of approval by the Fund.

11.4 Disbursement of Loan Proceeds

- (a) **Construction Loans.** If the loan approved is for new construction, the Fund and the contractor to whom the borrower has contracted to build or construct a principal home, shall set a schedule for the disbursement of funds, in writing, in accordance with construction phases set by the contractor and as agreed to by the Fund, provided that the initial disbursement shall be no more than 30% of the total amount of the loan. All disbursements, other than the initial disbursement, shall be initiated by presentation to the Fund of a billing statement from the contractor.
- (b) **Purchase of Existing Home.** If the loan is for a purchase of an existing home, the Fund shall disburse the entire amount of the loan proceeds to the seller upon the seller's presentation of a deed evidencing a transfer of the home and the property upon which such a home is situated, together with a bill of sale or other evidence properly verifying the price to be paid by the borrower for the purchase of the existing home.
- (c) **Home Improvement.** If a loan is for home improvement, the Fund shall disburse the loan proceeds to the contractor, with whom the borrower has contracted to perform the home improvement work, upon the contractor's written presentation to the Fund of a statement of the work to be performed on the project, a timetable for completion of the project, and the total cost required for performance of such phases of the project as may be required, provided that the initial disbursement shall be no more than 50% of the total loan amount. Subsequent disbursements shall be dependent upon the phases of work to be performed as set by the contractor and as agreed to by the Fund. All disbursements, other than the initial disbursement, shall be initiated by a presentation to the Fund of a billing statement from the contractor.
- (d) **Other loans.** For other loans such as refinancing and conversion loans, the Fund shall disburse the loan proceeds in a manner agreed to by the Fund and the financial institution carrying the original loan of the borrower. Loan proceeds may be disbursed in their entirety if the Fund is satisfied that all necessary documents has been completed and properly recorded. These reports include inspection reports regarding the structural status of the mortgaged home which is being refinanced or converted."

PART 12. SECURITY FOR LOANS

12.1 **Title Insurance Required.** Each member home loan shall be covered by a title insurance policy on the current standard American Land Title Association (ALTA) form issued by a title insurer licensed to do business in the Commonwealth of the Northern Mariana Islands.

12.2 **Amount of Coverage.** The amount of title insurance coverage shall be at least equal to or higher than the amount of the loan, and the primary beneficiary shall be the Fund to the extent of the balance of the loan. The policy shall insure against any mechanic's and materialman's lien.

12.3 **Other Insurance Coverage.** The mortgaged property shall be covered by fire and extended coverage insurance equal to the full replacement costs of the improvements on the mortgaged property without deduction for depreciation.

(a) If the mortgaged property is a condominium apartment, the association of owners or individual owners, as the case may be, shall have and keep in full force and effect a fire and extended coverage insurance policy.

(b) The lender shall assure that the Fund is named a loss payee on these policies.

12.4 **Collateral Required.**

(a) All member home loans shall be secured by:

- (1) First mortgages on unencumbered improved real property owned in fee simple; or
- (2) First mortgages on leasehold interests in improved real property provided that the leasehold interest shall have a current term extending at least two years beyond the stated maturity date of the obligation it secures;
- (3) In the case of leasehold conversion loans, second mortgages on unencumbered, improved real property as permitted under the conditions set forth in 1 CMC 8354(a)(6).

(b) For purposes of this section, "improved real property" owned in fee simple is unencumbered notwithstanding the existence of:

- (1) Instruments reserving mineral, oil, timber, or similar rights, rights of way, sewer rights, rights in walls, and other easement rights;
- (2) Any liens for taxes or assessments not yet due;
- (3) Liens not delinquent for community recreation facilities or for the maintenance of community facilities;
- (4) Building restrictions or other restrictive covenants common to the community in which the property is located;
- (5) Liens for service and maintenance of water rights where not delinquent.
[Source: 1 CMC 8354(a)(4).]

(c) For purposes of this section, real property under lease is unencumbered notwithstanding a reservation of rents or profits in the owner, if the security for the investment is a full and unrestricted first lien upon the real property and there is no condition or right of re-entry or forfeiture under which the investments can be cut-off, subordinated, or otherwise disturbed.
[Source: 1 CMC 8354(a)(4).]

12.5 **Construction Insurance or Performance Bond.** The Fund shall require the contractor to secure insurance coverage in an amount equal to the total loan to protect against builder's risk and 100% performance bond during the construction period, and prior to completion of construction. The contractor shall name the Fund the loss payee up to the amount of funds

already disbursed, plus any applicable interest. Any proceeds recovered under policies secured pursuant to this section in excess of the amount to be paid to the Fund, shall be paid to the contractor."

PART 13. LOAN CHARGES AND FEES

13.1 Interest Rate.

(a) The Board of Trustees shall set the interest rate for member home loan mortgages. Changes of the interest rate may be made from time to time as the Board deems proper, provided that public notice in a newspaper of general circulation of any such changes shall have been made prior to the effective date of the change. The interest rate shall in no event be less than the actuarially determined assumption rate as approved by the Board, plus 1%. The current interest rate approved by the Board for a member home loan is 9%.

(b) An active member of the Fund or a retiree may apply with the lender servicing the loan for an interest rate reduction if the Fund's prevailing interest rate is less than the interest rate on the borrower's original note, subject to all of the following conditions:

- (1) The active member of the Fund or retiree shall be currently residing on the mortgaged property;
- (2) The lender servicing the loan, may charge a fee of \$300 or one-half of one percent of the loan balance, whichever is greater;
- (3) Only one interest rate reduction shall be allowed during the term of the loan;
- (4) The borrower(s) shall complete a loan application and execute a revision agreement;
- (5) The loan shall be reamortized over its remaining term;
- (6) The new interest rate shall become effective the first day of the month following the date of execution of the revision agreement by the borrower;
- (7) The mortgage loan shall have been at all times current in monthly installments;
- (8) The revision agreement shall be executed by all borrower(s).

