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TABLE OF CONTENTS

PROPOSED REGULATIONS:

Commission and conduct of notaries public.
Office of the Attorney General. 9289

Rates for the Farm Equipment Service.
Department of Natural Resources. 9317

NOTICE OF ADOPTION:

Regulations Restricting the Issuance of Business Licenses to Garment
Manufacturing, Applications for Work Certificates and Entry Permits
for Alien Garment Workers, and the issuance of Certificates of Origin
for Garments Produced in the CNMI.
Department of Commerce and Labor. 9323

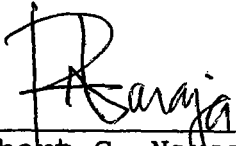
PROPOSED REGULATIONS REGARDING
THE COMMISSIONING AND CONDUCT
OF NOTARIES PUBLIC

The Office of the Attorney General hereby gives notice to the public of its intention to adopt proposed regulations relating to commissioning and conduct of notaries public.

The public may submit written comments and/or recommendations regarding the proposed regulations relating to notary public commissioning and practice during the thirty (30) day period following the date of publication of the proposed regulations in the Commonwealth Register. Such comments and/or recommendations should be sent to the Office of the Attorney General as follows:

Office of the Attorney General
2nd Floor, Administration Building.
Capitol Hill
Saipan, MP 96950

Dated this 12th day of June, 1992.



Robert C. Naraja
Attorney General

FILED
at the OFFICE of the ATTORNEY GENERAL
DATE: <u>6-15-92</u>
TIME: <u>10:00</u> (AM) PM
BY: <u>Remedios C. Maynas</u>
REGISTRAR OF CORPORATIONS Commonwealth of the Northern Mariana Islands

*Received in Governor's office
6/15/92, 10:10 AM
Donna J. Cuy*

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BWANG ME LEMELEMIL
NOTARIES PUBLIC

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OFFICE OF THE ATTORNEY GENERAL
2ND FLOOR, ADMINISTRATION BUILDING
CAPITOL HILL
SAIPAN, MP 96950

E FFEER LLOL RAALIL YE 12th MARAM YE June, 1992.



ROBERT C. NARAJA
ATTORNEY GENERAL


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ASUNTON MANAPUNTA YANIKONDUKTAN
NOTARIO PUBLIKU SIHA

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NUTISIA PUT I EXTENSION-NA UMADPTA I MANMAPROPOPONI SIHA HA
REGULASION PUT ASUNTON MANAPUNTA YAN I KONDUKTAN NOTARION PUBLIKU
SIHA.

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UFISINA I ATTORNEY GENERAL GI SIGENTE NA ADRES:

OFFICE OF THE ATTORNEY GENERAL
2ND FLOOR, ADMINISTRATION BUILDING
CAPITAL HILL
SAIPAN, MP 96950

MA FECHA GI ESTE I MINA' 12th NA DAI GI June, 1992.



ROBERT C. NARAJA
ATTORNEY GENERAL

Article I - Implementation

§ 1-101 Authority.

These Rules and Regulations ("Regulations") are issued pursuant to the authority of the Attorney General granted under 4 CMC §3312. This statute empowers the Office of the Attorney General to prescribe such rules and regulations as the Attorney General may deem advisable to regulate the appointment and duties of notaries public in the Commonwealth.

§ 1-102 Purposes.

These Regulations shall be construed and applied to advance the underlying purposes of the notary public statute, which are:

- (1) to promote, serve, and protect the public interest;
- (2) to simplify, clarify, and modernize procedures governing notaries;
- (3) to make as consistent as possible the practices and fees of notaries;
- (4) to provide for increased public confidence in notaries public; and
- (5) to serve as guidelines for accountability for the community of notaries.
- (6) to educate notaries about the legal, ethical and technical facets of performing a notarial act.
- (7) to increase public awareness and understanding of the Notary's role in commerce and law.
- (8) to instill in notaries a sense of self-respect and professionalism in their duties.

§ 1-103 Interpretation.

In these Regulations, unless the context otherwise requires, words in the singular include the plural, and words in the plural include the singular. The term "he" or "his" shall include feminine denominations.

§ 1-104 Prospective Effect.

The existing bond, seal, and length of commission term, and liability of current notaries commissioned before the effective date of these Regulations may not be invalidated, modified, or terminated by these Regulations, but those notaries shall comply with these Regulations in performing notarizations and in applying

for new commissions upon their becoming effective.

§ 1-105 Definitions.

As used in these Regulations:

- (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, has admitted, in the notary's presence, having signed a document voluntarily for its stated purposes.
- (2) "Commission" means to empower to perform notarial acts and the written authority to perform those acts.
- (3) "Copy certification" means a notarial act in which a notary certifies having made a photocopy of a document that is neither a public record nor publicly recordable.
- (4) "Jurat" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, has made, in the notary's presence, a voluntary signature and taken an oath or affirmation vouching for the truthfulness of the signed document.
- (5) "Notarial Act" and "notarization" mean any act that a notary is empowered to perform under Section 3-101.
- (6) "Notarial certificate" and "certificate" mean the part of or attachment to a notarized document for completion by the notary and bearing the notary's signature and seal.
- (7) "Notary Public" and "notary" mean any person commissioned to perform notarial acts under 4 CMC § 3311 et seq.
- (8) "Oath" and "affirmation" mean a notarial act or part thereof in which a notary certifies that a person made a vow in the presence of the notary on penalty of perjury.
- (9) "Official misconduct" means: (i) a notary's performance of or failure to perform any act prohibited or mandated respectively by these Regulations or by any other law in connection with a notarization; or (ii) a notary's performance of a notarial act in a manner found by the Attorney General after investigation to be negligent or against the public interest. (iii) The performance of any act in connection with the notary's official capacity which defies simple common sense or, a breach of a duty of good faith and fair dealing.

