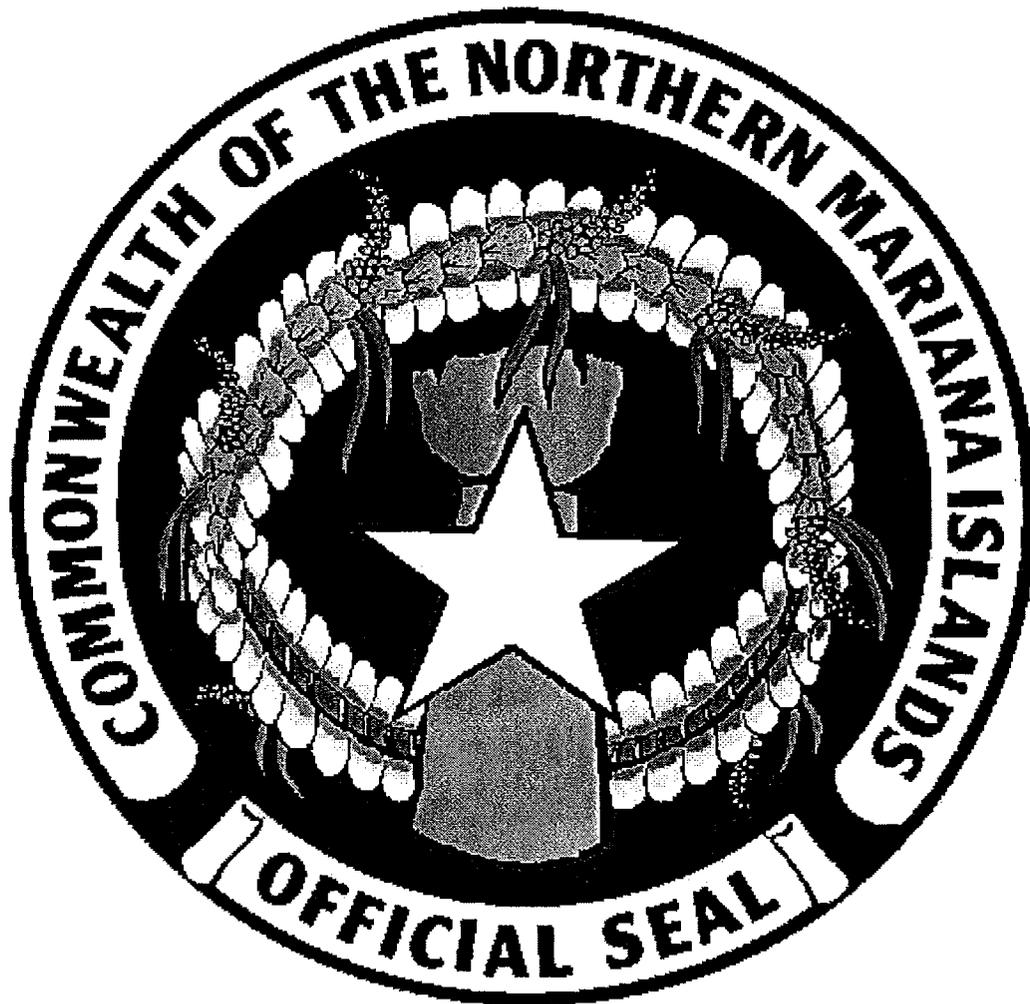


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



COMMONWEALTH REGISTER
VOLUME 29
NUMBER 09

SEPTEMBER 17, 2007

COMMONWEALTH REGISTER

**VOLUME 29
NUMBER 09
SEPTEMBER 17, 2007**

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXTENSION OF EMERGENCY Volcanic Activity on Anatahan

WHEREAS, On May 13, 2003, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

WHEREAS, the volcanic activity and seismic phenomena which prompted said Declaration continues to exist on the island of Anatahan;

NOW, THEREFORE, I, BENIGNO R. FITIAL, by the authority vested in me as Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, do hereby extend a state of disaster emergency in the Commonwealth with respect to the island of Anatahan under the same terms and conditions as are contained in the original Declaration.

This Extension of Emergency shall remain in effect for thirty (30) days, unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for alike term, and giving reasons for extending the emergency.

Dated this 27th day of August 2007.

A handwritten signature in cursive script, appearing to read "Benigno R. Fitial".

BENIGNO R. FITIAL

cc: Lt. Governor (Fax: 664-2311)
Senate President (Fax: 664-8803)
House Speaker (Fax: 664-8900)
Mayor of the Northern Islands (Fax: 664-2710)
Executive Assistant for Carolinian Affairs (Fax: 235-5088)
Director of Emergency Management (Fax: 322-7743)
Attorney General (Fax: 664-2349)
Secretary of Finance (Fax: 664-1115)
Commissioner of Public Safety (Fax: 664-9027)
Special Assistant for Management and Budget (Fax: 664-2272)

**PUBLIC NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF
INTENT TO ADOPT RULES AND REGULATIONS OF THE
TINIAN MUNICIPAL CEMETERY**

EMERGENCY:

The Mayor's Office of the Municipality of Tinian and Aguiguan finds that the public interest requires the implementation of these rules and regulations due to the fact that existing areas of the Tinian Municipal Cemetery are now filled to capacity and further burials therein are not possible under existing conditions.

The Mayor's Office finds that under 1 CMC § 9104 (b), the public interest mandates adoption of these regulations upon fewer than thirty (30) days notice, and that these regulations shall become effective immediately after filing with the Commonwealth Register, subject to the approval of the Attorney General and the concurrence of the Governor, and shall remain effective for 120 days.

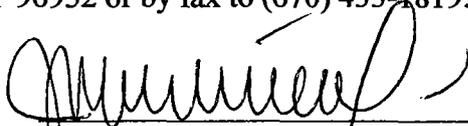
REASONS FOR EMERGENCY:

Any new deaths within the municipality or requests for burial from outside the municipality would result in the necessity of opening a new section for said burial. Such opening requires regulations in place in order to prevent unorganized or unauthorized interment and inconvenience to the public.

INTENT TO ADOPT:

It is the intent of the Mayor of Tinian and Aguiguan to adopt these emergency regulations to Tinian Local Law 15-4, as permanent, pursuant to 1 CMC § 9104 (a), (1) and (2). Interested persons may submit written comments on these emergency recommendations to Mayor Jose P. San Nicolas, P.O. Box 59, Tinian, MP 96952 or by fax to (670) 433-1819.

Submitted by:



Jose P. San Nicolas, Mayor

8/20/07

Date:

Concurred by:

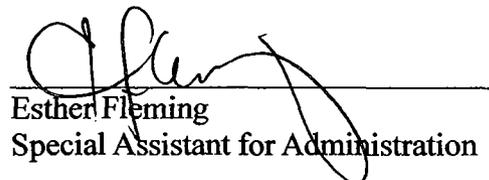


Benigno R. Fitial, Governor

8/22/07

Date:

Received by:



Esther Fleming
Special Assistant for Administration

8/21/07

Date:

PUBLIC NOTICE

**PROPOSED RULES AND REGULATIONS OF THE
TINIAN MUNICIPAL CEMETERY**

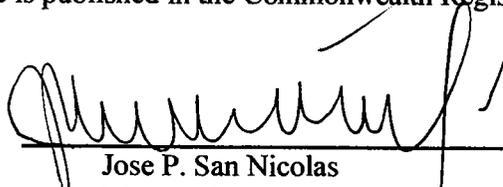
The Office of the Mayor of the Municipality of Tinian and Aguiguan, hereby notifies the public that, pursuant to the CNMI Administrative Procedures Act, particularly 1 CMC §§ 9102, 9104(a), and 9105, the Mayor's Office proposes to adopt the proposed policies and regulations attached hereto for the Tinian Municipal Cemetery.

In accordance with 1 CMC § 9104(a), the public has the opportunity to comment on the proposed policies and regulations. Copies of the proposed regulations are available for review and comments at the Tinian Mayor's Office, San Jose Village, P.O. Box 59, Tinian, MP 96952.

Written comments to the proposed polices and regulations should be submitted to the: Office of the Mayor, Municipality of Tinian and Aguiguan, P.O. Box 59, Tinian, MP 96952, within thirty (30) days of the date this notice is published in the Commonwealth Register.

Issued by:

Date: 8/20/07



Jose P. San Nicolas
Mayor of Tinian & Aguiguan

**PROPOSED POLICIES AND REGULATIONS OF THE
TINIAN MUNICIPAL CEMETERY**

Citation of Statutory Authority: The Office of the Mayor of Tinian and Aguiguan proposes to promulgate policies and regulations pursuant to Tinian Local Law 15-4 (not yet codified).

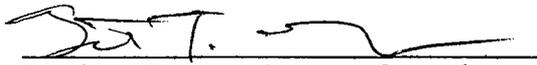
Short Statement of Goals and Objectives: The proposed policies and regulations are promulgated to implement management of the Tinian Municipal Cemetery.

Brief Summary of Proposed Regulations: The proposed rules and regulations will establish procedures for maintenance, plot siting, monuments and memorials and general behavioral activities allowed or disallowed within the Tinian Municipal Cemetery.

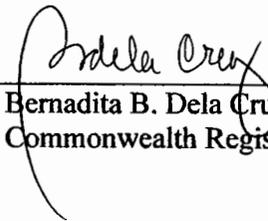
For Further Information, Contact: Hon. Jose P. San Nicolas, Mayor of Tinian, at telephone **433-1800**.

Citation of Related and/or Affected Statutes, Regulations, and Orders: None.

Pursuant to 1 CMC § 2153(e) (Attorney General approval of regulations to be promulgated as to form) and 1 CMC 9104(a)(3) (obtain Attorney General approval), the proposed policies and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC §2153(f) (publication of rules and regulations)).

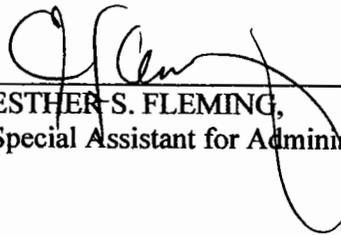

Matthew Gregory, Attorney General

Date: 8/20/07

Filed by: 
Bernadita B. Dela Cruz,
Commonwealth Registrar

Date: 8/21/07

Received at the Governor's Office by:


ESTHER S. FLEMING,
Special Assistant for Administration

Date: 8/21/07

ENSIGIDAS NA NOTISIAN PUPBLIKU POT REGULASION SIHA YAN NOTISIA POT INTENSION PARA U MA'ADOPTA AREKLAMENTO YAN REGULASION SIHA POT I SEPUTTURAN I MUNISIPALIDAD TINIAN

ENSIGIDAS:

I Ofisinan I Atkátde I Munisipalidad Tinian yan Aguiguan a sodda na ginen I interes I pupbliku marekomenda I ma'establesin este siha na areklamento yan regulasion siha pot rason na I man eksiste na lugát siha gi Seputturan Munisipalidad Tinian esta man akihot para I kapasidát-ña ya I man mamaila ni para u fan ma'afot guihe siempre ti pusipble pot rason na esta bula.

I Ofisinan I Atkátde a sodda na papa I lai I CMC Seksiona 9104 (b), I interes pupbliku ma'otden I inadoptasion este siha na regulasion menos di trenta (30) diha siha na notisia, ya este siha na regulasion siempre man efektibu ensigidas despues di mapolu gi Rehistran I Commonwealth, subetu I inapruedan I Abugádu Henerát yan I kinonfotmen I Gubietno, ya debi di u efetitibu esta sientu bente (120) diha siha.

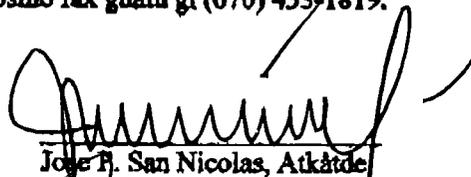
RASON SIHA PARA I ENSIGIDAS NA NOTISIA:

Maseha hayi nuebu na mátai gi balom I munisipalidad osino ginagáo siha para ma'afot tataotao ginen sanhiyong I munisipalidad siempre marekomenda I nisisidát I mababan I nuebu na seksiona para I ma'afot. I binaban nuebu na seksiona a nisisita regulasion siha para I lugát pot para u pribeni ti man otganisa osino ti man ma'aturisa na entiero yan inkombinante para I pupbliku.

INTENSION PARA U MA'ADOPTA:

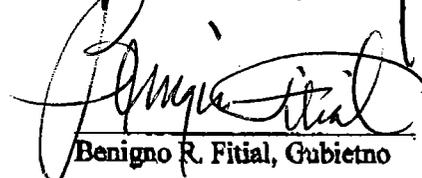
Intension I Atkátde Tinian yan Aguiguan para u adopta este ensigidas na regulasion siha para Lokát na Lai Tinian 15-4, kumo petmanente, sigun I lai I CMC Seksiona 9104 (a) yan (2). Maseha hayi interesáo na petsona sifa munahalom tinige' opinion pot este ensigidas na rekomendasion siha guatu as Atkátde Jose P. San Nicolas, gi P.O. Box 59, Tinian MP 96952 osino fax guatu gi (670) 433-1819.

Ninahalom as:


Jose P. San Nicolas, Atkátde

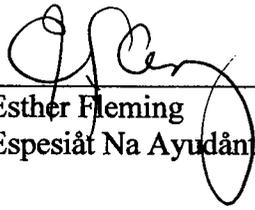
9-12-07
Fecha

Kinonfotme as:


Benigno R. Fitial, Gubietno

9-13-07
Fecha

Maresibe as:



Esther Fleming
Especiâl Na Ayudânte Para I Atministrasion

9/14/07

Fecha

NOTISIAN PUPBLIKU

**MAN MAPROPONE NA AREKLAMENTO YAN REGULASION SIHA POT
SEPUTTURAN MUNISIPALIDAD TINIAN**

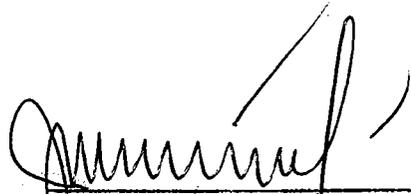
I Ofisinan I Atkâden Munisipalidad Tinian yan Aguiguan este na momento man nâna'I' notisia I pupbliku na, sigun I Akton Areklamenton Atministradot I CNMI, patikulâtmente lai I CMC Seksiona 9102, 9104 (a), yan 9105, I Ofisinan I Atkâde a propopone areklamento yan regulasion siha ni man che'che'ton guine para I seputturan I Munisipalidad Tinian.

Sigun i lai I CMC Seksiona 9104 (a), gai opottunidât I pupbliku para u fan gai opinion pot I man mapropone na areklamento yan regulasion siha. Kopian I man mapropone na regulasion siha man gaige para u maribisa ya u guaha opinion siha gi Ofisinan I Atkâden Tinian yan Aguiguan, gi P.O. Box 59, giya Tinian, MP 96952.

Tinige' opinion pot I man mapropone na areklamento yan regulasion siha debi di u mana fan hâlom trenta (30) diha siha anai mafecha este na notisia ni mapupblika gi Rehistran I Commonwealth.

Ninahalom as:

Fecha: 9-12-07


Jose P. San Nicolas
Atkâden Tinian yan Aguiguan

MAN MAPROPONEN AREKLAMENTO YAN REGULASION I SEPUTTURAN I MUNISIPALIDAD TINIAN

Annok I Aturidat I Lai: I Ofisinan I Atkåtden Tinian yan Aguiguan a propone para u establesi areklamento yan regulasion siha sigun I Lokåt na Lai Tinian 15-4 (trabia ti makodigu este).

Kada'da' Na Mensáhe Pot I Finiho yan Diniseha: I man mapropone na areklamento yan regulasion siha man ma'establesi para I matutuhon I manehánten I Seputturan Munisipalidad Tinian.

Kada'da' Na Sumária Pot I Man Mapropone Na Regulasion siha: I man mapropone na areklamento yan regulasion siha siempre ma'establesi areklamento para I ginargas, I lugåt I naftan, monumento yan memoriåt siha yan heneråt na aktibidåt kustombre siha ni man masedi osino ti man masedi gi hålom I Seputturan I Munisipalidad Tinian.

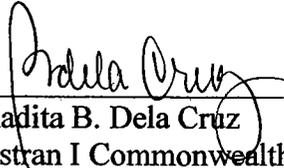
Para Mås Infotmasion, Ågang Si Honoráple Jose P. San Nicolas, Atkåtden Tinian, gi numirun tilifon 433-1800.

Annok I Man Achule' Yan/pat Inafekta na Lai, Regulasion yan Otden Siha: Tåya

Sigun I lai 1 CMC Seksiona 2153 (e) (I inaprueban I Abugådu Heneråt pot I regulasion siha para u ma'establesi pot para u fotma) yan I lai 1 CMC Seksiona (a)(3) (u ma'aprueba ni Abugådu Heneråt), I man mapropone na areklamento yan regulasion siha ni man che'che'ton guine esta man ma'ina yan ma'aprueba pot para u fotma yan ligåt suficiente ni I Abugådu Heneråt I CNMI ya debi di u mapublika (1 CMC Seksiona 2153 (f) (publikasion I areklamento yan regulasion siha))

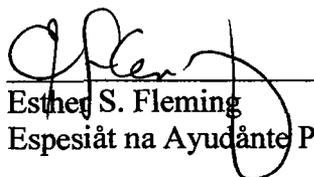
Matthew Gregory. Abugådu Heneråt

Fecha: _____

Pinelo' as: 
Bernadita B. Dela Cruz
Rehistran I Commonwealth

Fecha: 9-14-07

Maresibe' gi Ofisinan I Gubietno as:



Esther S. Fleming
Espesiât na Ayudânte Para I Atministrasion

Fecha: 9/14/07

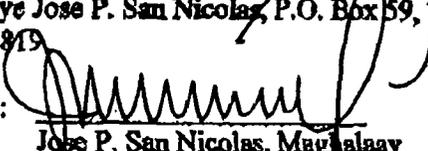
**ARONGORONGOL TOULAP REEL GHITIPWOTCHUL ALLÉGH KKAAL ME
ARONG IGHA EBWE FILLÓÓY ALLÉGH ME AMMWELIL KKAAL MELLÓL
OLOPEY MUNISIPÓÓDUL TCHÚLÚYÓL**

GHITIPWOTCHUL: Bwulasiyool Maghalaay mellól Munisipóódul Tchúlúyól me Úwal e schungi bwe llól tipeer toulap bwe rebwe mweti ngáli allégh kka re ayoora bwelle aa lap me ngare aa soogh peyas me essóbw ghatch rebwe yaali..