13.2 Allowable Loan Charges; Prepayment Penalties.

(a) If the borrower pays off the entire member home loan balance within one year after the date of the note, there shall be a prepayment penalty of six percent (6%) of the balance to be paid off. The prepayment penalty is assessed to recover administrative costs.

(b) The lender may require the borrower to pay all reasonable fees and charges ordinarily charged to and paid by a borrower for a loan, except:

- (1) For the loan origination fee, the lender may charge \$300 or two percent of the loan amount, whichever is greater; and for interim construction financing that turns into permanent financing the lender may charge 2%.
- (2) For the inspection fee, the lender may charge \$40 per inspection, but limited to four inspections for construction loans and two inspections for home improvement loans.

(c) The lender may charge a deposit fee when the application is made. The deposit shall be credited towards the closing costs if the loan is made. If the loan fails approval, or the borrower

cancels the loan application prior to approval, the deposit fee shall be returned to the applicant, less any costs chargeable to the applicant. The deposit fee shall be 3% of the total loan amount.

(d) The lender may charge the borrower for services rendered as follows:

- | | |
|-----------------------------------|----------------------|
| (1) Credit Report fee | Actual cost |
| (2) Title Insurance fee | Actual cost |
| (3) Appraisal Report fee | Actual cost |
| (4) Recordation fee | Actual cost |
| (5) Late payment of loan fee | 4% of amount due |
| (6) Returned check processing fee | \$20 each occurrence |

13.3 **Servicing Agreements.** The Fund may enter into mortgage servicing agreements with participating lenders which may be reimbursed the customary fee charged by the trade. With respect to each mortgage serviced, the servicer shall furnish the Fund such postings of all cash transactions affecting the mortgage as the Fund may require.

PART 14. PROOF OF OCCUPANCY

14.1 **Affidavit of Occupancy.** Consistent with the purpose and objectives of the member home loan program, every applicant who will reside on the mortgaged property applying for a member home loan shall file with the participating lender an affidavit or declaration under penalty of perjury stating that:

- (a) The applicant will occupy the mortgaged property as the applicant's principal place of abode within forty-five (45) days after the date of closing of the loan where an existing structure of residence is acquired, or within forty-five (45) days after notice from the contractor or developer that the residence is ready for occupancy;
- (b) The applicant will occupy the residence as a principal place of abode continuously for the entire term of the loan;
- (c) If the applicant fails to comply with this section, any and all indebtedness owing by and chargeable to the applicant by way of a mortgage loan made on the basis of the application filed in connection with the loan shall become immediately due and payable in full, unless for good cause shown, the period to occupy is extended by the Fund in writing.

PART 15. SANCTIONS AND FORECLOSURE

15.1 **Sanctions.**

- (a) The applicant shall sign the application for a mortgage loan. By doing so, the applicant shall be considered to have verified the truth of all statements made in the application. The applicant shall be subject to the provisions of 1 CMC 8385, et. seq.
- (b) If the applicant or borrower makes any false or untrue statement, intentionally or otherwise, for a mortgage loan, the Fund may, after providing the opportunity for a hearing in accordance with the Administrative Procedures Act, 1 CMC 9108, et. seq., determine that:
 - (1) the applicant or borrower shall not be eligible for a mortgage loan for a period up to five years after the date the Fund actually learns or discovers the false or untrue statement.
 - (2) If the Fund has already purchased the mortgage loan made to the applicant or borrower, such applicant or borrower shall not be eligible for another mortgage loan for 10 years, and the loan already purchased by the

Fund shall immediately become due and payable in full, for which the Fund shall demand full payment thereof.

(c) The borrower shall be required to make immediate payment in full of all sums secured by the mortgage if the borrower fails to fulfill any promise for a mortgage or with respect to a mortgage loan or makes or has made false statement to qualify or be eligible for a mortgage loan or with respect to a mortgage loan under the Member Home Loan Program.

15.2 Foreclosure.

The Fund shall comply with such foreclosure restrictions as are established by 1 CMC 8354(a)(6) and other applicable law.

PART 16. RECONSIDERATION OF LOAN APPLICATION

16.1 Request For Review.

(a) If an application for a loan is not approved by the Fund, the applicant may request the Board of Trustees, in writing, to review and reconsider any decision or determination relating to the application, except that the applicant's credit reputation or creditworthiness shall be a matter solely for the lender to determine.

(b) A borrower under an existing member home loan may request the Board to review or reconsider any decision or determination relating to the loan.

(c) The request for review and reconsideration shall be in writing, and shall be filed with the Fund within thirty (30) days after receipt of the notice of disapproval, and shall contain a statement of the facts and include copies of all documents upon which the applicant or borrower relies in support of the request for review. The Board may appoint a hearing officer from among its members to conduct such a review.


(d) The Board may request the submission of additional information or documents and may request the applicant or borrower to appear at a specified place, date and time to submit oral testimony in support of the request for review.

PART 17. GENERAL PROVISIONS


17.1 Headings. Headings or titles of sections contained herein are for convenience and shall not be used in construction or application of any section contained herein.

17.2 Severability. If any part or section of these regulations are found to be invalid by a court of competent jurisdiction, all valid portions that are severable shall remain in effect. If a part or section hereof is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from its invalid applications.

17.3 Effective Date. The effective date of these regulations shall be pursuant to 1 CMC 9105(b).



MICHAEL A. WHITE
Chairman
Board of Trustees, NMIRF



TOMAS B. ALDAN
Administrator
NMI Retirement Fund