- (10) "Personal knowledge of identity" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to eliminate every reasonable doubt that the individual has the identity claimed.
- (11) "Satisfactory evidence of identity" means identification of an individual based on: (i) at least 2 current documents, including those issued by a government with description, and the other by an institution, business entity, or federal or state government with at least the individual's signature; or (ii) the oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual.

§ 1-106 Severability Clause.

If any provision of these Regulations or their application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Regulations that can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are severable.

Article II - Commissioning

Part A

§ 2-101 Commissioning.

- (a) Except as provided in subsection (c), the Attorney General shall commission as a notary any qualified person who submits an application in accordance with these Regulations.
- (b) A person qualified for a notarial commission must:
 - (1) be at least 25 years of age and be a United States citizen or a permanent resident of the Commonwealth; and
 - (2) lawfully reside or work in this Commonwealth or be temporarily residing elsewhere, although a resident of the Commonwealth. At least three (3) years residence in the Commonwealth is required.
 - (3) read and write English;
 - (4) submit an application containing no significant misstatement or omission of fact;
 - (5) submit two letters of recommendation;
 - (6) submit a police clearance;
 - (7) Be otherwise qualified for commissioning as a notary pursuant to law.
- (c) The Attorney General may deny an application based on:
 - (1) the applicant's conviction for a crime involving dishonesty or moral turpitude;
 - (2) revocation, suspension, or restriction of a notarial commission or professional license, such as a license to practice law, or sell securities or real estate, issued to the applicant by the Commonwealth or any State or territory of the United States of America; and/or
 - (3) the applicant's prior official misconduct as defined in Section 1-105, whether or not disciplinary action resulted.

§ 2-102 Jurisdiction and Term.

A person commissioned as a notary by the Attorney General may perform notarial acts in any part of this Commonwealth for a term of four (4) years, unless the commission is revoked under Section

6-201 or resigned under Section 7-104.

§ 2-103 Bond.

No notarial commission becomes effective until, within 30 days after its issuance, an oath of office and a one thousand dollar bond (\$1000.00) has been filed with the Clerk of Commonwealth Trial Court. The bond must be executed by a licensed surety, bonding for a term of four (4) years commencing on the commission's effective date and terminating on its expiration date, with payment of bond funds to any person conditioned upon the notary's misconduct as defined in Section 1-105.

§ 2-104 Recommissioning.

An applicant for recommissioning as a notary shall timely submit a new application and comply anew with the provisions of Article II of these Regulations.

§ 2-105 Ineligibility for Later Appointment.

A person who has been appointed and commissioned as a Notary Public and who performs any act as such after expiration of his term of office shall be ineligible for a subsequent appointment, unless the Attorney General is satisfied that such act was inadvertent or otherwise explainable.

Part B

§ 2-201 Application.

Every application for a notarial commission must be made on forms provided by the Attorney General and include, at least:

- (1) a statement of the applicant's personal qualifications;
- (2) a notarized declaration by the applicant; and
- (3) two letters of recommendation by persons other than immediate family members or the employer of the applicant.

§ 2-202 Statement of Personal Qualifications.

The application must state, at least:

- (1) the applicant's age;
- (2) the applicant's residence address and period of residence in the Commonwealth.
- (3) that the applicant can read and write English;

- (4) all criminal convictions of the applicant, including any pleas of admission and nolo contendere; and
- (5) all issuances, denials, revocations, suspensions, restrictions, and resignations of a notarial commission or other professional license involving the applicant in or any other state or territory of the United States.

§ 2-203 Notarized Declaration.

Every applicant for a notarial commission shall sign the following declaration in the presence of a notary of this Commonwealth:

Declaration of Applicant

I, _____, being first duly sworn, on oath depose and say: That I am the applicant named in the foregoing application for a Notary Public Commission; That I signed the said application; That I have read the said application and know the contents thereof and that all matters and things therein stated and all the answer given to the questions therein set forth are true of my own knowledge.

(signature of applicant)
(notarial certification as specified in Section 5-103)

§ 2-204 Fee for Application.

Every applicant for a notarial commission shall pay to this Commonwealth a nonrefundable application fee of twenty-five (\$25.00) dollars and submit evidence of payment with the application.

§ 2-205 Confidentiality.

Disciplinary information in an applicant's or notary's Statement of Personal Qualifications under paragraphs (4) and (5) of Section 2-202 must be used by the Attorney General and designated commonwealth employees for the sole purpose of performing official duties under 4 CMC Chapter 3 and may not be disclosed to any person other than:

- (1) the applicant;
- (2) the applicant's authorized representative or surety;
- (3) a representative of federal, state, county, or city government acting in an official capacity; or
- (4) a person specified by court order or by duly authorized notice by the applicant.

Part C

§ 2-301 Governmental Employees.

- (a) The Attorney General may commission any number of governmental employees to act as notaries, but notaries so empowered may perform notarial acts only in service of their respective governmental agencies.
- (b) Notaries empowered under this section may perform notarial acts in any part of this Commonwealth for a term of 4 years, and shall seek recommissioning by the Attorney General for each subsequent term.
- (c) An applicant for a notarial commission under this section must meet the requirements in Article II, Part II, except the application shall include a written declaration signed by the applicant's governmental employer stating that the commissioning is in the public interest; and the fee in Section 2-204 is waived for employees of this Commonwealth.
- (d) The premium on the bond and costs of all notarial supplies for a notary empowered under this section must be paid from funds of the notary's governmental agency.
- (e) No fees may be charged for governmental notarial services performed by a notary empowered under this section.
- (f) Upon leaving the employment of their governmental agencies, notaries empowered under this section shall resign their commissions immediately under Section 7-104 and dispose of their journals and seals under Section 7-105.
- (g) A notary empowered under this section shall comply with all provisions of these Regulations, unless otherwise specified in this section.