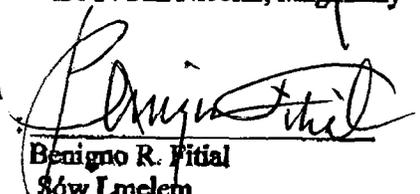
Bwulasiyool Maghalaay ebwal schungi bwe faal allégh ye 1 CMC Táilil 9104 (b), toulap re tipeli rebwe fillóóy allégh kkaal mmwal igha ebwe toori eliigh (30) rááilil arong yeel, me allégh kkaal ebwe kkamalló ngare schagh raa ammwelaaló llól Commonwealth Register, kkapasal alúghúlúgh mereel Sów Bwungul Allégh Lapalap me alúghúlúgh mereel Sów Lemelem, ebwe kkamalló llól ebwughúw ruweigh (120) rááilil.

BWULUL GHITIPWOTCH: Maa kka e fié mellól Munisipóód me ngare tingórol peey sáangi munisipóód rebwe ayoora eew bwuley. Yááyál eew bwuley nge rebwe mweti ngáli allégh kka e fisch bwelle ebwe afeli milikka ese fil me ngare leliyal peey me weires kkaal ngáliir toulap.

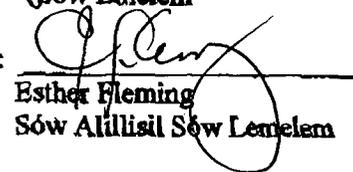
AGHIYEGHIL FILLÓ: Maghalaayil Tchúlúyól me Úwal e mángi ebwe scháschéel fillóóy ghitipwotchul allégh kkaal ngáli Alléghúl Tchúlúyól 15-4, bwelle allégh ye 1 CMC Táilil 9104 (a). (1) me (2). Schéókka eyoor máfiyeer nge rebwe ischilong reel Maghalaay ye Jose P. San Nicolas, P.O. Box 59, Tchúlúyól, MP 96952 me ngare fax reel (670) 433-1819.

Isaliyallong: 
Jose P. San Nicolas, Maghalaay

9-12-07
Rál

Alúghúlúgh Sági: 
Benigno R. Fitial
Sów Lemelem

9-13-07
Rál

Mwir sági: 
Esther Fleming
Sów Alíllisil Sów Lemelem

9/14/07
Rál

**ARONGORONGOL TOULAP
POMWOL AMMWEL ME ALLÉGHÚL WOLOPEY MELLÓL
MUNISIPÓÓDUL TCHÚLÚYÓL**

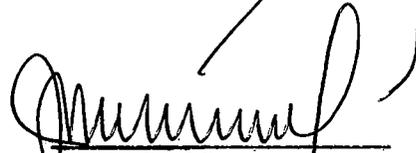
Bwulasiyool Maghalaay mewóól Munisipóódul Tchúlúyól me Úwal ekke arongaar toulap bwe, sáangi alléghúl CNMI Administrative Procedures Act, schéschéél 1. CMC Táilil kka 9102, 9104(a), me 9105, Bwulasiyool Maghalaay ekke pomwoli ammwelil me allégh kka e appasch reel Wolopey mellól Munisipóódul Tchúlúyól

Sáangi allégh ye 1 CMC Táilil 9104(a), eyoor bwángiir toulap rebwe aghiyeghiy pomwol allégh me ammwelil kkaal. Tilighial allegh kkaal nge emmwel rebwe amweri fischí sáangi Bwulasiyool Maghalaay, San Jose Village, P.O. Box 59, Tchúlúyól, MP 96952.

Ischil mángemáng bwelle allégh kkaal nge ebwe isisilong reel: Bwulasiyool Maghalaayil Munisipóódul Tchúlúyól me Úwal, P.O. Box 59, Tchúlúyól, MP 96952, ilól eliigh (30) ráalil yaal akkatéeló ilól Commonwealth Register.

Isáliyallong:

Rál 9-12-07


Jose P. San Nicolas
Maghalaayil Tchúlúyól me
Úwal

**POMWOL AMMWEL ME ALÉGHÚL WOLOPEY MELLÓL MUNISIPÓÓDUL
TCHÚLÚYÓL**

Akkatéél bwángil: Bwulasiyool Maghalaay mellól Tchúlúyol me Úwal ekke pomwoli ebwe akkaté allégh kkaal reel Alléghúl Toulap mellól Tchúlúyól ye 15-4 (esáál codified).

Aweweel pomwol lliwel: Pomwol allégh kkaal ebwe akkaté bwelle rebwe ayoora ammwelil Wolopey mellól Munisipóódul Tchúlúyól.

Aweweel pomwol allégh: Pomwol allégh kkaal me ammwelil nge ebwe ayoora ammwelil limighatch, leliyel mwóót, monuments me memorials me meeta kka e fil me ngáre ese fil mellól wolopey ye elo Munisipóódul Tchúlúyól.

Aramas ye ubwe faingi: Awóolingil Jose P. San Nicolas, Maghalaayil Tchúlúyól, tilifoon 433-1800.

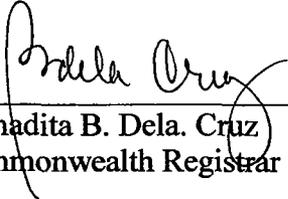
Akkatéél akkáaw Allégh: Esóór

Sángi allégh ye 1 CMC Talil 2153(e) (Alúghúlúgh sáangi Sów Bwungul Allégh ikka ebwe akkatééló bwelle) me 1 CMC 9104(a)(3) (bwughi alúghúlúgh mereel Sów Bwungul Allégh Lapalap), pomwol allégh kkaal me ammwelil kka e appasch nge raa takkal amweri fischi me alúghúlúgh mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló (1CMC Talil 2153 (f) (akkatéél allégh kkaal me ammwelil)).

Matthew Gregory, Sów Bwungul Allégh Lapalap

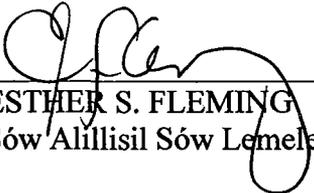
Rál

Amwelil sáangi:


Bernadita B. Dela. Cruz
Commonwealth Registrar

9-14-07
Rál

Mwir sáangi Bwulasiyool Sów Lemelem:


ESTHER S. FLEMING
Sów Alíllisil Sów Lemelem

9/14/07
Rál

**RULES AND REGULATIONS OF THE
TINIAN MUNICIPAL CEMETERY**

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Section 1. Purpose

For the mutual protection of Plot-Holders and the cemetery as a whole, the following rules and regulations are hereby established for the Tinian Municipal Cemetery. All persons visiting or having business in the cemetery will be expected to abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining this cemetery as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

Section 2. Definitions

“MAYOR” means the Mayor of the Municipality of Tinian and Aguiguan, CNMI.

“PERSON” means any individual, estate, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association or any other entity.

“CEMETERY” means a burial park for earth interments, a community or individual vault for crypt interments, a crematory or crematorium and columbarium for cinerary interments or a combination of these.

“PLOT/GRAVE” means a space of sufficient size (approximately 5'x10' vault; 6'x12' tomb) to accommodate one adult interment or appropriately downsized for a child's interment.

“MONUMENT PLOT” means a plot/grave space to which approximately two feet has been added in length to accommodate a properly installed above ground monument.

“FAMILY TOMB/VAULT” means a free standing "mausoleum type" structure provided for burial of a number of family members.

“INTERMENT” means the disposition of the remains of a deceased person by burial, entombment, or cremation and inurnment.

“MEMORIAL” includes a monument, marker, tablet, headstone, tombstone, coping, fence, gate, lot enclosure, urn or crypt and niche place.

“MONUMENT” means a tombstone or memorial of granite, marble or other permanent material, which shall extend above the surface of the ground and be properly installed.

“MARKER” means a memorial flush with the ground and properly installed.

“CERTIFICATE OF RIGHT TO BURY” means the original conveyance given by the Mayor's Office to a person of a right to human burial. The land where burial takes place remains under municipal ownership.

“MANAGEMENT” means the person(s) duly assigned by the Mayor or his/her designee for the purpose of conducting business and administering the cemetery.

“CEMETERY OFFICE” means the main office maintained for cemetery affairs at the location specified by the Mayor.

“GENERAL CARE” means the ordinary upkeep of the land and surroundings of the cemetery, which may be subject to an annual fee.

“PERPETUAL CARE” means the future perpetual upkeep, repair and general good maintenance of a tomb or mausoleum area by the Mayor’s Office.

“ANNUAL DUES” means an amount assessed yearly by the Mayor from each non-perpetual care plot holder in order to assist with upkeep.

“PLOT HOLDER” means the person(s) named in the certificate of right to bury as having the use of burial space(s) for right to human burial or the heirs and assigns of said person(s) or other family or care-taker of the plot.

Section 3. Establishment:

There is hereby established within the Office of the Mayor a Division of Cemetery management. Said division shall be incorporated within the Municipal Department of Parks and Recreation and the Municipal Cemetery shall be considered a Municipal Park for purposes of maintenance and regulations enforcement.

3.1 Proclamation: Due to the similarity of Cemetery grounds to that of a park, the Mayor may, by proclamation, establish the Tinian Municipal Cemetery as a Municipal Park thereby extending all the additional rules and regulations of the Municipal Park Unit to the Cemetery.

3.2 Administration: The Mayor shall assign at least one (1) person as supervisor and coordinator of this division who shall have full authority to manage the day to day operation and management of the Tinian Municipal Cemetery.

(a) Within thirty (30) days of the establishment of these regulations, the designated Cemetery Supervisor shall establish a plat or map of the entire cemetery grounds which plat or map shall indicate current plot locations, buildings, roads, easements, utilities or any other item whatsoever located on the grounds. Said plat or map shall also indicate the proposed and future use of all areas of the cemetery grounds not already in use and shall include necessary access roads, easements, utilities and future plot or building locations.

1. The plat or map shall be approved by the Mayor in consultation with the Municipal Council.

2. The plat or map shall be available for review by the public at a location established by the Mayor and Municipal Council.

3. The plat or map shall be continuously updated by the Cemetery Supervisor as changes occur within the cemetery.

(b) All operational procedures necessary for the maintenance and care of said cemetery shall be assigned to and carried out by the M.O.T. Municipal Park Unit personnel.

(c) The Mayor may establish fees and other costs to carry out the policies and procedures of these regulations. Said fees and costs may be incorporated by reference to these regulations and shall be so stated by amendment to Sections 12, 13 and 14 herein.

3.3 Hours of Operation:

The Municipal Cemetery shall remain open to the public throughout the year from sunrise until sunset. No person may enter the cemetery at any time other than these established hours of operation except by written permission of the Mayor or Cemetery Supervisor.

3.4 Buildings and Construction:

3.4.1 The following rights and privileges are hereby expressly reserved to the Mayor to be exercised at any time or from time to time in perpetuity for the erection of buildings, or for any purpose or use connected with, incidental to, or convenient for the care of, preservation of, or preparation for the disposal or interment of dead human bodies or other cemetery purposes; to wit: to resurvey, enlarge, diminish, re-plot, alter in shape or size, or otherwise to change all or any part or portion of the cemetery; or to layout, establish, close, eliminate or otherwise modify or change the location of roads, walks or drives, provided ingress and egress to and from any plot is preserved or allocated to the plot-holder.

3.4.2 The following rights and privileges are hereby expressly reserved to the Mayor to be exercised at any time or from time to time in perpetuity; to wit: easements and rights-of-way over and through all of said cemetery premises for the purpose of installing, maintaining and operating pipelines, conduits or drains for sprinklers, drainage, electric or communications lines or for any other cemetery purpose.

3.4.3 No easement or right of interment is granted to any plot-holder in any road, drive, or walk within the cemetery, but such road, drive or walk may be used as a means of access to the cemetery and its buildings as long as the Mayor devotes such road, drive or walk to that purpose and it is being used during hours of opening as defined.

3.5 Co-ordination with other agencies:

3.5.1 No other agency, entity or person may commence any activity within the Municipal Cemetery until the Mayor or his/her designee or Cemetery Supervisor shall have been consulted. The Mayor, his/her designee or the Cemetery Supervisor reserves the right to refuse to allow any activity that is deemed to be harmful or diminish the beauty and peace of the cemetery or cause a disruption to the normal operation of the cemetery. See “appeals” in section 11.

3.5.2 The Mayor, or his/her designee and the Cemetery Supervisor shall maintain any permits or other permissions required by any other CNMI or federal agency, including but not limited to, the CNMI Department of Health (BEH) and shall adhere to all requirements of other agencies as necessary for interment, disinterment or other cemetery activities.

3.6 Prior Construction:

All plot sites, buildings, memorials or other structures, plantings or other items comprising that portion of the Tinian Cemetery currently containing burials shall not be subject to removal or alteration of any such items within the area pursuant to these regulations, but shall be subject to these rules and regulations for any future changes, alterations or construction, or interments and no future additional interments, alterations or construction shall occur within this area unless in compliance with these rules and regulations.

Section 4. Interment:

4.1 Notification:

(a) The Mayor or Cemetery Supervisor shall have the right to request those wishing to select a burial place or arrange for an interment to call, e-mail, send by facsimile or appear in person at the Mayor’s Office during office hours at least 72 hours before interment a request for the right to inter or bury a deceased person at the Tinian Municipal Cemetery.

(b) Sufficient documentation must be presented either through a certificate of right to bury or church or other records for the burial to proceed. Cemetery management shall not be liable for delay where such documentation is not available.

(c) The Mayor reserves the right to refuse interment in a burial place in which there has been a previous interment. In preparing for an interment in a previously used burial space, management shall have the right to remove and dispose of old caskets and remains unless otherwise instructed by the plot-holder.

(d) The Mayor reserves the right to refuse an interment when previous burials have used all the available space or the casket is too large for the available space.

4.2 Site Selection:

The selection of the plot for any particular interment shall be at the discretion of the Cemetery Supervisor. The Cemetery Supervisor shall select interment plots in a sequential manner and in consultation with the requestor such that internal "open" spaces that cannot be reached by suitable equipment for subsequent interments will not be created.

4.3 Funeral and Other Processions:

Funeral processions, or any other organized procession, upon entering the cemetery shall be under the control and subject to the direction of the Cemetery Supervisor.

Once a casket is within the confines of the cemetery, no one shall be permitted to open the casket or touch the body without an order of a court or explicit permission of the Cemetery Supervisor or other controlling authority.

4.4 Grave Opening/Closing:

The Cemetery Supervisor or someone so designated by the Cemetery Supervisor is in complete charge of every interment. No grave shall be opened or filled or refilled except under the direction of the Cemetery Supervisor or his/her designee. The Municipality shall not be responsible for the opening or closing of any grave.

There shall be a two (2) feet head space maintained as undisturbed ground for each adult size plot (see sub-section 5.1) for placement of any monument or marker. The grave plot shall be opened using only the eight (8) feet remainder of the plot length and shall be opened to a depth that allows for a minimum of six (6) feet of earth from the top of the intended burial casket or deeper if future burials are anticipated in the same plot (see sub-section 5.2).

4.5 Disinterment:

Disinterment may be made at reasonable times at the discretion of the Cemetery Supervisor. The written order of the plot-holder or his/her legal representative, or an order from competent authority in compliance with law must be given.

Disinterment by the plot-holder for personal reasons shall be carried out by the plot-holder and all applicable CNMI or local regulations shall be followed and such disinterment shall be under the supervision of the Cemetery Supervisor or other required authority.

If the Municipality is ordered to carry out a disinterment by competent authority, the Municipality shall exercise the utmost care in carrying out the disinterment, but it

assumes no liability for damage to any casket, burial receptacle or any other property during the disinterment process.

Section 5. Grave Specifications:

5.1 Plot Size:

The standard plot size for adults shall be no more than five (5) feet by ten (10) feet.

The standard plot size for infants or innocents shall be no more than four (4) feet by five (5) feet.

There shall be a minimum three (3) feet space between any two plots

Plots of larger sizes in anticipation of multiple family burials may be awarded on a case by case basis at the discretion of the Cemetery Supervisor in consultation with the Mayor and Municipal Council.

5.2 Number of Interments per Plot:

One interment only shall be allowed in a casket except a parent with his/her infant child or two children buried at the same time. Not more than one casket is allowed in a grave except when prior arrangements for such space specifically provides for such.

The interment of a casket may be allowed on top of an already interred casket provided the initial burial was at sufficient depth to allow a minimum of six (6) additional feet of earth, measured from the bottom of the second casket, and at least ten (10) years shall have elapsed between burials.

The interment of up to four (4) cremate remains may be allowed in a single standard adult plot and two (2) cremate remains in an infant or innocents plot. Such cremate remains shall be enclosed in a secure enclosure of either metal or concrete and shall be of no greater size than two (2) cubic feet of internal dimension. No waiting period is required between interments of cremate remains.

Up to two (2) cremate remains may be interred in the same plot as a previous casket interment provided the initial interment was at a depth sufficient to allow a minimum of five (5) additional feet of earth, measured from the bottom of the cremate remains container, and at least five (5) years shall have elapsed between burials.

5.3 Monuments and Markers:

Only one grave marker or monument per plot will be permitted on the grave. This marker shall be at the head of the grave. To avoid possible misunderstanding and difficulty, persons should clear proposed monument and marker plans with the Cemetery Supervisor. Otherwise, these memorials may not conform to the rules and regulations of the cemetery and may, therefore, not be permitted. The cemetery staff has the right to remove or have removed any marker, monument, tree, shrub or any object that is in the space the grave is to be dug or in an area that prohibits digging the grave or that is erected without conformity to these regulations or without excepted permission of the Cemetery Supervisor or Mayor pursuant to procedures of section 9.

No raised marker or monument shall be placed closer than four feet from any other raised marker or monument.

Fences, hedges, coping, installed seating, stone or gravel shall not be permitted around the perimeter of burial spaces or within the burial space.

All monuments must either be flush with the ground or be at least four inches (4") in height. The base for all flush monuments or upright markers must correspond as closely as possible to the contour of the existing soil surface. No monument may be installed in such a fashion that it extends beyond the boundaries of the designated plot, grave or headspace that will interfere with future grave openings or the movement of the Cemetery maintenance equipment or personnel.