Article III - Powers and Limitations

Part A

§ 3-101 Powers and Duties of Notaries.

A notary is empowered to perform the following notarial acts:

- (1) acknowledgements (such as powers of attorney, mortgages, grants, deeds and leases;
- (2) oaths and affirmations to be used before any court, judge, officer or administrative agency in this Commonwealth;
- (3) jurats;
- (4) copy certifications and affidavits;
- (5) to take depositions and affidavits;
- (6) to keep a record of all official acts done by them;
- (7) to keep a record of the parties the date and character of every instrument acknowledged or proved before them;
- (8) when requested and upon payment of their fees therefor, to make and give a certified copy of any record in their office;
- (9) to provide and keep official seals or stamps, which shall be engraved as required by these Regulations.
- (10) to authenticate with their official seals all official acts;

§ 3-102 Disqualifications.

A notary is disqualified from performing a notarial act if the notary:

- (1) is a signer of or named in the document that is to be notarized;
- (2) will receive directly or indirectly from a transaction connected with the notarial act any commission, fee, advantage, right, title, interest, cash, property, or other consideration exceeding in value the fees specified in . . section 3-201; or
- (3) is related to the person whose signature is to be notarized as a spouse, sibling, or lineal ascendant or descendant.
- (4) at all times the notary should avoid the appearance of impropriety on his acts.

§ 3-103 Impartiality.

- (a) A notary may not influence a person to enter into or not to enter into a lawful transaction involving a notarial act by the notary.
- (b) A notary shall perform notarial acts in lawful transactions for any requesting person who tenders the appropriate fee specified in Section 3-201.

§ 3-104 False or Blank Certificates.

A notary may not execute any certificate containing a statement known by the notary to be false or perform any official action with intent to deceive or defraud. Moreover, a notary may not execute any certificate or form or other document which is not completely filled out, including the proper date and signatures.

§ 3-105 Testimonials.

A notary may not endorse or promote any product, service, contest, or other offering if the notary's title or seal is used in the endorsement or promotional statement.

§ 3-106 Unauthorized Practice of Law.

- (a) A non-attorney may complete but may not select notarial certificates, and may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.
- (b) This section does not preclude a notary who is duly qualified in a particular profession from giving advice relating to matters in that professional field.
- (c) A notary may not make representations to have powers, qualifications, rights, or privileges that the office of notary does not have, including the power to counsel on immigration or other legal matters.
- (d) A non-attorney notary who advertises notarial services in a language other than English shall include in the advertisement, notice, or sign the following in the same language:
 - (1) the statement, prominently displayed: "I am not an attorney and have no authority to give advice on immigration or other legal matters"; and
 - (2) the fees for notarial acts specified in Section 3-201(a).

- (e) A notary may not use the term "notary public" or any equivalent non-English term in any business card, advertisement, notice, or sign.

§ 3-107 Certification without Oath.

No notary public shall certify to the affidavit of a person without personally administering the oath or affirmation to such person. Such act shall constitute grounds for removal from office by the Attorney General. A notary public so removed from office shall be ineligible for a subsequent appointment.

§ 3-108 Removal from Office.

The following shall constitute official misconduct and grounds for removal from office by the Attorney General:

- (a) charging and receiving for an act or service done or rendered by him a fee greater than the amount prescribed by law.
- (b) Dishonestly, unfaithfully, or improperly discharging any of his duties as notary public.
- (c) certifying to the affidavit of a person without administering the oath or affirmation personally to such person.
- (d) conviction under Commonwealth or U.S. Federal statutes of embezzlement, fraud, bribery, theft, forgery, falsification or destruction of records, receiving stolen property, violation of the Consumer Protection Act (4 CMC § 5101 et seq., violation of any unfair business practices as described by 4 CMC § 5202 or any other offense which indicates a lack of integrity or honesty.
- (e) those reasons enumerated in §6-205.

§ 3-109 Removal from Office, Due Process.

A notary may be removed from commission or "decommissioned":

- (1) after a one process being before the Attorney General comporting due hearing before the Superior Court upon proper notice comporting with CNMI and U.S. Constitutional due process and the right to be represented by counsel.
- (2) The quantum of proof shall be by the "clear and convincing evidence" standard.
- (3) The burden of proof shall be upon the Attorney General.

§ 3-110 Liability of Notary.

For the official misconduct or negligence of a Notary Public, he and the sureties of his official bond are liable to the parties injured thereby for damages sustained. Sureties shall be liable to the extent of the bond.

§ 3-201 Fees.

Every notary public is entitled to demand and receive the following maximum fees:

- (a) Noting the protest of mercantile paper, \$1;
- (b) Each notice and certified copy of protest of mercantile paper, \$1;
- (c) Noting protest other than of mercantile paper, \$1;
- (d) Each notice and certified copy of protest other than of mercantile paper, \$2;
- (e) Each deposition, or official certificate, \$2;
- (f) Administration of oath, including the certificate of such oath, 25 cents;
- (g) Affixing the certificate of such oath to each duplicate original instrument beyond four, 15 cents;
- (h) Taking any acknowledgment, 50 cents for each party signing; and
- (i) Affixing to each duplicate original, beyond one of any instrument acknowledged before him, his certificate of acknowledgment, 25 cents for each person making such acknowledgment.

Part B

- (a) A notary may charge a travel fee when traveling to perform a notarial act if:
 - (1) the notary explains to the person requesting the notarial act that the fee is separate from the notarial fee in subsection (a) and is neither specified nor mandated by law; and
 - (2) the notary and the person requesting the notarial act agree upon the travel fee in advance.

- (3) A notary may not request, seek or receive any contingent fee or, as a notary fee, any amount based on a percentage of the value of any transaction which he is authenticating.

§ 3-202 Notice of Fees.