Monuments and/or foundations may not be wider than 80% of the width of its corresponding plot and may not be more than 24" from the front to back (12 inches in the case of an infant or innocents plot) and may not extend more than three (3) feet above the mean soil surface. Small ornamentations such as crosses, markers or other adornments may be placed at the top of the monument with an overall height restriction of four (4) feet from the mean soil surface and may not occupy more than 10% of the monument's top.

Monuments may not be larger than the base. By request, exceptions may be made on larger plots in areas of the Cemetery that will not interfere with the opening of graves or the movement of equipment.

Polished bases or monuments polished to the ground are not recommended, and the Municipality of Tinian and Aguiguan or its employees assume no liability for actual damages in the performance of normal maintenance operations.

The setting of monuments and the transportation of all tools, materials, etc, within the Cemetery grounds shall be subject to the supervision and control of the Cemetery Supervisor. No unnecessary damage to the existing turf will be allowed, and all debris is to be removed from the Cemetery except soil or sand. Excess soil or sand must either be

removed from the Cemetery or may be placed in the Cemetery stockpile. It may not be used to fill in low areas or distributed on adjacent lots.

Heavy trucking will not be permitted within the Cemetery when, in the opinion of the Cemetery Supervisor, such work might cause damage to the grounds or driveways. Once begun, all monument and stone work is to be completed and any accumulated debris is to be removed from the site within a seven-day period. All work must be done during regular Cemetery hours of operation, unless by special permission from the Cemetery Supervisor.

Stone work or monuments of any sort, once established in Tinian Municipal Cemetery, may not be removed except by permission of the Cemetery Supervisor.

Vaults or mausoleums are not permitted on plots less than 400 square feet and the portion of the plot occupied by the building shall not exceed 25%. In no case will permission be given to set the building nearer to the plot line than five (5) feet. Where the vault or mausoleum exceeds five (5) feet in height, the setback shall be five (5) feet plus one (1) foot for each additional foot or fraction thereof in height.

All applications for permission to erect such structures shall be made in writing to the Cemetery Supervisor. Complete plans and specifications of the proposed construction, including details of materials, workmanship, method of construction, etc., shall accompany such an application, and the approval of the Building Safety Division of the Department of Public Works for the CNMI shall be obtained before any construction work is begun. The Municipality of Tinian and Aguiguan reserves the right to prohibit the erection of any structure that is not considered to be safe, suitable, desirable or appropriate to the cemetery.

Before any vault or mausoleum may be erected, the plot-holder shall pay the Municipality an amount of not less than ten percent (10%) of the cost of the structure. Check is to be made payable to the Municipal Treasurer and submitted to the Municipal Treasury, and will be used by the Municipality for the future care and maintenance of the cemetery and grounds. Vaults and mausoleums may be placed only on such plots considered to be appropriate for said purpose by the Cemetery Supervisor.

A temporary grave or plot marker used at the time of interment shall not remain in place for longer than three (3) months after interment. If not removed by the plot-holder, the cemetery maintenance staff shall remove same and dispose of it in any manner necessary if it becomes deteriorated in any way.

5.4 Adornments:

Floral pieces will be removed without notice when they become unsightly. Plot owners desiring to retain floral pieces must remove them within 48 hours after any interment or other display period.

Adjustable receptacles of a type approved by the Cemetery Supervisor may be used to hold flowers. The placing of boxes, jars, bottles or any other receptacle other than an approved type container are prohibited and will be removed. No rocks, wires or sticks are allowed, except for the period beginning the Saturday before Memorial Day and within 48 hours of proceedings for All Souls Day, but will be removed before the following Saturday.

Artificial flowers, potted plants and grave decorations are not permitted unless they are in a raised vase or marker, or in the opinion of the staff they do not interfere with mowing the grass or upkeep of the grounds.

Fresh cut flowers are permitted in a vase any time. No planting or any type of plant material or digging or disturbing sod within the cemetery will be permitted. Any flowers, plants or decorations will be removed if, in the opinion of the Cemetery Supervisor, they become unsightly or detrimental.

Section 6. Maintenance:

6.1 General and Landscaping:

The Mayor's Office maintenance department shall be responsible for the cemetery's general grounds maintenance and landscaping. Such maintenance shall be performed on a routine basis such that the common areas of the cemetery are kept free of unsightly overgrowth or other growth detrimental to the overall appearance of the cemetery. Common areas of the cemetery include all spaces between burial plots, road and path ways, unoccupied grounds and fences, gates and borders.

6.2 Individual Grave Maintenance:

The plot or mausoleum space shall not be used for any purpose other than a place of burial for human remains.

(a) No trees, shrubs or plantings of any type may be placed within the plot or adjacent there-onto without the written permission of the Mayor or Cemetery Supervisor. If any such are placed there by the plot-holder or his/her heirs without written permission of the Mayor or Cemetery Supervisor, then said Mayor or Cemetery Supervisor shall have the right to remove such trees, shrubs or plantings.

(b) It is the duty and responsibility of the plot-holder to maintain their plot and memorial. In the event of default, the Mayor or Cemetery Supervisor reserves and shall have the

right (at the expense of the plot-holder and as a charge against said plot) to remove all trees, shrubs and plantings from the plot as necessary. In the event of default for maintenance to memorials or any other object of embellishment, the Mayor or Cemetery Supervisor shall have the right (at the expense of the plot-holder and as a charge against said plot) to repair or remove any memorial which has become unsightly, dangerous or dilapidated. Prior to undertaking or causing to be executed any such work, the Mayor or Cemetery Supervisor shall notify the plot-holder at the address on record. The Mayor or Cemetery Supervisor reserves and shall have the right to refuse to permit further interments in the plot until all monies due the cemetery for such services shall have been paid by the plot-holder.

(c) Any work necessary as a result of acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, war, riots, insurrections, the elements or other conditions or circumstances which render some immediate work necessary in order to protect the public or adjacent property or in the event municipal, health or police authorities have ordered such work, then and in those events, it shall not be necessary to advise plot-holder or his/her assign or successor, and in all events plot-holder shall be responsible for all work done or damage sustained.

(d) Description of plots/spaces shall be in accordance with the plats/records which are kept on file in the office of the Mayor or other designated office.

(e) Costs for interment and general upkeep of the plot/family tomb and memorial or mausoleum are the responsibility of the plot-holder/heirs.

6.3 Utilities:

All Utility services within the cemetery shall be supplied only at strategic locations as determined by the Mayor or Cemetery Supervisor and shall be for exclusive use during the conduct of authorized cemetery activities. No individual utility service or connections will be permitted.

Section 7. Prohibitions:

The following actions are prohibited within the Tinian Municipal Cemetery:

(b) No person may drive any motor vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic. Excluded from this prohibition are any types of equipment necessary for grave preparation or monument setting. No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of the cemetery.

(c) No person may take any dog (unless on a leash), horse, or other animal into the Tinian Municipal Cemetery or allow any animal to run at large therein.

(d) No person may post or attach any bills, posters, placards, pictures, or any form of political or commercial advertising within the cemetery or on the inside or outside of any wall or fence enclosing the cemetery.

(e) No person may pick any flower or damage or harm any plant or lawn area within the cemetery.

(f) No person shall walk upon or across lots or lawns unless it is necessary to gain access to a particular plot.

(g) Bicycles, motorcycles, motorbikes, and all terrain vehicles are prohibited within the Cemetery.

(h) No person shall discard any article in the Cemetery.

(i) The bringing of firearms into the Cemetery, except by military or police escort or by an authorized officer of the Department of Public Safety while in the course of his/her duties, is prohibited. The discharge of, or carrying of, any offensive weapon, such as bow and arrow, air rifles, slingshots, or the hurling of rocks or pellets, is strictly prohibited.

Section 8. General:

The Municipality of Tinian and Aguiguan disclaims responsibility for property damage or any injury sustained by any person violating these rules.

(a) The cemetery grounds are sacred and devoted to the burial of the dead. Provisions and penalties of the law, as provided by statute, will be enforced in all cases of wanton injury, disturbance or disregard of these rules and regulations.

(b) Visitors within the cemetery shall use only the roads, drives and walks allotted by the cemetery for ingress and egress. The Mayor or Cemetery Supervisor expressly disclaims liability for any injuries or harm sustained by anyone violating these rules.

(c) The Mayor or Cemetery Supervisor reserves the right to regulate the method of decorations of plots so that uniform beauty may be maintained. All flower vases, if allowed, must be installed with the approval of the Mayor or Cemetery Supervisor. Regulations may also be made concerning type of floral tributes.

(d) The Mayor or Cemetery Supervisor reserves the right to demand and/or arrange the removal of any flowers, vases and floral designs. If floral frames are not called for by those lawfully entitled to them within ten (10) days after placement, the Mayor or Cemetery Supervisor may remove and dispose of them in any manner they see fit.

(e) Throwing of rubbish, flowers, weeds and other trash on roads, drives, paths, walks or any part of the grounds or in the buildings is prohibited. Receptacles for such trash are to be located at convenient places in the cemetery. Large trash and construction debris must be hauled from the cemetery by the contractor or owner.

(f) Access to the cemetery shall be limited to hours of operation as established and posted by the Mayor or Cemetery Supervisor. These apply even if the cemetery lacks a gate or fence.

(g) If any monument or marker in the Municipality's cemetery at any time becomes unsafe, unsightly, or in need of repair or resetting, the Mayor or Cemetery Supervisor shall attempt to notify the plot-holder of the relevant plot of such condition and shall request such person to make any needed repairs. This does not mean that the Municipality is obligated to place, replace, or repair any monument or marker in the Municipality's Cemetery even though case by case repair is considered.

(h) The Mayor or Cemetery Supervisor reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules or regulations when, in their judgment, the same appears advisable; and such exceptions, suspensions or modifications shall in no way be considered as affecting the general application of such rule to others.

Section 9. Enforcement:

Whenever the Mayor or the Cemetery Supervisor determines that there has been an infraction of rules or requirements as stated in sections 4, 5, 6 or 8 or subsection thereof, the procedures listed below shall be followed:

(a) Record and document infractions of these rules and regulations

(b) Notify plot-holder or other person of the infraction along with options available for correction by regular mail.

(c) Allow fourteen (14) days from the date the notice was mailed for compliance or appeal to the Mayor

(d) Removal of the items that constitute the infraction by the plot-holder, other person or the Municipality within ten (10) days.

Whenever the Mayor or the Cemetery Supervisor determines that there has been any criminal activity within the cemetery the procedures listed below shall be followed:

(a) Record and document the criminal activity.

(b) Immediately, or as soon thereafter as practical, notify a Department of Public Safety police officer or other authorized enforcement officer to make an official investigation and report of the infraction.

(c) If the perpetrator of the alleged infraction is apprehended, the person shall be prosecuted in a CNMI court of competent jurisdiction after filing of appropriate charges by the Attorney General of the CNMI.

Officers of the Department of Public Safety, Municipal Park Rangers or other authorized enforcement officers within the CNMI or Municipality shall have concurrent powers to enforce these rules and regulations.

Section 10. Appeals:

Any person whose request for any action to the Cemetery Supervisor or Mayor has been denied or whosoever believes an unjust action has been taken, may appeal said decision to the Municipal Council who shall have the authority to amend the prior decision, reconsider the request or allow the decision to stand.

Any person deemed guilty of any infraction of these regulations may file an appeal to a CNMI court of competent jurisdiction. In no case shall the Municipality of Tinian and Aguiguan or the officers and staff thereof be held liable for the costs of making such an appeal except in the case where gross negligence has been proven.

Section 12. Fees: [Reserved]

Section 13. Revolving Fund: [Reserved]

Section 14. Disposition of Fees: [Reserved]

Section 15. Severability

If any provision of these regulations or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations or the application of their provisions to any persons or circumstances other than those to which it is held invalid shall not be affected thereby.

PUBLIC NOTICE

**PROPOSED REGULATION REGARDING AMENDMENTS TO IMMIGRATION
REGULATION 302**

This amendment is promulgated in accordance with the Administrative Procedure Act, 1 CMC § 9101, et seq. The Office of the Attorney General is amending rules and regulations regarding uniforms for Immigration personnel.

Citation of

Statutory Authority:

Sources of Authority: The Attorney General is authorized to Promulgate rules and regulations to enforce the Commonwealth Entry and Deportation Act, 3 CMC § 4301 et seq. 3 CMC § 4312(d)(1). Covenant § 503(a) (CNMI local immigration control) and to make regulations “as from time to time may be useful or required in executing his duties and enforcing” the Act.

Short Statement of

Goals and Objectives:

The regulations update the regulations regarding uniforms for Immigration personnel and provide a comprehensive dress standard with flexibility to address present and future requirements

**Brief Summary of the
Proposed Regulations:**

These regulations describe the Uniform to be worn by Immigration personnel while on duty and exceptions to the uniform of the day when appropriate.

**Citation of Related
and/or Affected Statutes,
Rules and Regulations:**

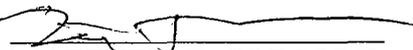
Immigration Regulation 302 as published in the Commonwealth Register, Vol. 27, No. 2, page 024040 (February 27, 2005).

**For Further
Information Contact:**

Kevin A. Lynch, Assistant Attorney General, Legal Counsel, CNMI Office of Attorney General, Division of Immigration Service, telephone (670) 664-2366 or facsimile (670) 234-7016.

Dated this 11th day of September 2007.

Submitted by:


MATTHEW T. GREGORY
Attorney General

PUBLIC NOTICE

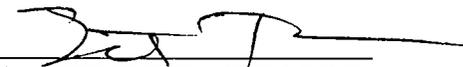
PROPOSED REGULATION REGARDING AMENDMENTS TO IMMIGRATION
REGULATION 302

The Attorney General notifies the general public of his intention to amend the regulations regarding Immigration Regulation 302 which govern dress for Immigration personnel. The regulations are attached and are promulgated pursuant to the Attorney General's authority as set forth in 3 CMC § 4301.

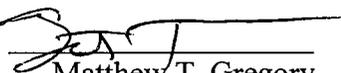
All interested persons may examine the proposed regulations and submit written comments, positions, or statements for or against the regulations to the Office of Attorney General, 2nd Floor Sablan Memorial Administration Building, Saipan, MP 96950 or by facsimile to 234-7016 within 30 calendar days following publication of this notice in the Commonwealth Register.

Dated this 11th day of September 2007 at Saipan, Northern Mariana Islands.

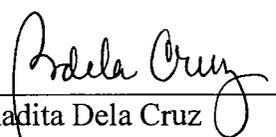
OFFICE OF THE ATTORNEY GENERAL

By: 
MATTHEW T. GREGORY
Attorney General

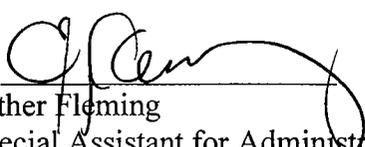
Pursuant to 1 CMC §2153, as amended, the proposed regulations amending Immigration Regulation 302, a copy of which is attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.

By: 
Matthew T. Gregory
Attorney General

9/11/07
Date

Filed by: 
Bernadita Dela Cruz
Commonwealth Registrar

9/13/07
Date

Rec'd by: 
Esther Fleming
Special Assistant for Administration

9/13/07
Date

NOTISIAN PUPBLIKU

MAN MAPROPONE I REGULASION SIHA NI TINETEK A I AMENDASION PARA I REGULASION IMIGRASION 302

Este na amendasion ma'establesi para u kinonsiste ni I Ákton I Areklamenton Atministrasion, lai I CMC Seksiona 9101, et. Seq. I Ofisinan I Abugáda Henerát a amemenda I areklamento yan regulasion siha ni tineteka I uniform I Empleáo siha gi Imigrasion.

Annok I Áturidát I Lai:

Gai áturidát: I Abugádu Henerát ma'aturisa para u Establesi I areklamento yan regulasion siha para u ma'enfuetsa I Ákton I Entráda yan Dipottasion I Commonwealth, lai 3 CMC Seksiona 4301 et. seq. 3 CMC Seksiona 4312(d)(1). I Covenant Seksiona 503(a)(inadahen Imigrasion lokát gi CNMI) yan para u na guaha regulasion siha " anai siña sumetbi gi tiempo osino marekomenda para u enfuetsa ya machogue' I che'cho' siha" I Ákto.

Kada'da' Na Finiho' Yan Diniseha:

I regulasion siha a na fan nuebu I infotmasion I regulasion ni tineteka I uniforms I empleáo siha gi Imigrasion ya a probeniyi máolck na areklamenton magágu anai siña matatiyi I presente yan man mamaila na nisisidát siha.

Kada'da' Na Mensáhe Pot I Man Mapropone Na Regulasion Siha:

Este na regulasion siha a deskribi I Uniform ni para u ma'usa ni I empleáo siha gi Imigrasion mientras man macho'cho'chu' yan I man propio na diha siha anai siña u fan madospensa ni para u ma'usa.

Annok I Man Achule' yan/pat Man Inafekata Na Lai, Areklamento yan Regulasion Siha:

Regulasion Imigrasion 302 anai mapupblika gi Rehistran I Commonwealth, Baluma 27, Numiru 2, Páhina 02-4040 (gi Febreru 27, 2005).

Para Mâs Infotmasion

Ågang:

Si Kevin A. Lynch, Ayudânten I Abugâdu Henerât,
Konseherun Ligât, gi Ofisinan I Abugâdu Henerât I CNMI,
Dibision I Setbisiun Imigrasion, numirun tilifon (670) 664-
2366 osino facsimile (670) 234-7016.

Mafecha este gi mina _____ na diha gi Septembre 2007.

Ninahâlom as:

MATTHEW T. GREGORY
Abugâdu Henerât

NOTISIAN PUPBLIKU

MAN MAPROPONE I REGULASION SIHA NI TINETEK A I AMENDASION PARA I REGULASION IMIGRASION 302

I Abugädu Henerät a notisia I pupbliku henerät pot I intension pot para u amenda I regulasion siha ni tineteka I Regulasion Imigrasion 302 ni a gubiebetna I magägun I empleäo siha gi Imigrasion. I regulasion siha man che'che'ton ya man ma'establesi sigun I äturidät I Abugädu Henerät ni mamensiona gi lai 3 CMC Seksiona 4301.

Todu I man enteresäo na petsona siña ma'ina I man mapropone na regulasion siha ya u mana fan hälom I tinige' opinion, mensähe, posision, osino testimonio para osino kumokontra I regulasion guatu I Ofisinan I Abugädu Henerät, gi mina dos bibienda gi Sablan Memorial Administration Building, giya Saipan, MP 96950 osino facsimile guatu gi 234-7016 gi hälom trenta (30) diha siha tinatitiyi I puplikasion este na notisia gi Rehistran I Commonwealth.

Mafecha este gi mina _____ na diha gi Septembre 2007, giya Saipan Gi Sankattan Siha Na Islan Mariana.

OFISINAN I ABUGÄDU HENERÄT

Ginen as: _____
MATTHEW T. GREGORY
 Abugädu Henerät

Sigun I lai I CMC Seksiona 2153, ni inamenda, I man mapropone na regulasion siha ni a Amemenda I Regulasion Imigrasion 302, I kopia ni man che'che'ton guine, esta man ma'ina yan ma'aprucha pot para u fotma yan ligät suficiente ginen I Ofisinan I Abugädu Henerät.

Ginen as: _____
 Matthew T. Gregory

 Fecha

Pineho' as: 
 Bernadita Dela Cruz
 Rehistran I Commonwealth

 9-17-07
 Fecha

Maresibe' as: 
Esther S. Fleming
Especiát Na Ayudánte Para I Atministrasion

9/17/07
Fecha

Section 302. Dress*.

No ~~inspector~~ Inspector shall report to duty unless dressed ~~in full uniform~~. **appropriately for assigned duties as prescribed by a supervisor. The appropriate duty attire shall be considered as; the official uniform, business attire or casual attire as prescribed by a supervisor to be appropriate to address assigned duties.** ~~Full~~ The official uniform consists of black shoes, dark socks, dark blue pants, ~~or skirt~~, black leather belt, light to **dark blue shirt, a CNMI IMMIGRATION shoulder patch, name tag, dark blue baseball style cap with CNMI IMMIGRATION insignia or other means of identification, dark blue jacket and or vest with CNMI IMMIGRATION insignia or other means of identification, and badge.** When a polo style uniform shirt is worn it shall minimally display CNMI IMMIGRATION identification by an imprinted and or embroidered badge or patch or lettering. Those items issued by the government cannot be substituted **with another style.** In ~~cold weather~~ **cool temperatures**, the government-issued dark blue jackets ~~shall~~ **or vests may** be worn. Clothing shall be clean and ironed. Shoes shall be shined. The ~~inspector~~ Inspector must be clean-shaven or **neatly trimmed facial hair and neat in appearance.** Variations may be substituted as deemed appropriate.

* Changes to the present Regulation are indicated in bold-face type. Superseded language has been lined through.

Commonwealth of the Northern Mariana Islands
Commonwealth Board of Accountancy
David Burger, Chair
Caller Box 10007, Capitol Hill, Saipan, MP 96950
(Office of the Governor, 2nd Floor Juan A. Sablan Building, Capitol Hill, Saipan)
tel: 670. 664.2200 fax: 670.664.2211

**PUBLIC NOTICE OF PROPOSED REGULATIONS
of the Commonwealth Board of Accountancy**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Board of Accountancy ("BoA" or "the Board"), intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The BoA intends to adopt them as permanent, and hereby gives at least 30 days' notice of its intent. (*Id.*) The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The BoA is required by the Legislature to adopt rules and regulations regarding those matters over which the BoA has jurisdiction, including its regulation of the accounting profession. PL 13-52, the "Accountancy Act of 2002," (not codified as of this writing), and section 4(h) ("the Act").

THE TERMS AND SUBSTANCE:

The Regulations provide a complete set of regulations for the Board to administer the Act. They recite the Board's powers, duties, standards, fees, and procedures for licensing and disciplining accountants and persons purporting to practice accounting. The Regulations define terms, state the requirements for licensing, and set out procedures.

These Regulations are part of the BoA's Regulations, found in the Northern Mariana Islands Administrative Code of regulations ("NMIAC"), Chapter 1-10, Parts 001 through 1300. Some of the sections are reserved, with no content presently. Some of the sections are noted as "no change" from previously adopted regulations; and the Board does not propose to alter those at this time..

THE SUBJECTS AND ISSUES INVOLVED: The subjects of these regulations are:

1. The Regulations address the administration of the Act, including licensing and discipline of accountants and other persons who claim to provide accounting services.
2. The Regulations provide:

- a. Licensure shall depend on specified education and experience, the passage of exams, and other matters of character and fitness;
- b. Procedures must be followed for licensure applications, testing, renewals and discipline;
- c. Professional services and documentation retention must conform to specified standards;
- d. Specified continuing professional education requirements must be met;
- e. Professionals licensed in other jurisdictions may practice in the CNMI if specified conditions are met;
- f. Firms must meet certain specified conditions in order to be licensed;
- g. Peer review will be required;
- h. Discipline will be undertaken for violation of the Act, the regulations and certain specified behavior;
- i. Procedures will be followed for investigation, hearing and discipline;
- j. Certain language will be found unacceptable for advertising and/or providing services and firm name; and
- k. CNMI practice will be allowed for "substantial equivalency" for non-CNMI professionals under stated conditions.

3. The Regulations provide that the American Institute of CPAs' Code of Professional Conduct shall govern CNMI professionals.

4. The Regulations provide procedures for the examination and copying of documents.

5. The Regulations provide a schedule of fees for specifically enumerated items.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and notice shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to BoA Chairman David Burger, c/o Office of the Governor, Attn: New 2007 BoA Regs, Box 10007, Capital Hill, Saipan MP 96950 or fax 670.664.2211 or email to BoAChair@gmail.com with the subject line "New Commonwealth Board of Accountancy 2007 Regs". Comments are due 30 days after this notice is published in the Commonwealth Register. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

Proposed regulations approved by the BoA on April 26, 2006 and December 26, 2006.

Submitted by: David Burger 8/16/07
David Burger Date
Chairman, Board of Accountancy

Received by: ESTHER S. FLEMING 8/17/07
ESTHER S. FLEMING Date
Governor's Special Assistant for Administration

Filed and Recorded by: BERNADITA B. DELA CRUZ 8/16/07
BERNADITA B. DELA CRUZ Date
Commonwealth Registrar

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 17th day of August, 2007.

MATTHEW T. GREGORY

MATTHEW T. GREGORY,
Attorney General

0 BoA NOPR General Regs Aug 2007.wpd

Commonwealth I Sankattan Siha Na Islas Marianas
Kuetpon I Kontadot I Commonwealth
David Burger, Kabiseyo
Caller Box 10007, Capitol Hill, Saipan, MP 96950
(Ofisinan I Gubietno, mina dos bibienda gi Juan A. Sablan Building, Capitol Hill, Saipan)
Numirun Tilifon: 670-664-2200 Fax: 670-664-2211

**NOTISIAN PUPBLIKU POT I MAN MAPROPONE NA
REGULASION SIHA GI
Kuetpon I Kontadot I Commonwealth**

INTENSION AKSION POT INADOPTASION I MAN MAPROPONE SIHA NA REGULASION: I Commonwealth I Sankattan Siha Na Islas Marianas, gi Kuetpon I Kontadot I Commonwealth (“BoA”), ma’intensiona para u ma’adopta I Man Mapropone na Regulasion siha petmanente sigun I areklamenton I Administrative Procedures Act, I CMC Seksiona 9104 (a). I Kuetpon I Kontadot I Commonwealth ma’intensiona para u ma’adopta petmanente, ya lokkue man nãã’i’ trenta (30) diha siha na notisia pot I intension-niha. I regulasion siha siempre man efektibu dies (10) diha siha des pues I inadoptasion. (I CMC Seksiona 9105 (b)).

ATURIDÁT: I Kuetpon I Kontadot I Commonwealth ma’otden nui Lehislatura para u ma’adopta I areklamento yan regulasion siha ni tineteka ayu siha na asunto ni gai’aturidát I Kuetpon I Kontadot, a enklulusu I regulasion profession kontadot. “Lai Pupbliku 13-52, I Accountancy Act I 2002,” (ti makodigu ni este na tinige’), yan seksiona 4 (h) (“I Ákto”).

I REGULASION YAN I SUSTANSIAN-NIHA:

I Regulasion siha a probeniyi kabáles na regulasion para I Kontadot pot para u atministreha I Ákto. Mamensiona I minetgot, che’cho’, regulasion, ápas yan areklamento siha para man lisesensia yan disaplinan I kontadot siha yan petsona siha ni mapetsisiyi para u praktika para u kontadot. I regulasion a dififina I palábra siha, a mensiona I nisisidát siha para malisesensia, yan u na guaha areklamento siha.

Este na Regulasion siha, man pátte’ gi Regulasion I Kuetpon I Kontadot, ni masodda gi Kodigun Atministrasion Commonwealth I Sankattan Siha Na Islan Mariana (NMIAC”), Kapitulu 1-10, gi Pátte’ 001 esta Pátte’ 1300. Guaha gi seksiona man mapolu’, sin sinaguan gi presente. Guaha gi seksiona man manota kumo “tãya tinilaika” ginen I halacha anai ma’adopta na regulasion siha: ya I kuetpo ti mapropone para u matulaika gi este na momento.

I PUNTO YAN ASUNTO SIHA NI MAN TINETEK: I asuntun este siha na regulasion man sigente:

1. I Regulasion siha a mensiona I atministrasion I Ākto, a enklusu I malisesensia yan disiplinan I Kontadot siha yan palu na petsona ni mapetsisigi I setbisiun kontadot.
2. Regulasion siha a probeniyi:
 - a. I malisesensia debi di u dipende gi spesifiku na edukasion yan eksperiensia, I ginannan I ebalusion, yan palu siha ni tineteka;
 - b. Areklamento siha debi di u matatiyi para I malisensia na aplikasion, ma'ebalua, marinueba yan disiplina;
 - c. Setbisiun profesionāt yan pinelon dokumento debi di u konfotma para man spesifiku na areklamento;
 - d. Kontinuan spesifiku na edukasion profesionāt debi matatiyi I nisisidāt siha;
 - e. Malisensian Profesionāt siha gi palu siha na aturidāt siña man mapraktika gi hālom I CNMI yanggen matatiyi I man spesifiku na nisisidāt;
 - f. Ahensia debi di u matatiyi spesifiku na kondision siha yanggen para u fan malisensia;
 - g. Maribisan I man ga'chong siempre manisisita;
 - h. Siempre mana guaha disiplina yanggen makontradikta I Ākto, I regulasion siha yan spesifiku na kinalamten;
 - i. Siempre matatiyi I areklamento para imbestigasion, inetnun inekungok yan disiplina;
 - j. Guaha siha na lengguāhe siempre ti man masedi para kometsiānte yan/osino maprobeniyi setbisiu yan I na'an I ahensia; yan
 - k. Prinaktikan I CNMI siempre man masedi para "substantial equivalency" para I man profesionāt ni ti man CNMI papa I mamensiona na kondision siha.
3. Este na regulasion siha a probeniyi na I Institute Amerika gi Kodigun CPA pot Kondukton Profesionāt debi di u magubietna I profesionāt CNMI siha.
4. I Regulasion siha maprobeniyi areklamento siha para eksiminasion yan kopian I dokumento siha.
5. I Regulasion siha a probeniyi siñālan āpas para spesifikātmente man matufong na kosas siha.

DIREKSION YANGGEN PARA U MAPOLU YAN MAPUPBLIKA: Este siha I Man Mapropone na Regulasion debi di u mapupblika gi Rehistradoran i Commonwealth gi seksiona ni man mapropone ya nuebu anai ma'adopta (1 CMC Seksiona 9102 (a)(1)) ya i notisia debi di u malaknos gi konbiniente na lugāt siha gi civic center yan ofisinan gobietnamento siha gi kada distritun senadot siha, todū i dos Engles yan i lengguāhen prinsipat ni Natibu, Chamorro yan Refaluwasch. (1 CMC Seksiona 9104 9(a)(1)).

YANGGEN PARA UN NA GUAHA OPINION SIHA: Nahalom osino nahanāgge' I opinion siha guatu I Kabiseyo as David Burger, Kuetpon I Kontadot, gi Ofisinan I Gubietno, *ATTN.:* Nuebu na Regulasion I Kuetpon I Kontadot, gi Box 10007, Capitol Hill, Saipan MP 96950 osino fax gi 670-664-2211 osino email guatu BoAchair@gmail.com ni I titilu "Nuebu na Regulasion I Kuetpon I Kontadot". I opinion

siha man uttimo trenta (30) diha siha despues este na notisia anai mapublika gi Rehistran I Commonwealth. Pot fabot nahalom infotmasion pot I man mapropone na regulasion yanggen un kokontra, opinion osino mensáhe. (1 CMC Seksiona 9104 (a)(2))

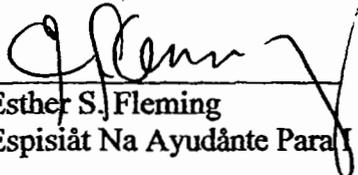
I Man Mapropone na regulasion siha man ma'aprueba ni I Kuetpon I Kontadot gi Oktubre 18, 2005, ya

Manaháлом as:

David Burger
Kabiseyo, Kuetpon I Kontadot

Fecha

Maresibe' as:



Esther S. Fleming
Espisiát Na Ayudánte Para I Atministration

8/17/07
Fecha

Pinelo' yan
Marikot as:



BERNADITA B. DELA CRUZ
Rehistradoran I Commonwealth

8/16/07
Fecha

Sigun i lai 1 CMC Seksiona 2153 (e) (i inapueban i Abugádo Henerát ni regulasion siha ni para u ma'establesi pot para u fotma) yan 1 CMC Seksiona 9104 (a)(3) (ma'aprueba ni Abugádo Henerát) i man mapropone na regulasion siha man che'che'ton esta man ma'ina yan ma'aprueba pot para u fotma yan ligát suficiente ni Abugádo Henerát ya debi di u mapublika (1 CMC Seksiona 2153 (f) (publikasion i areklamento yan regulasion siha)).

Mafecha gi este mina _____ na ha'áne gi _____, 2007

Matthew T. Gregory
Abugádu Henerát

0 BoA NOPR Meetings Nov 2005.wpd

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKAAL NGÁLI MWIISCHIL
COMMONWEALTH OF ACCOUNTANCY**

AGHIYEGHIL EBWE FILÓÓY POMWOL ALLÉGH KKAAL: Commonwealth Téel Falúw Kka Falúwasch Efang, Mwiischil Commonwealth of Accountancy (“BoA” me “schóóy Mwiisch”), re mángi rebwe schéshéél fillóóy pomwol allégh kka e appasch, bwelle reel mwóghutughutul Administrative Procedure Act, 1 CMC Tálil 9104(a). BoA nge re mángi rebwe schéshéél fillóóy, me e ayoora eliigh (30) ráálil arong reel aghiyegh yeel. (Id.) Allégh yeel ebwe kkamalló llól ótol seigh (10) ráálil mwiril schagh fillóól. (1 CMC Talil 9105 (b))

BWÁNGIL: Sów fféerúl Allégh (Legislature) e tittingór bwe BoA (board of accountancy) ebwe fillóóy allégh kkaal bwelle reel mwóghut ye BoA e ayoora bwángil llól, e toolong alléghúl accounting profession. PL 13-52, Alléghúl Accountancy ótol 2002,” (ese Aghikkil) me tálil 4(h) (“Allegh”).

AWEWEEL ME ÓUTOL: Allégh kkaal nge e ayoora tálil allégh ngáliir Mwiisch bwelle rebwe mwóghut ágheli allégh yeel. Re féerú bwángil mwiisch, yaar angaang, alléghúl, salaapial, me fféerúl lisensia me abwunguur accountants, me aramas kka rebwe akkabwung accounting. Allégh kkaal ebwe abwáári kkapasal, ayoora yááyál lisensia, me bwulúw angaang.

KKAPASAL ME AGHIYEGHIL : Allégh yeel nge elo bwe alléghúl BoA’s, iye re schungi mellól alléghúl Northern Marianas Administrative Code (“NMIAC”), Ghilighilil 1-10, Peigh 001 mwet ngáli 1300. Akkáaw tálil kkaal nge e aisis (reserved), esóór ótol ighila. Akkáaw tálil kkaal nge e ischitiw bwe “esóór lliwel” sáangi allégh kka mmwal ikka raa fillóóy; me schóóy Mwiisch resáál ssiwel llól ótol kkaal..

KKAPASAL ME AWEEWE KKA E TOOLONG: Kkapasal allégh kkaal nge:

1. Allégh kkaal ebwe bwáari Alléghúl administration of Act, e bwal toolong lisensial me akkabwungul accountants me amweyút aramas kka rekke tingór rebwe ayooora angaangal accounting .
2. Allégh kkaal nge e ayooora:
 - a. Schóóy lisensia ebwe mwir sangi yaal akkabwung me ghuleyal, atakkal yaal asóssót, me akkááw aweewe me mwóghutul;
 - b. Mwóghutul yeel ebwe mwiri ngali yaar schóóy lisensia tingór (applications), asóssót, fféer sefál me akkabwung;
 - c. Alillisiir sów mang (professional) me aisisil dokkomentool kka ebwe affat fillongol llol allégh kkaal;
 - d. Sóbwólóól abwungubwung yeel nge ebwe ghol, ngare tabweey yaal tittingór;
 - e. Schóóy professionals kka re lisensia mellól tafal bwángiir emmwel rebwe mwóghut ágheli llól CNMI ngare e fil kkapasal;
 - f. Mwiisch yeel ebwe tabweey kkapasal bwelle ebwe lisensia;
 - g. Rebwe amweri fischiy;
 - h. Mwóghut ágheli fféer ngów igha ese tabweey allégh, allégh kkaal me akkááw fáfféer;
 - i. Rebwe affata alongal mwóghutughut, arong me abwungubwung.
 - j. Re ssóbw alisi mwaliili kka ese fil me ayooora alillis me yááli ital mwiisch; me
 - k. Emmwel bwe alléghúl CNMI ebwe alisi ngare e “welepakk “ ngaliir professional kka schóóy lúghúl faal ammwelil falúw;
3. Re ayooora allégh kka bwe American Institute mellól CPA Code of Professional conduct ebwe lemelem CNMI professionals.
4. Allégh kkaal e ayoorátá mwóghutughut bwelle asóssót me tilighial kkaal.
5. Allégh kkaal nge e ayooora ótol óbwós reel pápál meeta kkaal

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allegh kkaal bwe ekkatééló llól Commonwealth Register llól tánil ye rekke pomwoli me allégh kka e ffé ikka raa fillóóy (1 CMC talil kka 9102(a)(1) me arong yeel ebwe appasch mellól civic center me llól alongal bwulasiyool gobenno kkaal me bwal llól senatorial district kkaal, ii me eluuw Amerikkónu, Remeraalis, Refalúwasch. (1 CMC talil kka 9104(a)(1))

ISISILONGOL AGHIYEGH: Afanga yóomw ischil mángemáng ngáli BoA Chairman David Burger, c/o Bwulasiyool Sów Lemelem, Att: New 2007 Alléghúl BoA, Box 10007, Capital Hill, Seipél MP 96950 me ngáre email reel BoAchair@gmail.com reel aweewee ye ebwe isisilong llól eliigh (30) ráalil mwiril yaal arong yeel akkatéélong Commonwealth Register. Óutu ghal soong ów isisilong yáami ischil mángemáng. (1 CMC Talil 9104(a)(2))

Pomwol allégh kkaal ebwe alúghúlúgh mereel BoA ótol Séétá 26, 2006 me Tumwur 26, 2006.