Notaries shall maintain and display an English language schedule of fees for notarial acts, as specified in Section 3-201(a). No part of any displayed notarial fee schedule may be printed in smaller than 10-point type.

Article IV - Journal and Seal

Part A

§ 4-101 Journal.

A notary shall keep, maintain, protect as a public record, and provide for lawful inspection a chronological, permanently bound official journal of notarial acts, containing numbered pages.

§ 4-102 Entries in Journal.

- (a) For every notarial act, the notary shall record in the journal at the time of notarization at least the following:
- (1) the date and time of day of the notarial act;
 - (2) the type of notarial act;
 - (3) a description of the document or proceeding;
 - (4) the signature and printed name and address of each person for whom a notarial act is performed;
 - (5) the evidence of identity of each person for whom a notarial act is performed, in the form of either: (i) a statement that the person is "personally known" to the notary, (ii) a description of the identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration, or (iii) the signature and printed name and address of a credible witness swearing or affirming to the person's identity;
 - (6) the fee, if any, charged for the notarial act; and
 - (7) the address where the notarization was performed if not the notary's business address.
- (b) A notary shall record in the journal the circumstances in refusing to perform or complete a notarial act.

§ 4-103 Signatures in Journal.

At the time of notarization, the notary's journal must be signed, as applicable, by:

- (1) the person for whom a notarial act is performed;
- (2) the credible witness swearing or affirming to the identity of the person for whom the notarial act is performed;

- (3) the subscribing witness swearing or affirming that another person signed the document that is notarized; and
- (4) the 2 witnesses to a signature by mark of the document that is notarized.

§ 4-104 Inspection, Copying, and Disposal of Journal.

- (a) A journal of notarial acts is an official public record that may be inspected in the notary's presence by any individual whose identity is personally known to the notary or proven on the basis of satisfactory evidence, who specifies the notarial act sought, and who signs the notary's journal.
- (b) Upon request in compliance with subsection (a), the notary shall provide a photocopy of an entry in the journal at a cost of not more than fifty (\$.50) cents per photocopy. If a certified copy is requested, the additional cost is as specified in Section 3-201.
- (c) A notary shall safeguard the journal and all other notarial records as valuable public documents and never destroy them, except at the direction of the Office of the Attorney General.
- (d) The journal must be kept in the exclusive custody of the notary, and may not be used by any other notary or surrendered to an employer upon termination of employment.
- (e) Upon resignation, revocation, or expiration of a notarial commission, or death of the notary, the notarial journal and records must be delivered by hand delivery, certified mail or other means providing a receipt to the Office of the Attorney General in accordance with these Regulations. Failure to do so may result in a civil penalty assessment of a maximum of two hundred (\$200.00) dollars.

Part B

§ 4-201 Official Signature.

In completing a notarial act, a notary shall sign on the notarial certificate exactly and only the name indicated on the notary's commission and seal.

§ 4-202 Official Seal.

- (a) A notary shall keep an official notarial seal or stamp that is the exclusive property of the notary and that may not be used by any other person nor may it be surrendered to an employer upon termination of employment.
- (b) Upon resignation, revocation, or expiration of a notarial commission, or death of the notary, the seal or stamp must be obtained for any new commission under Section 4-204. Failure to so return the seal may within the discretion of the Attorney General, result in a assessment of a civil penalty of a maximum of \$200.00 to the former Notary or his estate.

§ 4-203 Seal Impression.

- (a) Near the notary's official signature on a notarial certificate, the notary shall affix in black ink a sharp, legible, and photographically reproducible impression of the notarial seal or stamp that must include the following elements:
 - (1) the notary's name exactly as indicated on the commission;
 - (2) the words "Notary Public", "Commonwealth of the Northern Mariana Islands" and "My commission expires (commission expiration date)";
 - (3) the address of the notary's business or residence; and
 - (4) a border in a rectangular or circular shape no larger than two inches, surrounding the required words.
- (b) Illegible information within a seal impression may be typed or printed legibly by the notary adjacent to but not within the impression.
- (c) An embossed seal impression that is not photographically reproducible may be used in addition to but not in lieu of the seal or stamp described in subsection (a).

§ 4-204 Obtaining a Seal.

- (a) A vendor of notary seals may not provide a notarial seal or stamp, either inking or embossing, to a person claiming to be a notary, unless the person presents the following documents, which the vendor must retain for 5 years: a
 - (i) photocopy of the person's notarial commission, attached to a
 - (ii) notarized declaration substantially as follows:

Application for Notary Seal

I, _____ (name of person requesting seal),
declare that I am a notary public duly commissioned by the
Commonwealth of the Northern Mariana Islands, with a
commission starting date of _____ and a commission
expiration date of _____. As evidence, I attach to
this paper a photocopy of my commission.

_____ (signature of person requesting seal)
(notarial certificate specified in Section 5-101)

- (b) A notary applying for a seal as a result of a change in the notary's legal name shall present a copy of the Confirmation of Notary's Name Change from the Office of the Attorney General in place of the Application for a Notary Seal.

- (c) A vendor of notary seals who fails to maintain a file containing the documents specified in this section may be assessed a civil penalty in the maximum amount of \$100.00.

Article V - Certificates

§ 5-101 General Acknowledgment.

A notary shall use a certificate in substantially the following form in notarizing the signature or mark of persons acknowledging for themselves or as partners, corporate officers, attorneys in fact, or in other representative capacities:

Commonwealth of the Northern Mariana Islands (Village), (Island)

On this _____ day of _____, 19 ____, before me, the undersigned notary, personally appeared _____,
(personally known to me)
(proved to me through government-issued documentary
who is personally known to me,)
to be the person(s) whose name(s) (is)(are) signed on the
preceding or attached document, and acknowledged to me that
(he)(she)(they) signed it voluntarily for its stated purpose(.)
(as partner for _____, a partnership.)
(as _____ for _____, the principal.)
(as _____ for _____, (a)(the)_____.)
(by mark before _____ and _____, subscribing
witnesses.)

(official signature and seal of notary)

§ 5-102 Subscribing Witness for Absent Signer.

A notary shall use a certificate in substantially the following form in notarizing, through a subscribing witness, the signature of a person who does not appear before the notary:

Commonwealth of the Northern Mariana Islands
(Village), (Island)

On this _____ day of _____, 19 ____, before me, the undersigned notary, personally appeared _____,
(personally known to me)
(proved to me on the oath or affirmation of _____,
(proved to me on the oath or affirmation of _____,
who is personally known to me,)
to be the person(s) who signed the preceding or attached
document in my presence and who swore or affirmed to me that
the signature(s) (is)(are) voluntary and the document truthful.

(official signature and seal of notary)

§ 5-104 Certified Copy.

A notary shall use a certificate in substantially the following form in notarizing a certified copy:

On this _____ day of _____ 19 ____, I certify that the preceding or attached document, and the duplicate retained by me as a notarial record, are true, exact, complete, and unaltered photocopies made by me of _____ description of document),

(presented to me by the document's custodian,
_____,)

(held in my custody as a notarial record,)

and that, to the best of my knowledge, the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are available from an official source other than a notary.

(official signature and seal of notary)

Article VI - Liability and Remedies

Part A

§ 6-101 Liability of Notary, Surety, and Employer.

- (a) A notary is liable to any person for all damages proximately caused that person by the notary's official misconduct in performing a notarization.
- (b) A surety for a notary's bond is liable to any person for damages proximately caused that person by the notary's official misconduct in performing a notarization, but this liability may not exceed the penalty amount of the bond or of any remaining bond funds that have not been expended to other claimants. Regardless of the number of claimants, a surety's total liability may not exceed the penalty amount of the bond.
- (c) An employer of a notary is liable to any person for all damages proximately caused that person by the notary's official misconduct in performing a notarization related to the employer's business, if the employer directed, encouraged, consented to, or approved the notary's misconduct, either in the particular transaction or, impliedly, by previous actions in at least one similar transaction.

§ 6-102 Proximate Cause.

Recovery of damages against a notary, surety, or employer does not require that the notary's official misconduct be the sole proximate cause of the damages.

Part B

§ 6-201 Revocation.

- (a) The Attorney General may revoke a notarial commission or "decommission" a notary on any ground for which an application for a notarial commission may be denied under Section 2-101, infractions of § 3-102, § 3-103, § 3-104, § 3-105, § 3-106 and subject to the due process protections of § 3-109.
- (b) Resignation or expiration of a notarial commission does not terminate or preclude an investigation into a notary's conduct by the Attorney General, who may pursue the investigation to a conclusion, whereupon it must be made a matter of public record whether or not the finding would have been grounds for revocation.

§ 6-202 Other Remedies.

- (a) The Attorney General may deliver a written official warning to cease misconduct to any notary whose actions are judged to be official misconduct under Section 1-105(9).
- (b) The Attorney General may seek a court injunction to prevent a person from violating any provision of these Regulations.

§ 6-203 Additional Remedies Not Prevented.

The remedies of these Regulations supplement, and do not preclude, other remedies provided by law.

§ 6-204 Cause for Removal

Cause for removal or "decommissioning" shall be those enumerated in 3-108 or:

- (a) A conviction of or entering a guilty or "no contest" plea to any felony or misdemeanor involving moral turpitude or, in the case of attorney at law, any suspension or disbarment in any jurisdiction wherever admitted to practice.
- (b) Adjudication of insanity or incompetence which would support a presumption of inability to understand the nature of an oath, the elements of a simple contract or the duties and obligations of notaries public.

§ 6-205 Reinstatement

Reinstatement and recommissioning may be accomplished upon a showing by the decommissioned notary of reinstatement of civil rights and rehabilitation and, restitution, if any is due, is fully made. In the cases of attorneys at law, reinstatement to the sanctioning bar association or other professional licensing authority.

Part C

§ 6-301 Impersonation.

Any person not a notary who knowingly acts as or otherwise impersonates a notary is guilty of a crime as set out in 4 CMC § 3317.

§ 6-302 Wrongful Possession.

Any person who knowingly obtains, conceals, defaces, or destroys the seal, journal, or official records of a notary is guilty of a crime as set out in 4 CMC § 3317.

Article VII - Changes of Status

§ 7-101 Change of Address.

Within 30 days after the change of a notary's business or residence address, the notary shall deliver to the Attorney General by hand delivery certified mail or other means providing a receipt, a signed notice of the change, giving both old and new addresses.

§ 7-102 Change of Notary's Name.

- (a) A notary securing a change of name shall deliver to the Attorney General a signed notice of the change, giving both old and new names and the effective date of the new name.
- (b) Starting on the effective date, a notary with a new legal name shall sign that name on all notarial certificates, but only after the following steps have been completed:
 - (1) the notice described in subsection (a) has been delivered;
 - (2) a Confirmation of Notary's Name change has been received from the Attorney General; and
 - (3) a new seal or stamp bearing the new name exactly as in the confirmation has been obtained; and

§ 7-103 Lost Journal or Seal.

Within 10 days after the loss, destruction or theft of an Official Journal or seal, the notary shall deliver to the Attorney by hand delivery, certified mail or other means providing a receipt, a signed affidavit of loss, destruction or theft, and inform the appropriate law enforcement agency in the case of theft.

§ 7-104 Resignation.

- (a) A notary who resigns a notarial commission shall deliver to the Attorney General by hand delivery certified mail or other means providing a receipt, a notice indicating the effective date of resignation.
- (b) Notaries who cease to reside or work in, or for, this Commonwealth or who become physically incapacitated such that they are unable to read or write shall resign their commissions.