Isaliyallong:

David Burger
Samwoolul, Mwiischil Accountancy

Rál

Mwir sáangi:

ESTHER S. FLEMING
Sów Alillisil Sów Lemelem

8/17/07
Rál

Ammwel sáangi:

Bernadita B. Dela Cruz
Commonwealth Register

8/16/07
Rál

Sáangi allégh ye 1 CMC talil 2153 (Alúghúlúgh mereel Sów Bwungul Allégh Lapalap ikka ebwe akkaté bweigha) me 1 CMC Tálil 9104(a)(3) (bweibwogh alúghúlúgh mereel sów bwungul allégh lapalap) pomwol allégh kka e appasch nge raa takkal ameri fischiy me alúghúlúgh mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkaté, 1 CMC Tálil 2153(f) (akkatéél allégh me ammwelil kkaal).

Rállil ye ____ llól _____, 2007.

MATTHEW T. GREGORY,
Sów Bwungul Allégh Lapalap

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Commonwealth of the Northern Mariana Islands

Northern Mariana Islands Administrative Code Title 1
Office of the Governor

Chapter 1-10 - Commonwealth Board of Accountancy Regulations

Chapter Authority: 4 CMC § 3402(h); PL 13-52 § 4(h), as amended.

Regulation History: PL 13-52 (effective when approved by Governor Juan N. Babauta, May 20, 2003), the "Accountancy Act of 2002," 4 CMC §§ 3401-40. The Act created a Board of Accountancy, without placing it in a Department. The Board is authorized to license accountants in the Commonwealth, establish standards for educational programs, administer exams, and to discipline licensees for violations of the act. See PL 13-52. 4 CMC § 3402(h), PL 13-52 § 4(h), empowers the Board to adopt rules and regulations consistent with the Act and necessary to carry out the Act's provisions.

[Comment on numbering outline format: The hierarchy /outline is as follows, from top to bottom: Title; Chapter; Part 001-2500; Section x01-x99, where "x" is the Part's first digit(s); (a); (1); (i); (A). The numbering for the title and chapter generally follow the format set out in the pocket part to volume 1 of the Northern Mariana Islands Administrative Code. Citations are to PL 13-52, as amended.]

▣
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31 [Comment: The Table of Contents is not part of the regulation, but is placed here for the convenience of the reader.]
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35  § 1-10- 001 **PART 001. Reserved.**
37
38

39  § 1-10- 00100 **PART 100. General Provisions [Moved from Part 001 to Part 00100]**
41

42 § 1-10- 00101 **Currency of these regulations.**
43

44 These regulations are intended to be current through the cutoff date for the CNMI Register Volume 29 No. 09 (Sept., 17,
45 2007). They include all Board regulations, including (for the convenience of the reader) those previously adopted.
46

47  § 1-10- 00102 **History. [Updated]**
49

50 (a) History is not part of the operative language of the Regulation, and is included by the Board for the
51 convenience of the reader.
52

53 (b) The Board shall attempt to publish a brief history with each change to these regulations,
54 identifying date and Commonwealth Register citation for the change.

- 1
2 (c) The history is:
3
4 (1) Accountancy Act of 2002 signed by Governor Juan N. Babauta, May 20, 2003, 4 CMC §§
5 3401-3440, PL 13-52.
6
7 (2) Meetings, procedure, definitions, other general:
8
9 (i) Proposed Regulations adopted by resolution of the Board of Accountancy on
10 October 19, 2005. Proposed regulations were published in the Commonwealth
11 Register, Vol. 27, No.10 (11/25/2005).
12 (ii) Final regulations were promulgated by publication in the Commonwealth Register
13 Vol. 28, No. 1 (1/30/2006).
14
15 (3) Regulation, licensing, discipline, fees, appeals:
16
17 (i) Emergency Regulations adopted by resolution of the Board of Accountancy on
18 December 26, 2006. No further action, and the regulations lapsed.
19 (ii) Proposed Regulations adopted by resolution of the Board of Accountancy on April
20 26, 2006 and December 26, 2006. Proposed regulations were published in the
21 Commonwealth Register, Vol. 29, No.09 (9/17/2007).
22 (iii) Final regulations were promulgated by publication in the Commonwealth Register
23 Vol. 29, No. xxx (xxx/xxx/2007).
24

25 A
26 § 1-10- 00103 **Numbering of resolutions and other acts. [Moved. No change]**

- 27
28 (a) Resolutions shall be signed by the Secretary, Chair or Acting Chair and numbered to indicate
29 year, month and successive number of resolutions in the month, and shall indicate briefly their
30 subject matter. For example: "Res. 2004-10-04 (Budget)".
31
32 (b) Other actions of the Board shall be similarly identified. For example: "Personnel Policy
33 Amendment 2005-03-01 (Travel)".
34

35 A
36 § 1-10- 00104 **Office. [Moved. No change]**

37
38 The board shall designate the location of its principal office, of testing centers, and may establish branch offices in other
39 locations.
40

41
42 A
43 § 1-10- 00105 **Organization and officers. [Moved. No change]**

- 44
45 (a) The officers of the Board are Chair, Vice-Chair, Secretary, and a Secretary-Treasurer, or a
46 Secretary and a Treasurer.
47 (b) The Board shall elect its officers for the calendar year at the first regular meeting of the year.
48 (c) The officers shall assume the duties of their respective offices as soon as they have been elected.
49 (d) The officers of the Board shall continue in office until their successors are elected and qualify.
50 (e) The Chair shall preside at all meetings of the board, and in the event of his absence or inability to
51 act, the Vice-Chair shall preside. Other duties of the officers shall be such as the Board may
52 prescribe.
53

54 A
55 § 1-10- 00106 **Appointments, vacancies and removal from office. [Moved. No change]**

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- (a) Vacancies occurring shall be filled by appointment for the unexpired term of a person licensed in the same capacity as the person being replaced.
- (b) The Board shall remove from the Board any member who has become unqualified to serve.
- (c) The Board shall recommend to the Governor, after hearing, the removal of any member of the Board for neglect of duty or other just cause.

§ 1-10- 00107 **Oath. [Moved. No change]**

- (a) The Board shall adopt an oath of office.
- (b) Within 30 days after their appointment, the members of the board shall take and subscribe to an oath of office administered by a suitable public official and shall file a signed copy of the same with the Board.
- (c) The Executive Director shall take and sign an oath of office, administered by the Chair of the Board or other suitable public official.

§ 1-10- 00108 **Record keeping. [Moved. No change]**

- (a) The Board shall keep records of all proceedings and actions by and before the Board and before its committees.
- (b) In any proceeding in court, civil or criminal, copies of those records certified as correct by the executive officer of the Board or the Secretary, and under seal of the Board, shall be admissible in evidence and shall be prima facie evidence of the correctness of the contents thereof.

§ 1-10- 00109 **Seal. [Moved. No change]**

The Board shall have a seal and shall provide for its use.

§ 1-10- 00110 **Authority of Officers and Committees. [Moved. No change]**

- (a) All officers, as between themselves and the Board, shall have such authority, and perform such duties, as may be provided by or pursuant to resolution or order of the Board, or, in the absence thereof, as may be determined from these regulations.
- (b) An Executive Committee, consisting of the Chair, Vice-Chair, and the Secretary or the Treasurer shall have the power to act on behalf of the Board between Board meetings as follows:
 - (1) In emergencies;
 - (2) Where Board action is required on a ministerial act and convenience requires that the action be taken; and
 - (3) Other actions where Board action is required but it is unreasonable to schedule and conduct a Board meeting;
 - (4) Provided that no such action shall violate the Open Meetings Act, 1 CMC §§ 9901-16.
 - (5) Exception: The Executive Committee shall not have any power or authority as to the following:
 - (i) The adoption, amendment or repeal of these regulations.
 - (ii) The amendment or repeal of any resolution or decision of the Board.
 - (iii) Vacating or discharging Board members.

- (6) The Executive Committee shall meet from time to time, as the Chair requires.
- (7) The meetings of the Executive Committee may be conducted virtually, and shall be noticed to the Board with instructions on how to attend a meeting, if virtual.
- (8) Any Board member shall have the right to attend a meeting of the Executive Committee.
- (c) Standing Committees. The Board, or the Chair with the Board's subsequent approval, may determine and create such standing committees as it believes reasonable or necessary; and it shall determine the duties and responsibilities of each standing committee.
- (d) Special Committees. The Board or the Chair, respectively, may determine and create such special committees as they believe reasonable or necessary.



§ 1-10- 00111 **Operations, staff and contractors. [Moved. No change]**

- (a) The Board may enter into such contracts, leases, licenses, and other agreements as it may determine necessary for the conduct of its affairs.
- (b) The Board may employ such staff, agents and contractors, except as provided otherwise specifically by statute or in these regulations, to assist in the performance of its duties, and pay salaries, costs and expenses.
- (c) The Board may appoint an executive officer as its chief operating officer.
 - (1) Such person may be an employee or a contractor.
 - (2) Such person shall serve ex officio on all committees, without vote.
 - (3) Such person shall attend the meetings of the Board and may attend committee meetings, and shall make recommendations to the Board.
 - (4) Except as otherwise provided by law, the Board may furnish a bond for the executive officer and other staff, the cost of which bond shall be paid by from among the Board's funds.
- (d) The Board may collect, receive and disburse funds as provided by law, and may delegate such functions to its executive officer.

§ 1-10- 00112 **Advisory Committees. [Moved. No change]**

The Board may, for the purpose of obtaining technical expertise and public input, appoint advisory committees of non-Board-members to provide advice and assistance related to the Board's functions. Such committees shall act only in an advisory capacity, shall have no authority to initiate any disciplinary action against a licensee, and shall only be authorized to report findings and/or make recommendations from any investigation, deliberation or hearing.



§ 1-10- 00113 **Conflict of Interest. [Moved. No change]**

- (a) No member of the Board, or any business in which a Board member or her/his immediate family serves as staff, officer, owner or director, or by contract represents, shall transact any pecuniary business of any kind with the Board, unless the following preconditions are met:

- (1) Notification to all Members in advance, in writing, or by oral notification to the Members in a meeting at which the notification is transcribed and placed in the minutes of the Board, of his/her potential business or personal interest in the transaction; and
- (2) The Member abstains from Board vote regarding the transaction; and
- (3) The vote of each Member is recorded.

(b) Loans to Officers and Members Prohibited.

- (1) No loans shall be made by the Board to its Members or to members of their immediate families.
- (2) The Members who vote for, or assent to, the making of a loan to a Member, and any officer of officers participating in the making of such loan, shall be jointly and severally liable to the Board for the amount of such loan until the repayment thereof, and their action shall not be subject to indemnification.
- (3) Exception: The following undertaken on behalf of, or for the benefit of, the Board shall not be a loan within the meaning of these regulations:
 - (i) An advance to participate in a conference, meeting or other event.;
 - (ii) An advance for a filing with a government agency or membership organization; or
 - (iii) An advance made pursuant to an indemnification.



§ 1-10- 00114 **Purpose. [New]**

The purpose of these regulations is to promote and protect the public interest by implementing the provisions of CNMI Accountancy Act of 2002, which provide for the issuance and renewal of certificates for certified public accountants, the issuance and renewal of permits to firms and the regulation of licensees, all to enhance the reliability of information which is used for guidance in financial transactions or accounting for or assessing the financial status or performance of commercial, noncommercial and governmental enterprises.



§ 1-10- 00200 **PART 200. Administration and Conduct of Meetings (sec. 4(h)(1)) [Moved from Part 00100]**

§ 1-10- 00201 **Business meetings. [Moved. No change]**

- (a) The Board shall conduct its affairs at its meetings.
- (b) All meetings of the Board shall be open and public, as provided by law.
- (c) A majority of the Board shall constitute a quorum for the transaction of any business at any meeting of the Board.
- (d) Notice to the members of regular meetings shall be given at least seven days in advance by the Chair or, upon the Board's designation, by the Chair, Acting Chair or executive officer.
- (e) Notice of meetings may be waived in writing either before or after the meeting by unanimous consent of all members.

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- (f) The Board shall meet at the call of the Chair or the executive officer, but not less than twice each year.
- (g) Any two members of the Board may call a special meeting, and the executive officer, upon receiving that notice, shall call a meeting pursuant to the procedure prescribed herein.

§ 1-10- 00202 **Executive session. [Moved. No change]**

- (a) The Board may hold executive sessions as provided by law.
- (b) Specifically, and without limitation, the Board may deliberate in executive session:
 - (1) on the decision to be reached upon the evidence introduced in a quasi-judicial proceeding;
 - (2) on personnel matters;
 - (3) on litigation;
 - (4) on matters related to individual tests; and
 - (5) to prepare, approve, grade, or administer examinations.

§ 1-10- 00203 **Notice. [Moved. No change]**

- (a) Notice to the members shall be given in any way, including virtually, reasonably calculated to give actual notice. When actual notice may not be given, notice shall be given by US Postal Service, first class mail, and shall be deemed given when mailed.
- (b) Notice to the public shall be given as provided by statute.

§ 1-10- 00204 **Robert's Rules of Order. [Moved. No change]**

Meetings of the Members shall be conducted according to Robert's Rules of Order, most recent revision, unless:

- (a) otherwise specified in these Regulations, or otherwise by law; or
- (b) the Rules are suspended pursuant to a vote of two-thirds (2/3) of those present and voting.

§ 1-10- 00205 **Reserved**

§ 1-10- 00206 **Reserved**

§ 1-10- 00207 **Public Meetings. [Moved. No change]**

- (a) In general.
 - (1) The Board shall act at its meetings, or as otherwise provided in these Regulations.
 - (2) The Board shall make provision for the virtual attendance of Members, if a Member so requests.
 - (3) Meetings shall be noticed as required by law.
 - (4) A copy of meeting materials distributed to the Members shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as

permitted or required by law.

- (b) Time. The time for the regular meetings of the Board shall be set by the Board each year and published, except as otherwise permitted or provided by law.
- (c) Location.
 - (1) Meetings shall be held at such place as the Chair may determine unless otherwise provided by the Board, and the location shall be properly noticed to the public.
 - (2) The Board may meet virtually, and any Member may attend a meeting virtually.
 - (3) When the Board meets virtually, access to the virtual meeting shall be freely given through the noticed site so that any person attending shall have the same access to the meeting as each attending Member at the site. Typically this will include use of a speaker phone for a conference call meeting.
 - (4) Votes of Members may be received by electronic means and announced at a meeting.
- (d) Regular Meetings. Regular meetings shall be held as determined by the Board's Regulations and as additionally determined by the Board.
- (e) Special Meetings. Special meetings may be held from time to time, and shall be duly noticed by the Board.
- (f) Executive Session. Ordinarily the Board's meetings shall be open to the public. The Board may meet privately, in Executive Session, for the following purposes:
 - (1) To discuss personnel matters, including the hiring, firing and discipline of staff and/or contractors;
 - (2) To discuss pending or potential litigation or investigations;
 - (3) To discuss aspects of the Board's business affairs that are confidential and/or proprietary by law;
 - (4) To address a matter that may give rise to a conflict of interest, or an appearance of a conflict, in the absence of the Member(s) related thereto; and
 - (5) To address other matters permitted by law.
- (g) Virtual discussions.
 - (1) The Board may discuss a matter virtually over time, as well as in real time, provided that access to the virtual discussion shall be freely given so that a person seeking to review the discussion as it happens shall have substantially the same access to the discussion as each participating Member.
 - (2) Typically such a discussion shall be by electronic bulletin board open to the view of the public.
 - (3) Such discussion shall be noticed according to these Regulations and shall comply with CNMI law regarding open meetings.
 - (4) The Board shall arrange for a person, upon request, the reasonable use of a publicly-available computer with internet access in order to allow review of the discussion.
- (h) Accessibility. The Board shall comply with the accessibility requirements required by law and may, upon a person's request accommodate other special needs relating to sight, sound, language or location.

(This section is adopted pursuant to 1 CMC § 9908(a) (times and places of meeting) and PL 13-52 § (4)(h)(8) of the Accountancy Act of 2002.)

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☐
§ 1-10- 00300 **PART 300. Definitions [Moved from General Provisions, §§ 008 and 009]**

§ 1-10- 00301 **Definitions. [Moved. No change]**

For the purposes of this Chapter, and the administration and/or interpretation of the Accountancy Act, the following terms shall be defined as set forth in Public Law 13-52, sec. 3:

- (a) Board;
- (b) Certificate;
- (c) Firm;
- (d) License;
- (e) Licensee;
- (f) Permit;
- (g) Practice of (or practicing) public accountancy;
- (h) Quality review;
- (i) Report;
- (j) Rule;
- (k) State;

☐
§ 1-10- 00302 **Additional definitions. [Replaces prior section 009, and includes additions and changes]**

For the purposes of this Chapter, and the administration and/or interpretation of the Accountancy Act, the following definitions shall apply:

- (a) "Act" or "Accountancy Act" means the Accountancy Act of 2002, PL 13-52, as amended and codified.
- (b) "AICPA" means the American Institute of Certified Public Accountants, a nonprofit organization.
- (c) "Certified public accountant" or "CPA" means a person who has received from the Board a certificate of certified public accountant and who holds a valid certificate or permit to practice under the provisions of this chapter.
- (d) "Client", as used in any context in this Chapter, means a person for whom public accountancy services are performed or to whom financial products, financial services, or securities are sold or provided at a public accountancy practice or through referral to another location or business in which the accountant has a material interest.
- (e) "CBT" means Computer Based Test, and applies to a testing center for delivering the Uniform CPA Examination.
- (f) "CPE" means Continuing Professional Education.
- (g) "Electronic means" includes telephone, video-conference, electronic-telecommunications-mediated written, aural and/or video means, including mediated through the internet and/or email.
- (h) "Financial statements" means statements and footnotes related thereto that undertake to present an actual or anticipated financial position as of a point in time, or results of operations, cash flow, or changes in financial position for a period of time, in conformity with generally accepted accounting principles or another comprehensive basis of accounting. The term does not include

1 incidental financial data included in management advisory service reports to support
2 recommendations to a client; nor does it include tax returns and supporting schedules.

- 3
4 (i) "Firm" shall also include a a limited liability company.
5
6 (j) "Include" or "including" shall be read as though followed by "but not limited to".
7
8 (k) "Jurisdictional Testing Center" means a high security CBT center operated by the Board or its
9 designee, for the purpose of delivering the Uniform CPA Examination in computer format.
10
11 (l) "Manager" means the same as the term "manager" in a limited liability company.
12
13 (m) "Member", when used to refer to a person in an accounting firm or other business, means the
14 same as the term "member" in a limited liability company.
15
16 (n) "PCAOB" means the Public Company Accounting Oversight Board.
17
18 (o) "Person" includes individual, partnership, firm, association, government entity, limited liability
19 company, or corporation, unless otherwise provided by law.
20
21 (p) "Public accountant" means a person who has registered with the Board as a public accountant
22 and who holds a valid certificate or permit for the practice of public accountancy.
23
24 (q) "Rule" means a rule, regulation, or other written directive of general application duly adopted by
25 the Board, including "regulation" as defined in the Administrative Procedure Act, 1 CMC § 9101(k).
26
27 (r) Rules of construction: In construing these regulations, the singular shall also mean the plural, the
28 masculine the feminine, and conversely.
29
30 (s) "State" means a State of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin
31 Islands, Guam and the CNMI.
32
33 (t) "Virtual" or "Virtually" when used with respect to a meeting means by electronic means that
34 provide for real-time communication to and from the participants in such a manner that each
35 participant can hear and/or read the comments of each other participant.
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37



39 § 1-10- 00400 **PART 400. Professional conduct and ethics rules (§ 4(h)(4)).**

40
41 § 1-10- 00401 **Obligation to follow the rules.**

- 42
43 (a) A licensee shall follow the Board's rules of professional conduct.
44
45 (b) Every applicant for a certificate or permit shall subscribe to the Board's rules of professional
46 conduct on a form supplied by the Board.
47

48 § 1-10- 00402 **Reference to the rules on Board forms.**

49
50 The Board's rules of professional conduct shall be identified on the application for a certificate, permit or other registration.
51
52

1 § 1-10- 00403 **Adoption of AICPA Rules of Professional Conduct.**

- 2
- 3 (a) The Board hereby adopts as its rules of professional conduct those published by the American
4 Institute of CPA's entitled Code of Professional Conduct. Those Rules shall be known as the
5 CNMI CPA Code of Professional Conduct. Those Rules are included herein by reference, and
6 shall have the full force and effect of regulations of this Board.
7
- 8 (b) The CNMI CPA Code of Professional Conduct is promulgated for the purpose of maintaining high
9 standards of professional conduct by those licensed and registered as Certified Public
10 Accountants.
11
- 12 (c) It is the Board's purpose and intent that amendments which the AICPA adopts to its Code of
13 Professional Conduct shall be automatically adopted herein.
14
- 15 (1) The amendments which the AICPA adopts to its Code of Professional Conduct shall be
16 automatically adopted herein.
17
- 18 (2) If a court of competent jurisdiction finds, or would find, that the Board may not
19 automatically adopt such amendments by reference, the Board shall consider each
20 amendment which the AICPA adopts to its Code of Professional Conduct and, after
21 publication of notice thereof, issue an order adopting, adopting with changes, or declining
22 to adopt the amendment.
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24

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26 § 1-10- 00500 **PART 500. Educational and experience qualifications for certificates and continuing education;
27 semester hours; accredited colleges, universities, schools and programs; credit for courses;
28 exams; discipline (§§ 4(h)(3), 5(i), 6(c)(2)(C), 6(d))**

29

30 § 1-10- 00501 **Accreditation.**

- 31
- 32 (a) Semester hour. A "semester hour" means the conventional college semester hour. Quarter hours
33 may be converted to semester hours by multiplying them by two-thirds.
34
- 35 (b) Accreditation. "Accreditation" refers to the process of quality control of the education process.
36 There are three different levels of accreditation referred to in these Regulations and the degree to
37 which the Board relies on accreditation differs according to the level at which the degree-granting
38 institution is accredited. The three levels of accreditation are:
39
- 40 (1) Level one accreditation (the educational institution) is granted to a four-year degree-
41 granting college or university that is accredited by one or more recognized regional
42 accrediting agencies (or successor agencies). The following regional accrediting
43 agencies are recognized by the Board.
44
- 45 (i) Middle States Association of Colleges and Schools (MSA), Middle States
46 Commission on Higher Education, Web: www.msche.org.
- 47
- 48 (ii) Northwest Commission on Colleges and Universities (NWCCU), Web:
49 www.nwccu.org.
- 50
- 51 (iii) New England Association of Schools and Colleges (NEASC-CIHE), Commission
52 on Institutions of Higher Education, Web: www.neasc.org.
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- (iv) Southern Association of Colleges and Schools (SACS) Commission on Colleges, Web: www.sacscoc.org.
 - (v) North Central Association of Colleges and Schools (NCA-HLC), The Higher Learning Commission, Web: www.ncahigherlearningcommission.org.
 - (vi) Western Association of Schools and Colleges (WASC-ACSCU) Accrediting Commission for Senior Colleges and Universities, Web: www.wascweb.org. (Note: As of April 2006, the Northern Marianas College was accredited by WASC-ACSCU).
- (2) Level two accreditation (the business school) is granted to a business school or college of business that has been accredited by a national accreditation agency recognized by the Board such as the "American Assembly of Collegiate Schools of Business" (AACSB) (Web: www.aacsb.edu) following a specific and comprehensive review of their faculty, resources, and curricula. In evaluating a candidate's credentials, the Board may choose to rely on this accreditation as evidence that the institution's business school has met minimum overall standards of quality for such schools.
- (3) Level three accreditation (the accounting program or department) is granted to an accounting program or department that has been accredited by a national accreditation agency recognized by the Board such as the AACSB. Accounting programs or departments accredited in this manner have met standards substantially higher and much more specific than those required for level one or level two accreditation. For level three accreditation the accounting program or department must meet a stringent set of standards that addresses faculty credentials, student quality, physical facilities, and curricula. Graduates who submit transcripts from accredited accounting programs may be deemed to have met the Board's specific accounting and business course requirements.
- (c) An applicant is considered as having graduated from an accredited educational institution:
- (1) If the educational institution was accredited at the appropriate level pursuant to these Regulations at the time it granted the applicant's degree.
 - (2) If an educational institution was not accredited at the time it granted the applicant's degree but is so accredited at the time the application is filed with the Board, the institution will be deemed to be accredited for the purpose of this subsection, if it:
 - (i) certifies that the applicant's total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and
 - (ii) furnishes the Board satisfactory proof, including college catalogue course numbers and descriptions, that the pre-accrediting courses used to qualify the applicant as an accounting major are substantially equivalent to post-accrediting courses.
- (d) If an applicant's degree was received at an accredited educational institution, but the educational program which was used to qualify the applicant as an accounting major included courses taken at institutions which were non-accredited either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received, provided the accredited institution either:
- (1) has accepted such courses by including them in its official transcript; or

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- (2) has certified to the Board that it will accept such courses for credit toward graduation.
- (e) If the applicant is a graduate of a four-year degree-granting college or university not accredited at the time applicant's degree was received or at the time the application was filed, the applicant will be deemed to be a graduate of an accredited educational institution if:
 - (1) a credentials evaluation service approved by the Board certifies that the applicant's degree is equivalent to a degree from an accredited educational institution defined in this section; or
 - (2) an accredited educational institution as defined in this section accepts applicant's non-accredited baccalaureate degree for admission to a graduate business degree program; and
 - (i) the applicant satisfactorily completes at least fifteen (15) semester hours, or the equivalent, in post-baccalaureate education at the accredited educational institution, of which at least nine (9) semester hours, or the equivalent, shall be in accounting; and
 - (ii) the accredited educational institution certifies that the applicant is in good standing for continuing the graduate program, or has maintained a grade point average in these courses that is necessary for graduation.
- (f) The advanced subjects for the graduate program completed to qualify under the preceding subsection [(e)(2)] may not be used to satisfy the requirements of the following subsection [(g)].
- (g) The accounting and business concentration or equivalent contemplated by Section 5(c) of the Act shall consist of the semester hours specified in the following section on education requirements. No more than six (6) hours shall be recognized for internships or life experience.



§ 1-10-00502 Education Requirements for Examination and Certification.

- (a) Examination Education Requirement. For purposes of Section 5(c)(1) of the Act, an applicant will be deemed to have met the Examination Education Requirement if the applicant has met any one of the following five conditions:
 - (1) Earned a graduate degree with a concentration in accounting from an accounting program or department that is accredited (to a level three accreditation) by an accrediting agency recognized by the Board.
 - (2) Earned a graduate degree from a business school or college of business that is accredited (to a level two accreditation) by an accrediting agency recognized by the Board and completed at least 24 semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level, or an equivalent combination thereof, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting.
 - (3) Earned a baccalaureate degree from a business school or college of business that is accredited (to a level two accreditation) by an accrediting agency recognized by the Board, and

- 1 (i) completed 24 semester hours in accounting at the undergraduate or graduate
2 level, including coverage of, but not necessarily separate courses in, the subjects
3 of financial accounting, auditing, taxation, and management accounting; and
4
5 (ii) completed at least 24 semester hours in business courses (other than
6 accounting) at the undergraduate or graduate level.
7
8 (4) Earned a baccalaureate or higher degree from an accredited educational institution (level
9 one accreditation) including:
10
11 (i) at least 24 semester hours of accounting at the upper division or graduate level,
12 including coverage of, but not necessarily separate courses in, the subjects of
13 financial accounting, auditing, taxation, and management accounting (Upper
14 division is normally defined as junior or senior level. In accounting, this would
15 normally be all courses taken beyond the elementary level.); and
16
17 (ii) at least 24 semester hours in business courses (other than accounting) at the
18 undergraduate or graduate level.
19
20 (5) Earned an Associate of Arts degree or higher degree from an accredited educational
21 institution (to a level one accreditation) including at least 21 semester credit hours in
22 upper division accounting as follows:
23
24 (i) 3 credits earned in Auditing, and
25 (ii) 6 credits earned in Federal Taxation, and
26 (iii) 12 additional credits must be earned in upper division accounting courses.
27
28 (b) Certification Education Requirement. For purposes of Section 5(c)(2) of the Act, an applicant will
29 be deemed to have met the Certification Education Requirement if the applicant has met any one
30 of the following four conditions:
31
32 (1) Earned a graduate degree with a concentration in accounting from an accounting
33 program or department that is accredited (to a level three accreditation) by an accrediting
34 agency recognized by the Board.
35
36 (2) Earned a graduate degree from a business school or college of business that is
37 accredited (to a level two accreditation) by an accrediting agency recognized by the Board
38 and completed at least 24 semester hours in accounting at the undergraduate level or 15
39 semester hours at the graduate level, or an equivalent combination thereof, including
40 coverage of, but not necessarily separate courses in, the subjects of financial accounting,
41 auditing, taxation, and management accounting.
42
43 (3) Earned a baccalaureate degree from a business school or college of business that is
44 accredited (to a level two accreditation) by an accrediting agency recognized by the Board
45 and completed 24 semester hours in accounting at the undergraduate or graduate level,
46 including coverage of, but not necessarily separate courses in, the subjects of financial
47 accounting, auditing, taxation, and management accounting; and completed at least 24
48 semester hours in business courses (other than accounting) at the undergraduate or
49 graduate level.
50
51 (4) Earned a baccalaureate or higher degree from an accredited educational institution (to a
52 level one accreditation) including:
53
54 (i) at least 24 semester hours of accounting at the upper division or graduate level,
55 including coverage of, but not necessarily separate courses in, the subjects of

1 financial accounting, auditing, taxation, and management accounting. Upper
2 division is normally defined as junior or senior level. In accounting, this would
3 normally be all courses taken beyond the elementary level; and
4

- 5 (ii) at least 24 semester hours in business courses (other than accounting) at the
6 undergraduate or graduate level.
7



8 § 1-10- 00503 Applications for Examination.
9

- 10 (a) Applications to take the CPA Examination must be made on a form provided by the Board and
11 filed with the Board by a due date specified by the Board. An applicant who has been found
12 eligible to take the CPA Examination may be known as a "candidate".
13
14 (b) An application shall not be considered filed until the application fee and examination fee required
15 by these Regulations and all required supporting documents have been received, including proof
16 of identity as determined by the Board and specified on the application form, official transcripts
17 and proof that the applicant has satisfied the education requirement.
18
19 (c) A candidate who fails to appear for the examination shall forfeit all fees charged for both the
20 application and the examination.
21
22 (d) The Board or its designee shall forward notification of eligibility for the computer-based
23 examination to NASBA's National Candidate Database.
24
25



26 § 1-10- 00504 Type, Time and Place of Examination.
27

- 28 (a) The Board may provide by contract for the administration and grading of the Uniform CPA
29 Examination, pursuant to Section 5(d) of the Act. The AICPA owns the Uniform CPA
30 Examination, and will only allow it to be administered in a high security environment approved by
31 NASBA per the CBT Services Agreement.
32
33 (b) The Board may provide by contract for the development and maintenance of a high security
34 environment test center, including a jurisdictional testing center.
35
36 (c) Upon the implementation of a computer-based examination, candidates shall be notified of the
37 time and place of the examination or shall independently contact the Board or a test center
38 operator identified by the Board, to schedule the time and place for the examination at an
39 approved test site. Scheduling reexaminations must be made in accordance with the Section on
40 retaking the examination, § 1-10- 00507, infra.
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44 § 1-10- 00505 Examination content.
45

46 The examination required by Section 5 of the Act shall test the knowledge and skills required for performance as an entry-
47 level certified public accountant. The examination shall include the subject areas of accounting and auditing and related
48 knowledge and skills as the Board may require.
49

50 § 1-10- 00506 Determining and Reporting Examination Grades.
51

- 52 (a) A candidate shall be required to pass all Test Sections of the examination provided for in
53 subsection 5(d) of the Act in order to qualify for a certificate. Upon receipt of advisory grades from
54

1 the examination provider, the Board will review and may adopt the examination grades and will
2 report the official results to the candidate.

- 3
4 (b) Prior to the implementation of a computer-based examination, a passing grade for each Test
5 Section shall be 75. Upon implementation of a computer-based examination, a passing grade for
6 each Test Section shall be 75.



9 § 1-10- 00507 **Retaking an Examination Section and Granting of Credits.**

- 10
11 (a) An applicant shall be required to pass all sections of the examination provided for in Section 5(d)
12 of the Act in order to qualify for a certificate. Prior to the implementation of a computer-based
13 examination, if at a given sitting of the examination a candidate passes two or more but not all
14 sections, then the candidate shall be given credit for those sections that the candidate has passed
15 and need not sit for reexamination in those sections, provided that:

- 16
17 (1) at that sitting the candidate wrote all sections of the examination for which the candidate
18 does not have credit;
19
20 (2) the candidate attained a minimum grade of 50 on each section taken at that sitting;
21
22 (3) the candidate passes the remaining sections of the examination within six (6) consecutive
23 examinations given after the one at which the first sections were passed;
24
25 (4) at each subsequent sitting at which the candidate seeks to pass an additional section, the
26 candidate sits for all sections for which the candidate does not have credit;
27
28 (5) in order to receive credit for passing additional sections in any such subsequent sitting,
29 the Candidate attains a minimum grade of 50 on sections taken at that sitting.

- 30
31 (b) Upon the implementation of a computer-based examination, a candidate may take the required
32 Test Sections individually and in any order. Credit for a Test Section(s) passed shall be valid for
33 eighteen (18) months from the actual date the candidate took that Test Section, without having to
34 attain a minimum score on a failed Test Section(s) and without regard to whether the candidate
35 has taken other Test Sections.

- 36
37 (1) Candidates must pass all four (4) Test Sections of the Uniform CPA Examination within a
38 rolling eighteen-month (18-month) period, which begins on the date that the first Test
39 Section(s) passed was taken.
40
41 (2) Candidates cannot retake a failed Test Section(s) in the same examination window. An
42 examination window refers to a three-month period in which candidates have an
43 opportunity to take the CPA examination (comprised of two months in which the
44 examination is available to be taken and one month in which the examination will not be
45 offered while routine maintenance is performed and the item bank is refreshed). Thus,
46 candidates will be able to test two out of the three months within an examination window.
47
48 (3) In the event all four Test Sections of the Uniform CPA Examination are not passed within
49 the rolling eighteen-month period, credit for a Test Section(s) passed outside the
50 eighteen-month period will expire and that Test Section(s) must be retaken.

- 51
52 (c) Candidates having earned conditional credits on the paper-and-pencil examination, as of the
53 launch date of the computer-based Uniform CPA Examination, will retain conditional credits for
54 the corresponding Test Sections of the computer-based CPA examination as follows:
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Paper-and-Pencil examination	Computer-Based examination
Auditing	Auditing and Attestation
Financial Accounting & Reporting (FARE)	Financial Accounting & Reporting
Accounting and Reporting (ARE)	Regulation
Business Law & Professional Responsibilities (LPR)	Business Environment & Concepts

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- (1) Candidates who have attained conditional status as of the launch date of the computer-based Uniform CPA Examination will be allowed a transition period to complete any remaining Test Sections of the CPA examination. The transition is the maximum number of opportunities that candidates who have conditioned under the paper-and-pencil examination have remaining, at the launch of the computer-based CPA examination, to complete all remaining Test Sections, or the number of remaining opportunities under the paper-and-pencil examination, multiplied by six months, whichever is first exhausted.
- (2) If a previously conditioned candidate does not pass all remaining Test Sections during the transition period, conditional credits earned under the paper-and-pencil examination will expire and the candidate will lose credit for the Test Sections earned under the paper-and-pencil examination. However, a Test Section(s) passed during the transition period is subject to the conditioning provisions of the computer-based examination as indicated in the aforementioned conditioning recommendation, except that a previously conditioned candidate will not lose conditional credit for a Test Section of the computer-based examination that is passed during the transition period, even though more than eighteen (18) months may have elapsed from the date the Test Section is passed, until the end of the transition period.
- (d) A candidate shall retain credit for any and all Test Sections of an examination passed in another state if such credit would have been given, under then applicable requirements, if the candidate had taken the examination in the CNMI.
- (e) The Board may in particular cases extend the term of conditional credit validity notwithstanding the requirements of subsections (a), (b), (c), and (d), just supra, upon a showing that the credit was lost by reason of circumstances beyond the candidate's control.
- (f) A candidate shall be deemed to have passed the Uniform CPA Examination once the candidate holds at the same time valid credit for passing each of the four Test Sections of the examination. For purposes of this section, credit for passing a Test Section of the computer-based examination is valid from the actual date of the Testing Event for that Test Section, regardless of the date the candidate actually receives notice of the passing grade.