§ 7-105 Disposition of Seal and Journal.

- (a) Except as provided in subsection (b), when a notarial commission is resigned, revoked, or expires, the notary shall:
- (1) as soon as reasonably practicable, surrender the official seal or stamp to the Office of the Attorney General.
 - (2) within 30 days after the effective date of resignation, revocation, or expiration, deliver to the Office of the Attorney General by hand delivery, certified mail or other means providing a receipt, the notarial journal and records.
- (b) A former notary who intends to apply for a new commission and whose previous commission or application was not revoked or denied need not deliver the journal and records within 30 days after commission expiration, but must do so within 3 months after expiration unless recommissioned within that period.

§ 7-106 Death of Notary.

If a notary dies during the term of commission, the notary's heirs or personal representative, as soon as reasonably practicable after death, shall:

- (1) surrender the official seal or stamp to the Office of the Attorney General; and
- (2) deliver to the Office of the Attorney General by hand certified mail or other means providing a receipt (i) a signed notice of the date of death to the Office of the Attorney General, and (ii) the notarial journal and records.
- (3) Failure to comply with these provisions of may result in a civil penalty, in the discretion of the Attorney General, of a maximum of one hundred (\$100.00) dollars, levied against the deceased notary's estate.

Article VIII - Authentication

§ 8-101 Evidence of Authenticity of Notarial Act.

- (a) The authenticity of the official notarial seal and signature of a notary of this State may be evidenced by:
 - (1) a certificate of authority from a designated person in the Office of the Attorney General, authenticated as necessary; or
 - (2) an apostille from the Attorney General in the form prescribed by the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents of October 5, 1961.
- (b) An apostille as specified by the Hague Convention must be attached to any document requiring authentication that is sent to a nation that has signed and ratified this Convention.

§ 8-102 Certificate of Authority.

A certificate of authority evidencing the authenticity of the official notarial seal and signature of a notary of this Commonwealth must be substantially in the following form:

Certificate of Authority for a Notarial Act

I, _____, (name, title, jurisdiction of authenticating official) certify that [name of notary,] the person named in the seal and signature on the attached document[,] is a notary public for the Commonwealth of the Northern Mariana Islands and was authorized to act as such at the time of the document's notarization.

§ 8-103 Apostille.

An apostille prescribed by the Hague Convention, as cited in the annotations to Rule 44 of the Federal Rules of Civil Procedure, must be in the form of a square with sides at least 9 centimeters long and contain exactly the following wording:

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: _____
This public document
2. has been
signed by _____
3. acting in
the capacity of _____
4. bears the seal/stamp of _____

CERTIFIED

5. at _____ 6. the _____
7. by _____
8. No. _____
9. Seal/Stamp 10. Signature:

Article VIV


§ 9-101 Distribution

A copy of these regulations shall be furnished to each notary public with his new or renewed Commission and a copy shall be made available to each notary currently commissioned on the effective date of these Regulations.

§ 9-102 Effective Date

The effective date of these Regulations will be the date on which they are published in the Commonwealth Register after the required proposal and comment period.

Certified by:



ROBERT C. NARAJA
Attorney General

6-12-92

Date

Concurred by: _____

Date

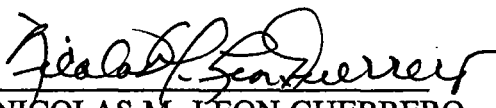
**NOTICE OF PROPOSED
REGULATIONS AND RATES
FOR THE FARM EQUIPMENT SERVICE**

The Department of Natural Resources hereby gives notice to the general public that it proposes to adopt regulations regarding the use of farm equipment operated and maintained by the Department of Natural Resources, Division of Plant Industry, through its Farm Equipment Service. These regulations are adopted pursuant to the authority granted by 1 CMC §2654(i) and 1 CMC §2655. Interested persons may obtain copies of the proposed regulations from the Department of Natural Resources.

Anyone interested in commenting on the proposed regulations may do so in writing within 30 days from the date this notice is published in the Commonwealth Register. Comments should be sent to:

Department of Natural Resources
Saipan, MP 96950

Dated this 2 day of June, 1992.


NICOLAS M. LEON GUERRERO
Director of the Department of
Natural Resources

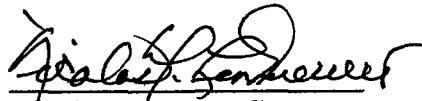
**NUTISIA PUT I MAPROPOPONI
NA A'PAS TRASTES/MAKINA PARA LANCHO
NA REGULASION**

I dipatamenton Natural Resources ginen este ha nutitisia i publiku henerat put i propositu ni para u fan adapta regulasion para uson trastes/makina para lancho ni u minaneha ni dipatamenton i Natural Resources, Division of Plant Industry, ginen i setbision traste/makinan lancho. Este na regulasion i setbisiun trastes/makinan lancho. Este na regulasion para u ma'adapta sigun i fuetsa yan aturidat 1 CMC 2654(I) yan 2655. Haye interesao na petsona sina ha manule kopian este na regulasion gi ufisinan depatamenton Natural Resources.

Haye interesao na petsona malago mamatinas komentu put este na regulasion, sina ha tuge papa ya u na halom gi halom trenta (30) dias despues di malaknos este na nutisia gi Commonwealth Register. Este siha na komentu, u mana hanao guatu gi:

Department of Natural Resources
Saipan, MP 96950

Mafecha gi dia 2, Junio, 1992.