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46 § 1-10- 00508 Candidate Testing Fee
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The candidate shall, for each Test Section scheduled by the candidate to the Board or its designee, pay a candidate Testing Fee that includes the actual fees charged by the AICPA, NASBA, and the Test Delivery Service Provider, as well as reasonable application fees established by the CNMI Board.

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2 § 1-10- 00509 Cheating

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- (a) Cheating by a candidate in applying for, taking, during or subsequent to the examination shall invalidate each grade earned by a candidate on each Test Section of the examination, and may warrant summary expulsion from the test site and disqualification from taking the examination for a specified period of time.
- (b) For purposes of this Regulation, the following actions or attempted activities, among others, may be considered cheating:
 - (1) Falsifying or misrepresenting educational credentials or other information required for admission to the examination;
 - (2) Communication with others inside or outside the test site while the examination is in progress;
 - (3) Copying another candidate's answers while the examination is in progress;
 - (4) Substitution of another person to sit in the test site in the stead of a candidate;
 - (5) Reference to crib sheets, textbooks or other material or electronic media (other than that provided to the candidate as part of the examination) inside or outside the test site while the examination is in progress;
 - (6) Violating the nondisclosure prohibitions of the examination, or aiding or abetting another in doing so; and/or
 - (7) Retaking or attempting to retake a Test Section by an individual holding a valid certificate or by a candidate who has unexpired credit for having already passed the same Test Section, unless the individual has been directed to retake a Test Section pursuant to Board order or unless the individual has been expressly authorized by the Board to participate in a "secret shopper" program.
- (c) In a case where it appears that cheating has occurred or is occurring, the Board or its representatives may either summarily expel the candidate involved from the examination or move the candidate to a position in the Test Center away from other examinees where the Candidate can be watched more closely.
- (d) In a case where the Board believes that it has evidence that a candidate has cheated on the examination, including a case in which the candidate has been expelled from the examination, the Board shall conduct an investigation and may conduct a hearing pursuant to the Administrative Procedure Act for the purpose of determining whether or not there was cheating, and if so what remedy should be applied. In such a proceeding, the Board shall decide:
 - (1) Whether the candidate shall be given credit for any portion of the examination completed in that session; and
 - (2) Whether the candidate shall be barred from taking the examination and if so, for what period of time.
- (e) In a case where the Board or its representative permits a candidate to continue taking the examination, it may, depending on the circumstances:
 - (1) Admonish the candidate;

- 1
2 (2) Seat the candidate in a segregated location for the rest of the examination;
3
4 (3) Keep a record of the candidate's seat location and identifying information, and the names
5 and identifying information of the candidates in close proximity of the candidate, and notify
6 the National Candidate Database and the AICPA and/or the Test Center of the
7 circumstances, so that the Candidate may be more closely monitored in future
8 examination sessions.
9
10 (f) In a case in which a candidate is refused credit for a Test Section of an examination taken,
11 disqualified from taking a Test Section, or barred from taking the examination in the future, the
12 Board shall provide to the Board of Accountancy of each other state to which the candidate may
13 apply for the examination information as to the Board's findings and actions taken.
14



15 § 1-10- 00510 Security and Irregularities

16 Notwithstanding any other provision of these regulations, the Board may postpone scheduled examinations, the release of
17 grades, or the issuance of certificates due to a breach of examination security; unauthorized acquisition or disclosure of
18 the contents of an examination; suspected or actual negligence, errors, omissions, or irregularities in conducting an
19 examination; or for any other reasonable cause or unforeseen circumstance.
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24 § 1-10- 00600 PART 600. Issuance of Certificates and Renewal of Certificates, Continuing Professional
25 Education,
26

27 § 1-10- 00601 Identification as a licensee.
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29 No one shall practice accountancy as a claimed licensee of the Board unless they shall have a certificate or permit issued
30 and maintained pursuant to these Regulations and the Act.
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33 § 1-10- 00602 Applications for certificates. (**§ 4(h)(8), 6(b)**)

- 34
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36 (a) An application for an initial certificate and for renewal of a certificate pursuant to the Act shall be
37 made on a form provided by the Board and, in the case of an application for renewal, shall be filed
38 no later than 63 days (9 weeks) prior to the expiration date set by these Regulations. Applications
39 shall not be considered filed until the applicable fee prescribed in the Regulations is received. If
40 an application for renewal is filed late, the delinquency fee prescribed in the Regulations shall also
41 accompany it.
42
43 (b) Applications for renewal of certificates shall be accompanied by evidence satisfactory to the Board
44 that the applicant has complied with the continuing professional education requirements under
45 Section 6(d) of the Act and of these Regulations.
46



47 § 1-10- 00603 Experience required for initial certificate.
48

49 The experience required to be demonstrated for issuance of an initial certificate pursuant to Section 5(f) of the Act shall
50 meet the requirements of this regulation.
51

- 52
53 (a) Experience may consist of providing a service or advice using accounting, attest, compilation,
54 management advisory, financial advisory, tax or consulting skills.

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2 (b) The applicant shall have experience verified to the Board by a licensee as defined in the Act or
3 from another state. Acceptable experience shall include employment in industry, government,
4 academia or public practice. The Board shall look at such factors as the complexity and diversity
5 of the work.
6
7 (c) One year of experience shall consist of full or part-time employment that extends over a period of
8 no less than a year and no more than three years and includes no fewer than 2,000 hours of
9 performance of services described in subsection (a), of this Section.

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12 § 1-10- 00604 Evidence of applicant's experience.

- 13
14 (a) A licensee who has been requested by an applicant to submit to the Board evidence of the
15 applicant's experience and has refused to do so shall, upon request of the Board, explain in
16 writing or in person the basis for such refusal.
17
18 (b) The Board may require a licensee who has furnished evidence of an applicant's experience to
19 substantiate the information.
20
21 (c) An applicant may be required to appear before the Board or its representative to supplement or
22 verify evidence of experience.
23
24 (d) The Board may inspect documentation relating to an applicant's claimed experience.
25

26 
27 § 1-10- 00605 Continuing professional education requirements for renewal of the certificate.

28
29 The following requirements of continuing professional education apply to the renewal of certificates pursuant to Section
30 6(d) of the Act.

- 31
32 (a) An applicant seeking renewal of a certificate shall show that the applicant has completed no less
33 than 120 hours of continuing professional education complying with these Regulations during the
34 three-year period preceding renewal, with a minimum of 20 hours in each year. An applicant
35 seeking renewal of a certificate shall demonstrate participation in a program of learning which
36 meets the standards set forth in the Statement on Standards for Continuing Professional
37 Education (CPE) Programs jointly approved by NASBA and AICPA.
38
39 (b) An applicant whose certificate has lapsed shall complete no less than 120 hours of CPE
40 complying with these Regulations during the three-year period preceding the date of reapplication.
41 An applicant whose certificate has lapsed shall be required to identify and complete a program of
42 learning designed to demonstrate the currency of the licensee's competencies directly related to
43 his or her area of service.
44
45 (c) A licensee granted an exception from the competency requirement by the Board may discontinue
46 use of the word "inactive" in association with their CPA or PA title upon showing that they have
47 completed no less than 120 hours of continuing professional education complying with these
48 regulations during the three-year period preceding their request to discontinue use of the word
49 "inactive", with a minimum of 20 hours in each year.
50
51 (d) Of the 120 hours of CPE required by this Section, subsection (a), at least four (4) hours in every
52 three (3) years must be in ethics, earned from a location in the CNMI. The course or courses
53 must be either an accounting ethics class or a business ethics class which includes accounting
54 ethics. The course must include core values, such as ethical reasoning, integrity, objectivity, and
55 independence, and refer to relevant Board statutory provisions and/ or regulations.

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2 (e) Until the Board identifies a regularly offered course in the CNMI, this requirement may be met in
3 any other place by any other 4-hour accounting ethics class or 4-hour business ethics class.
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6 § 1-10- 00606 **Programs qualifying for continuing professional education credit.**
7

- 8 (a) Standards. A program qualifies as acceptable continuing professional education for purposes of
9 Section 6(d) of the Act and these Regulations if it is a program of learning, which contributes to
10 the growth in the professional knowledge and professional competence of a licensee. The
11 program must meet the minimum standards of quality of development, presentation,
12 measurement, and reporting of credits set forth in the Statement on Standards for Continuing
13 Professional Education Programs jointly approved by NASBA and AICPA, or such other standards
14 acceptable to the Board.
15
16 (b) Subject Areas. The Board will accept credits from programs meeting the standards set forth in
17 the Statement on Standards for Continuing Professional Education Programs jointly approved by
18 NASBA and AICPA or standards deemed by the Board to be comparable thereto. Each individual
19 must earn six (6) CPE credits per reporting period in Ethics.
20
21 (c) Compliance. A non-resident licensee seeking renewal of a certificate in the CNMI shall be
22 determined to have met the CPE requirement of this regulation by meeting the CPE requirements
23 for renewal of a certificate in the state in which the licensee's principal office is located.
24
25 (1) Non-resident applicants for renewal shall demonstrate compliance with the CPE renewal
26 requirements of the state in which the licensee's principal office is located by signing a
27 statement to that effect on the renewal application of the CNMI.
28
29 (2) If a non-resident licensee's principal office state has no CPE requirements for renewal of
30 a certificate, the non-resident licensee must comply with all CPE requirements for renewal
31 of a certificate in the CNMI.
32



33
34 § 1-10- 00607 **Continuing professional education records.**
35

- 36 (a) An applicant for renewal of a certificate pursuant to the Act shall file with the application a signed
37 statement indicating s/he has met the requirements for participation in a program of continuing
38 learning set forth by the Board or contained in the Statement on Standards for Continuing
39 Professional Education (CPE) Programs jointly approved by the NASBA and the AICPA.
40
41 (b) Responsibility for documenting the acceptability of the program and the validity of the credits rests
42 with the applicant. The applicant should retain such documentation for a period of five (5) years
43 following completion of each learning activity.
44
45 (c) The Board shall verify on a test basis information submitted by an applicant for renewal of a
46 certificate. In a case in which the Board determines that the requirement is not met, the Board
47 may grant an additional period of time in which the deficiencies can be cured. Fraudulent
48 reporting is a basis for disciplinary action.
49



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51 § 1-10- 00608 **Exceptions.**
52

- 53 (a) The Board may make an exception to the CPE requirements of these Regulations for a licensee
54 who is retired or who does not perform or offer to perform for the public services involving the use

1 of accounting or auditing skills. Provided, however, performing or offering to perform the following
2 requires compliance with CPE requirements:
3

- 4 (1) the issuance of reports on financial statements or other compilation communication;
- 5 (2) management advisory, financial advisory or consulting services;
- 6 (3) preparation of tax returns; or
- 7 (4) furnishing advice on tax matters.

8
9 (b) The Board may in particular cases make exceptions to the CPE requirements for good cause,
10 including:

- 11 (1) individual hardship;
- 12 (2) health;
- 13 (3) military service; or
- 14 (4) foreign residence.

15
16
17 (c) A licensee granted such an exception by the Board must place the word "inactive" adjacent to
18 his/her CPA title on any business card, letterhead and/or other document or device on which the
19 CPA title appears, with the exception of the CPA certificate.

20
21 (d) A licensee granted an exception by the Board must comply with the Board's re-entry competency
22 requirements before s/he may discontinue use of the word "inactive" in association with the CPA
23 title. Such requirements include the provisions of this Part.
24
25



26 § 1-10- 00700 PART 700. Permits to Practice, Peer Review – Firms and Individuals.

27
28 § 1-10- 00701 Applications.

29 (a) Applications by firms for initial issuance and for renewal of permits pursuant to Section 7 of the
30 Act shall be made on a form provided by the Board and, in the case of applications for renewal,
31 shall be filed no earlier than four (4) months and no later than two (2) months prior to the
32 expiration date. Applications shall not be considered filed until the applicable fee and all required
33 documents prescribed in these Regulations are received. If an application for permit renewal is
34 filed late, it shall also be accompanied by the delinquency fee prescribed through these
35 Regulations.
36
37

38
39 (b) A sole proprietor may apply jointly for

- 40 (1) a certificate, or a renewal of a certificate, and
- 41 (2) a firm permit.

42
43 (c) Applications shall include the firm name, addresses and telephone numbers of the main office
44 and of each branch office of the firm in the CNMI, the name of the person in charge of each such
45 branch office, and the names of the partners, shareholders, members, managers, directors and
46 officers practicing in the CNMI.
47
48



49 § 1-10- 00702 Notification of changes **by** firms.

50 (a) A firm registered pursuant to Section 7 of the Act shall file with the Board a written notification of
51 any of the following events concerning the practice of public accountancy within the CNMI within
52 28 days (4 weeks) after its occurrence:
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- (1) Formation of a new firm;
- (2) Addition of a partner, member, manager or shareholder;
- (3) Retirement, withdrawal or death of a partner, member, manager or shareholder;
- (4) A change in the name of the firm;
- (5) Termination of the firm;
- (6) Change in the management of a branch office in the CNMI;
- (7) Establishment of a new branch office or the closing or change of address of a branch office in the CNMI; and
- (8) The occurrence of an event or events which would cause such firm not to be in conformity with the provisions of the Act or these Regulations.

(b) In the event of a change in legal form of a firm, such new firm shall within thirty 28 days (4 weeks) of the change file an application for an initial permit in accordance with these Regulations and pay the fee required by these Regulations.



§ 1-10- 00703 Peer review as a condition for renewal of permit. (§§ 4(h)(7), 7(g), 9(b))

- (a) The Board may require a licensee to undergo a peer review as a condition of:renewed licensing. A peer review report shall issue.
- (b) The Board may establish procedures to perform the following functions:
 - (1) Review of financial statements and the reports of licensees thereon, to assess their compliance with applicable professional standards;
 - (2) Improvement of reporting practices of licensees through educational and rehabilitative measures;
 - (3) Referrals to the Board of cases requiring further investigation by the Board or its designees;
 - (4) Verification that individuals in the firm responsible for supervising compilation or attest services and signing the accountants' report on financial statements on behalf of the firm meet the competency requirements set out in applicable professional standards;
 - (5) Verification that a certificate holder who issues compilation reports for the public other than through a CPA firm, who supervises such services, and/or signs the compilation report on such financial statements, meets the competency requirements set out in applicable professional standards; and
 - (6) Such other functions as the Board may assign to its designees.
- (c) The Board may also solicit for review reports of licensees and related financial statements from clients, public agencies, banks, and other users of financial statements.
- (d) The review of financial statements and reports of the licensees thereon shall be directed toward the following:
 - (1) Presentation of financial statements in conformity with generally accepted accounting principles;
 - (2) Compliance by licensees with generally accepted auditing standards;

- (3) Compliance by licensees with other professional standards; and
- (4) Compliance by licensees with the Regulations of the Board and other rules or regulations relating to the performance of compilation and attest services.
- (e) In gathering information about the professional work of licensees, the Board may make use of investigators, either paid or unpaid, who are not members of the Board.
- (f) In an instance in which the Board finds a deficiency in the professional work of a licensee, it shall advise the licensee in writing of the deficiency. The Board may request the licensee to meet with it to discuss deficiencies. If the Board determines that a report is substandard or seriously questionable, the Board may direct that an independent reviewer other than the person who performed the review of the report conduct a review of the workpapers. The findings of such review of the workpapers shall be transmitted by the reviewer to the Board.



§ 1-10- 00704 **Equivalent reviews as a condition for renewal of a permit.**

- (a) The requirements of Section 003 of this Part shall not apply with respect to a firm or a certificate holder which/who, within the three years immediately preceding the application, has been subjected to a satisfactory peer review conducted in accordance with a peer review program approved by the Board.
- (b) Reserved.
- (c) The Board shall establish procedures and take all action necessary to ensure that the above-mentioned peer-reviewed materials remain privileged as to third parties.



§ 1-10- 00705 **Peer review for certificate holders who do not practice in a licensed firm.**

A certificate holder who issues compilation reports as defined in the Act, other than through a CPA firm that holds a permit under Section 7 of the Act, must undergo a peer review as required under this Part governing firm practice.



§ 1-10- 00706 **Submission of peer review reports to the Board.**

- (a) The objective of this peer review regulation is to reinforce the Board's efforts to ensure that only appropriately qualified CPA firms are engaged in the offering and rendering of services subject to peer review.
- (b) Regarding peer reviews conducted pursuant to these Regulations, the reviewed firm or individual must submit to the Board:
 - (1) each adverse peer review report, and
 - (2) each second consecutive peer review report that is adverse or modified, including a review report that contains significant comments.
- (c) The reviewed firm or individual shall submit a report described in § 1-10- 00703, to the Board within forty-two days (6 weeks) after acceptance of such report by the administering entity;
- (d) Regarding a peer review report required to be submitted to the Board pursuant to this Part:

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- (1) the reviewed firm must retain, for a period of seven (7) years from the date of the report acceptance, all of the following:
 - (i) peer review report;
 - (ii) letter of comments;
 - (iii) letter of response;
 - (iv) acceptance letter signed by the reviewed firm agreeing to take corrective actions; and
 - (v) letter of completion indicating that the firm's peer review is complete.
- (2) Upon request of the Board, the reviewed firm or individual shall timely submit such documentation to the Board.
- (e) Based upon its review of the reports submitted pursuant to this regulation, the Board may order additional corrective actions or discipline, including:
 - (1) probation, practice limits, additional continuing education, pre-issuance reviews, more frequent peer reviews, and other measures; or
 - (2) in severe cases, discipline against the reviewed firm and individual licensees employed or contracted by the reviewed firm.
- (f) Such order shall be pursuant to notice and an opportunity for hearing, either of which the reviewed firm may waive.