Nicolas M. Leon Guerrero
Director
Dept. of Natural Resources

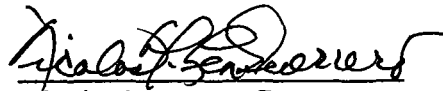
**ARONGORONG REEL EFEERUL
ALLEGHUL ABWOSSUL PEIRAAGHIL
LEMAAT**

Dipatamentool Natural Resources ekke arongaar towlap igha ebwe adapta allegh reel yayaal me abwossul peiraaghil lemaat iye school Dipatamentool Natural Resources me Division of Plant Industry rebwe ammwela me lemeli sedbisyool peiraaghil lemaat. Allegh kkaal nge re adaptaalil sangi bwangil me aileewal 1 CMC 2654(i) me CMC 2655. Aramasye e tipali nge emmwel schagh ebwalo bweibwogh kkopiyaal allegh kkaal mellol Bwulasiyool Natural Resources.

Iyo e mwuschal bwe ebwe atotoolong tipal me mangemangil mge emmwel schagh ebwe ischiitia nge aa atolongoog llol eliigh (30) ral sangi igha e toowow arongorong yeel mellol Commonwealth Register nge rebwe afanga mgali address yeel:

Department of Natural Resources
Saipan, MP 96950

E ffeer llol raalil ye 2 Unniyo, 1992.


Nicolas M. Leon Guerrero
Director of the Department of
Natural Resources

**DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PLANT INDUSTRY
PROPOSED REGULATIONS AND RATES
FOR THE FARM EQUIPMENT SERVICE**

Section 1: Purpose. The purpose of these regulations is to establish rates and standards for use of farm equipment operated and maintained by the Department of Natural Resources, Division of Plant Industry, through its Farm Equipment Service. This equipment is rented to CNMI farmers to promote and develop local agriculture.

Section 2: Authority. These regulations are adopted under the authority of 1 CMC §2654(i) and 1 CMC §2655.

Section 3: Equipment Rental and Rates.

3.1 The Department of Natural Resources, Division of Plant Industry, may provide a farm equipment service to CNMI farmers for agricultural purposes. The equipment rates shall be as follows.

<u>Item</u>	<u>Rate</u>
a. Caterpillar D-6 bulldozer or equivalent	\$15.00/hr.
b. John Deere 4250 Tractor or equivalent	\$12.00/hr.
c. Ford 6610 tractor or equivalent	\$ 8.00/hr.
d. Ford 4610 tractor or equivalent	\$ 8.00/hr.

3.2 Each individual farmer shall receive no more than 30 hours of bulldozer service per application.

Section 4: Severability: If any provision of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Adopted by: *Diego L. Hernandez*
Director of Natural Resources

June 2, 1992
Date

Filed and
Recorded by: *Remedio C. Chapas*
Registrar of Corporation

6-4-1992
Date

Copy Received
and Filed by:


Office of the Governor

6/11/92


Date

11:30 AM

**CERTIFICATION OF PROPOSED
REGULATIONS AND RATES
FOR THE FARM EQUIPMENT SERVICE**

I, Nicolas M. Leon Guerrero, Director of the Department of Natural Resources, hereby certify that the attached Proposed Regulations and Rates for the Farm Equipment Service is a true, complete and correct copy of the Proposed Regulations and Rates for the Farm Equipment Service adopted by the Department of Natural Resources on JUNE 2, 1992. I further certify that true, complete, and correct copies have been submitted to the Registrar of Corporations for filing and publication in the Commonwealth Register, and to the Office of the Governor for filing.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on JUNE 2 at SALPAN, Commonwealth of the Northern Mariana Islands.

(Signature) 
NICOLAS M. LEON GUERRERO

PUBLIC NOTICE

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS RESTRICTING THE ISSUANCE OF BUSINESS LICENSES TO GARMENT MANUFACTURERS, THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES AND ENTRY PERMITS FOR ALIEN GARMENT WORKERS, AND THE ISSUANCE OF CERTIFICATES OF ORIGIN FOR GARMENTS PRODUCED IN THE CNMI.

NOTICE IS HEREBY GIVEN, that these amendments to the regulations are issued jointly by the Director of Commerce and Labor, the Attorney General, and the Director of Finance. They are issued under 1 CMC Section 9104 and the following authority:

1. Business Licenses: Director of Commerce and Labor has authority to license and regulate businesses under 1 CMC Section 2453 (d) and authority to promulgate regulations under 1 CMC Section 2454.

2. Labor Permits: Director of Commerce and Labor has authority to certify nonresident workers pursuant to 3 CMC Section 4435 (b) and authority to promulgate regulations under 3 CMC Section 4424(a).

3. Immigration Permits: The Attorney General has authority to certify nonresident workers pursuant to 3 CMC Section 4435 (b) and authority to promulgate regulations under 3 CMC Section 4331(a).

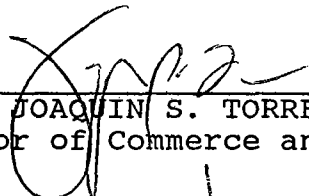
4. Certificates of Origin: The Director of Finance has authority to regulate customs pursuant to 1 CMC Section 2553 (i) and authority to promulgate regulations under 1 CMC Section 2557.

The text of the adopted amendments to the regulations are those as published in the Commonwealth Register on April 15, 1992, Volume 14, No. 4, pages 9206-9213 which amended the rules and regulations promulgated on January 19, 1988 which establish a moratorium on the issuance of new business licenses for garment manufacturers, restrict certificates of origin to existing garment manufacturers, and limit the issuance of labor and immigration permits for nonresident workers under the classification of garment worker to the renewal of existing permits.

The said amendments shall take effect ten (10) days after this publication in the Commonwealth Register.

We, the undersigned (Director of Commerce and Labor, Director of Finance and Attorney General) which are amending the rules and regulations regarding restricting the issuance of business licenses to garment manufacturers, the processing of applications for work certificates and entry permits for alien garment workers, and the issuance of certificates of origin for garments produced in the CNMI published in the Commonwealth Register on April 15, 1992, at pages 9206-9213, by signature below hereby certify that such amendments to the rules and regulations regarding the same are formally adopted by the Departments of Commerce and Labor and Finance and the Attorney General.

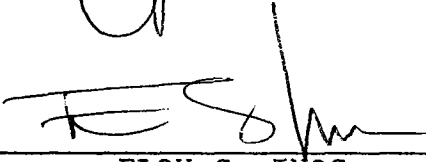
We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date(s) indicated below, at Saipan, Commonwealth of the Northern Mariana Islands.



JOAQUIN S. TORRES
Director of Commerce and Labor

6/01/92

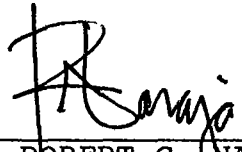
Date



ELOY S. INOS
Director of Finance

6/2/92

Date




ROBERT C. NARAÑA
Attorney General

6-3-92

Date

*Received in Governor's office
6/8/92, 9AM
Don J Cruz*



SOLEDAD B. SASAMOTO
REGISTRAR OF CORPORATIONS

NUTISIAN PUBLIKU

NUTISIA POT I MA'ADOPTAN I AMENDASION GI REGULASION SIHA NI MUNA'PRIBIDU I MANA'EN LISENSIAN BISNES PARA I FAKTORIAN MAGAGU SIHA, I KINALAMTEN APLIKASION PARA SETTEFIKON CHO'CHO' YAN ENTRADA PARA I ESTRNGHERU NA HOTNALERON FAKTORIAN MAGAGU SIHA, YAN I MANA'EN SETTEFIKASION PRINSIPU PARA I MAGAGU SIHA NI MANMAPRODUSI GI HALOM I CNMI

NOTISIA MAN'MANANAE GUINI, na este i manma'amenda na regulasion manmalaknos entre i dinana-niha i Direktot i Commerce and Labor, i Attorney General, yan i Direktot i Finance. I regulasion siha mamalaknos sigon gi papa' i 1 CMC Seksiona 9104 yan i mansiguiente na aturidat siha:

1. Lisensian Bisnes (Business Licenses): I Direktot i Commerce and Labor gai aturidat malisensia yan manae asunto siha put bisnes sigon gi 1 CMC Seksiona 2453 (d) yan i aturidat para u fanlaknos regulasion siha gi papa' 1 CMC Seksiona 2454.

2. Lisensian Cho'cho (Labor Permits): I Direktot i Commerce and Labor gai aturidat mansettefika emplehao siha ni ti manresidenten i CNMI sigon gi 3 CMC Seksiona 4435 (b) yan i aturidat manlaknos regulasion siha gi papa' 1 3 CMC Seksiona 4424 (a).

3. Lisensian Imigrasion (Immigration Permits): I Attorney General gai aturidat mansattefika emplehao siha ni ti manresidenten i CNMI sigon gi pap' i 3 CMC Seksiona 4331 (a).

4. Settefikon Prinsipiu (Certificates of Origin): I Direktot Finance gai aturidat para u manea todou reditu siha sigon gi 1 CMC Seksiona 2553 (i) yan i aturidat malanos regulasion siha gi papa' i 1 CMC Seksiona 2557.

I man'matugi na palabras ni manma'adopta na tinilaika siha gi regulasion ni guiya eyu i manma'publika gi i Commonwealth Register, Volume 14, No. 4, gi Abrit dia kinse, mit nuebi sientos nuebienta i dos (April 15, 1992), gi pahina 9206 asta 9213, ni a'amenda i areklamento yan regulasion siha ni manmalaknos gi Ineru 19, 1988 ni umestablesi i nina'paran mana'en lisensian bisnes para nuebo siha na faktorian magau,

i pribibidon mana'en settefikon prinsipiu para otro mas ki ayu ha' i esta guaha na faktorian magagu siha, yan i miniden kuantu sina man lanos na lisensian cho'cho' yan imigrasion para i emplehao siha ti manresidenten i CNMI ni manmaklasifka komo emplehaon fatorian magagu solu para u ma rinueba ha' i esta guaha na lisensia siha.

I sinagan na tinelaika para u efektibu gi mina dies (10) dias destiki ma publika gi i Commonwealth Register.

Hame ni manman fitma (Depatamenton Commerce yan Labor, Depatamenton i Finance yan I Attorney General) ni in amemenda i areklo yan regulasion put para uma'ataha i malicensian business para facterian magagu, i kinalamten aplikasion para settefikon cho'cho yan entrada para iestrangheru na hotnaleron faktorian magagu siha, yan i mana'en settefikasion prinsipiu para i magagu siha ni manmaprodusi gi halom i CNMI ni ma publika gi Commonwealth Register gi Abrit dia kinse, mit-nuebi-sientos-nubenta-i-dos, gi pahina 9206 asta 9213, sigun gi i fitman mami guini papa in apreba na este siha na tinilaika gi i areklo yan regulasion put este siha esta manma adopta fotmat ni i Depatamenton i Commerce yan Labor yan i Finance yan i Attorney General.


In declara gi papa i pena yangin mandagi na este siha i manmofonana sinagan man'dinanche yan man'magahet yan este na declarasion man'machogue gi este siha na dia ni a'anok guini papa giya Saipan, Commonwealth of the Northern Mariana Islands.



JOAQUIN S. TORRES
Director of Commerce and Labor

6/01/92

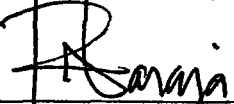
Date



ELOY S. INOS
Director of Finance

6/2/92

Date

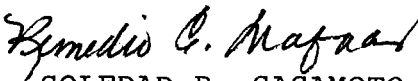


ROBERT C. NARAJA
Attorney General

6-3-92

Date

*Received in Governor's office
6/8/92, 9AM
Don J. Coy*



SOLEDAD B. SASAMOTO
for: REGISTRAR OF CORPORATIONS