§ 1-10- 00800 PART 800. Interstate or International Reciprocity Practice



§ 1-10- 00801 Interstate practice.

- (a) These regulations provide two distinct methods for an individual already licensed in another state to be authorized to practice in the CNMI. The applicable method depends upon whether the individual will establish a principal place of business in the CNMI.
 - (1) Individuals establishing a principal place of business in the CNMI may qualify for a reciprocal certificate or license either by:
 - (i) substantial equivalence (see the Act, Section 6); or
 - (ii) experience (see the Act, Section 6(c)(1) and Section 001(b) of this Part *infra*).
 - (2) Individuals with a principal place of business in another state **may** offer or render services in the CNMI either pursuant to:
 - (i) substantial equivalence (see Section 6 of the Act); or
 - (ii) experience (see Section 001(c) of this Part, *infra*).
- (b) Reciprocal certificate or license. Regarding an individual establishing a principal place of business in the CNMI, if the substantial equivalency standard set out in the Act, Section 6, is not applicable, the Board shall issue a reciprocal certificate, or license, to the holder of a certificate issued by another state provided that the applicant meets each of the following requirements:

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- (1) Has successfully completed the CPA examination. Successful completion of the examination means that the applicant passed the examination in accordance with the rules and regulations of the other state at the time that state granted the applicant's initial certificate.
 - (2) Has, in addition to meeting the requirements of the Act, Section 6(a), satisfied the 5-in-10 experience requirement set out in Section 6(c)(2)(C) of the Act.
 - (3) Has experience required under the Act and these Regulations for issuance of the initial certificate.
 - (4) Has met the CPE requirement pursuant to the Act, Section 6(c)(4), if applicable.
- (c) Out of state services. Regarding an individual whose principal place of business is, and remains, outside the CNMI, the Board may authorize the individual to exercise practice privileges in the CNMI provided the individual meets each of the following requirements:
- (1) The individual has an active CPA license in good standing issued by another state;
 - (2) The individual has met the 5-in-10 experience requirement specified in Section 6(c)(2)(C) of the Act;
 - (3) The individual provides notice to the Board, in the same manner and on comparable forms as required for substantially equivalent practitioners under Section 6 of the Act and regulations promulgated thereunder; and,
 - (4) The individual consents to each of the terms and conditions pertaining to the use of practice privileges as specified in Section 6 of the Act and the regulations promulgated thereunder.

§ 1-10- 00802 International reciprocity.

- (a) The Board may designate a professional accounting credential issued in a foreign country as substantially equivalent to a CPA certificate under the following conditions:
 - (1) The Board shall rely on the International Qualifications Appraisal Board for evaluation of foreign credential equivalency; and
 - (2) The Board may accept a foreign accounting credential in partial satisfaction of its domestic credentialing requirements if:
 - (i) the holder of the foreign accounting credential met the issuing body's education requirement and passed the issuing body's examination used to qualify its own domestic candidates; and
 - (ii) the foreign credential is valid and in good standing at the time of application for a domestic credential.
- (b) The Board shall further satisfy itself through qualifying examination(s) that the holder of a foreign credential deemed by the Board to be substantially equivalent to a CPA certificate possesses adequate knowledge of U.S. practice standards and the Board's regulations:

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- (1) The Board may rely on the National Association of State Boards of Accountancy and/or the American Institute of Certified Public Accountants to develop, administer, and grade such qualifying examination(s).
- (2) The Board shall specify the qualifying examination(s) and process by resolution or order.
- (c) An applicant for renewal of a CPA certificate originally issued in reliance on a foreign accounting credential shall:
 - (1) Make application for renewal at the time and in the manner prescribed by the Board for all other certificate renewals;
 - (2) Pay such fees as are prescribed for the similar domestic certificate renewal;
 - (3) Demonstrate good standing of the foreign credential:
 - (i) If the applicant has a foreign credential in effect at the time of the application for renewal of the CPA certification, present documentation from the foreign accounting credential issuing body that the applicant's foreign credential has not been suspended or revoked and the applicant is not the subject of a current investigation; or
 - (ii) If the applicant for renewal no longer has a foreign credential, the applicant must present proof from the foreign credentialing body that the applicant for renewal was not the subject of a disciplinary proceeding or investigation at the time that the foreign credential lapsed; and
 - (4) Either show completion of continuing professional education substantially equivalent to that required under § 1-10-00605, within the three-year period preceding renewal application, or petition the Board for complete or partial waiver of the CPE requirement based on the ratio of foreign practice to practice in the CNMI.
- (d) The holder of a CPA certificate issued in reliance on a foreign accounting credential shall report any investigation undertaken, or sanction imposed, by a foreign credentialing body against the CPA's foreign credential.
- (e) Suspension or revocation of, or refusal to renew, the CPA's foreign accounting credential by the foreign credentialing body may be evidence of conduct reflecting adversely upon the CPA's fitness to retain the certificate and may be a basis for Board action.
- (f) Conviction of a felony or a crime involving dishonesty or fraud under the laws of a foreign country is evidence of conduct reflecting adversely on the CPA's fitness to retain the certificate and may be a basis for Board action.
- (g) The Board shall notify the appropriate foreign credentialing authorities of a sanction imposed against a CPA subject to its jurisdiction.
- (h) The Board may participate in joint investigations with foreign credentialing bodies and may rely on evidence supplied by such bodies in disciplinary hearings.

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2 § 1-10- 00900 PART **900**. Enforcement Actions Against Licensees.

3
4 § 1-10- 00901 Grounds for enforcement actions against licensees and others.

- 5
6 (a) The grounds for revocation and suspension of certificates and permits, and other disciplinary
7 action against licensees, persons with privileges granted pursuant to Section 6 of the Act, and
8 other persons, are set out in Section 9 of the Act in both specific and general terms. The general
9 terms of those provisions of the Act include the following particular grounds for such disciplinary
10 action:
- 11
- 12 (1) Fraud or deceit in obtaining a certificate or permit, within the meaning of Section 9(a)(2) of
13 the Act, include the submission to the Board of knowingly false or forged evidence in, or in
14 support of, an application for a certificate or permit, and/or cheating on an examination.
- 15
- 16 (2) Dishonesty, fraud or gross negligence, within the meaning of Section 9(a)(5) of the Act,
17 include knowingly, or through gross negligence, making misleading, deceptive or untrue
18 representations in the performance of services.
- 19
- 20 (b) Violations of the Act or of Rules promulgated under the Act, within the meaning of Section 9(a)(6)
21 of the Act, include:
- 22
- 23 (1) Using the CPA title or providing attest or compilation services in the CNMI without a
24 certificate or permit to practice issued under Sections 6 and 7 or without properly
25 qualifying to practice across state lines under the substantial equivalency provision of the
26 Act.
- 27
- 28 (2) Using or attempting to use a certificate or permit which has been suspended or revoked;
- 29
- 30 (3) Making a false or misleading statement, in support of any application for a certificate or a
31 permit;
- 32
- 33 (4) Failure of a licensee to provide an explanation requested by the Board regarding evidence
34 submitted by the licensee in support of an application filed by another, or regarding a
35 failure or refusal to submit such evidence;
- 36
- 37 (5) Failure by a licensee to furnish for inspection upon request by the Board or its
38 representative documentation relating to evidence submitted by the licensee in support of
39 any application;
- 40
- 41 (6) Failure to satisfy the continuing professional education requirements set out in Section
42 6(d) of the Act and/or failure to comply with the continuing education requirements of
43 these Regulations;
- 44
- 45 (7) Failure to comply with professional standards as to the attest and/or compilation
46 competency requirement for those who supervise attest and/or compilation engagements
47 and sign reports on financial statements or other compilation communications with
48 respect to financial statements;
- 49
- 50 (8) Failure to comply with the peer review requirements of the Act and these Regulations;
51 and
- 52
- 53 (9) Failure to renew a license or privileges related to substantial equivalency, unless the
54 licensee or privilege holder has notified the Board in writing or electronically in advance.
55

- 1 (c) Conduct reflecting adversely upon the licensee's fitness to fitness to engage in the practice of
2 public accountancy, within the meaning of Section 9(a)(10) of the Act, includes:
3
4 (1) Adjudication as mentally incompetent;
5
6 (2) Fiscal dishonesty of any kind;
7
8 (3) Presenting as one's own a certificate or permit issued to another;
9
10 (4) Concealment of information regarding violations by other licensees of the Act or the Rules
11 thereunder when questioned or requested by the Board; and
12
13 (5) Willfully failing to file a report or record required by CNMI, state or federal law; willfully
14 impeding or obstructing the filing of such a report or record, or inducing another person to
15 impede or obstruct such filing by another; and the making or filing of such a report or
16 record which one knows to be false.
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19 § 1-10- 00902 Return of certificate or permit to practice.

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21 A licensee whose certificate or permit issued by the Board is subsequently suspended or revoked shall promptly return
22 such certificate or permit to the Board.
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26 § 1-10- 001000 PART 1000. Enforcement Procedures – Investigations (§ 4(h)(2))

27
28 § 1-10- 001001 Review of professional work product.

- 29
30 (a) The Board may solicit and receive the following without regard to whether an application for
31 renewal of the particular licensee is then pending or whether there is a formal complaint or
32 suspicion of impropriety regarding a particular licensee or an individual with privileges granted
33 pursuant to the Act:
34
35 (1) publicly available reports of licensees and individuals with privileges granted pursuant to
36 the Act; and
37
38 (2) related financial statements from clients, public agencies, banks, and other users of
39 financial statements on a general and random basis.
40
41 (b) After its review, the Board may proceed pursuant to the peer review scheme of § 1-10- 00703.
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44 § 1-10- 001002 Reporting convictions, judgments, and administrative proceedings.

- 45
46 (a) Licensees shall notify the Board, on a form and in the manner prescribed by the Board, within 42
47 days (6 weeks) of:
48
49 (1) Receipt of an adverse peer review or a PCAOB firm inspection report containing
50 criticisms of or identifying potential defects in the quality control systems;
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52 (2) Receipt of a second consecutive peer review report that is adverse or modified, including
53 a peer review report that contains significant comments;
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- (3) Imposition upon the licensee of discipline, including censure, reprimand, sanction, probation, civil penalty, fine, consent decree or order, suspension, revocation, or modification of a license, certificate, permit or practice rights, by:
 - (i) the Securities and Exchange Commission (SEC), PCAOB, Internal Revenue Service (IRS) (actions by the Director of Practice);
 - (ii) another state board of accountancy for a cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy;
 - (iii) a federal or state agency regarding the licensee's conduct while rendering professional services; or
 - (iv) a foreign authority or credentialing body that regulates the practice of accountancy;
- (4) Occurrence of a matter reportable by the licensee to the PCAOB pursuant to Sarbanes-Oxley Section 102(b)(2)(f) and/or PCAOB rules and forms;
- (5) Notice of disciplinary charges filed by or before the SEC, PCAOB, IRS, or another state board of accountancy, or a CNMI or federal or state taxing, insurance or securities regulatory authority, or foreign authority or credentialing body that regulates the practice of accountancy;
- (6) A judgment, award or settlement of a civil action or arbitration proceeding involving \$150,000 or more in which the licensee was a party, if the matter included allegations of gross negligence, violation of specific standards of practice, fraud, or misappropriation of funds in the practice of accounting; provided, however, that licensed firms shall only notify the Board regarding civil judgments, settlements or arbitration awards directly involving the firm's practice of public accounting in the CNMI; or
- (7) Criminal charges, deferred prosecution or conviction, or plea of no contest, to which the licensee is a defendant, if the crime is:
 - (i) a felony under the laws of the United States or of a state of the United States or a foreign jurisdiction; or
 - (ii) a misdemeanor if an element of the offense is dishonesty, deceit, or fraud.
- (b) The licensee designated by each CPA firm as responsible for the proper registration of the firm shall report a matter reportable under this Section to which a non-licensee owner with a principal place of business in the CNMI is a party.
- (c) Reports of pending matters or reports of private litigation resolved by settlement or arbitration shall be treated as under investigation, and, therefore, confidential records not subject to public disclosure, unless and until the pending matters are concluded or the Board commences a contested case proceeding based upon the subject matter of such reports.
- (d) During the pendency of an investigation into a reported matter, the reporting licensee may submit a written explanation to be included in the licensee's record. Documents received pursuant to said report shall be expunged from the Board's records, if:
 - (1) the reported charges or allegations are subsequently concluded in the licensee's favor or otherwise closed without disciplinary action by the Board, and

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2 (2) the reporting licensee so requests.
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6 § 1-10- 001100 PART **1100**. Enforcement Procedures -- Hearings by the Board. (§ 4(h)(2))
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8 § 1-10- 001101 Complaints and notices of hearing.
9

- 10 (a) A complaint issued by the Board pursuant to Section 11(a) of the Act shall include
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12 (1) A plain statement of matters asserted or charged; and
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14 (2) Reference to sections of the Act or of the Regulations related to the alleged unlawful
15 conduct.
16
17 (b) The Board shall make available a copy of the Act and the Board's Regulations;
18
19 (c) The Board shall make available a brief statement calling attention to the procedural rights of the
20 respondent to examine reports and evidence in advance of the hearing, to appear by counsel at
21 the hearing, to present evidence and argument, and to appeal an adverse decision.
22

23
24 § 1-10- 001102 Examination and copying of documents.
25

- 26 (a) A respondent shall have the right in advance of the hearing to examine and copy a report of
27 investigation and documentary or testimonial evidence and summaries of evidence in the Board's
28 possession relating to the subject matter of the complaint.
29
30 (b) The right of examination may be exercised by the respondent or the respondent's attorney or
31 agent at the Board's office where the records in question are kept, during regular business hours,
32 on three days' advance notice in writing. Copies shall be promptly furnished of any documents or
33 other materials designated for copying, but the Board may charge a fee for such copying.
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36 § 1-10- 001103 Conduct of hearing.
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- 38 (a) A hearing shall be conducted by a presiding officer appointed by the Board.
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40 (b) The hearing shall comply with the requirements of the Administrative Procedure Act and due
41 process. Rebuttal and surrebuttal evidence shall be allowed.
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44 § 1-10- 001104 Evidentiary rules.
45

- 46 (a) The Board shall not be bound by the technical rules of evidence, and in its discretion may
47 consider evidence of a kind commonly relied upon by reasonably prudent persons in the conduct
48 of their affairs.
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50 (b) Evidence need not be admitted if it is irrelevant, immaterial or unduly repetitious.
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52 (c) Rulings on evidence which have been reserved shall be disposed of before closing statements.
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2 § 1-10- 001105 Decisions.

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4 (a) The Board's decision shall be by written vote of a majority of the Board.
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6 (b) The Board's post-hearing decision shall, if it sustains a charge, be made public. A decision that
7 does not sustain a charge may be made public at the Board's discretion.
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11 § 1-10- 001200 PART 1200. Reinstatement.

12
13 § 1-10- 001201 Applications for relief from disciplinary penalties.

- 14
15 (a) An application may be filed with the Board for modification of a suspension, limitation, revocation
16 or probation:
17
18 (1) by a person,
19
20 (2) after completion of all requirements contained in the Board's disciplinary order.
21
22 (b) The application shall demonstrate the good cause for the relief sought, and shall be accompanied
23 by at least two supporting recommendations, under oath, from licensees who have personal
24 knowledge of the activities of the applicant since the discipline was imposed.
25

26 § 1-10- 001202 Action by the Board.

- 27
28 (a) The Board may make its decision based on the submissions, or upon a hearing record.
29
30 (b) The Board may impose reasonable terms and conditions for reinstatement.
31
32 (c) The Board's decision may consider:
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34 (1) the offense for which the applicant was disciplined;
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36 (2) the applicant's activities during the time the certificate, privileges or permit was in good
37 standing;
38
39 (3) all activities of the applicant since the disciplinary penalty from which relief is sought was
40 imposed;
41
42 (4) the applicant's rehabilitative efforts;
43
44 (5) restitution to damaged parties in the matter for which the penalty was imposed; and
45
46 (6) the applicant's reputation for truth and professional probity.
47
48 (d) No application for reinstatement shall be considered while the applicant is under sentence for a
49 criminal offense, including a period during which the applicant is on probation or parole.
50
51

1 
2 § 1-10- 001300 PART 1300. Unlawful Acts and Safe Harbor.

3
4 § 1-10- 001301 Misleading CPA firm names. (§ 4(h)(6), 13(d)-(f))

5
6 A person shall not use the tile "CPA in a misleading way. "CPA" is misleading within the meaning of Section 13 of the Act
7 if, among other things:

- 8
9 (a) The CPA firm name implies the existence of a corporation when the firm is not a corporation;
10
11 (b) The CPA firm name implies existence of a partnership when there is not a partnership (as in
12 "Smith & Jones, CPAs");
13
14 (c) The CPA firm name includes the name of a person who is neither a present nor a past partner,
15 member or shareholder of the firm; or
16
17 (d) The CPA name includes the name of a person who is not a CPA.

18
19
20 § 1-10- 001302 Fictitious firm names.

- 21
22 (a) A fictitious CPA firm name is one consisting in part of the names or initials of someone other than
23 present or former: partners; members; or shareholders.
24
25 (b) A fictitious CPA firm name may not be used by a CPA firm. Exception: It may be used if such
26 name has been registered with and approved by the Board as not being false or misleading.

27
28
29 § 1-10- 001303 Safe harbor language.

- 30
31 (a) Safe harbor language is language that, if used clearly and prominently, may eliminate the claim
32 that a reported review of financial statements violates the Regulations or the Act.
33
34 (b) Pursuant to the Act, only licensees may issue reports on financial information that imply they were
35 performed in accordance with professional standards. Unlicensed individuals may issue financial
36 statements as long as they do not use report language that purports to be in accordance with
37 professional standards applicable to licensees. Safe harbor language provides clear guidance to
38 unlicensed individuals as to report language that is acceptable.
39
40 (c) The use of safe harbor language by a non-licensee is voluntary. A licensee may not use or rely
41 on safe harbor language.
42
43 (d) The objective of the safe harbor language is to provide unlicensed individuals with some report
44 language that is clearly acceptable and not in violation of the law.
45
46 (e) The following safe harbor language may serve as a disclaimer in connection with financial
47 statements:

48
49 "I (we) have prepared the accompanying (financial statements) of (name
50 of entity) as of (time period) for the (period) then ended. This presentation
51 is limited to preparing in the form of financial statements information that
52 is the representation of management (owners).
53

1 "I (we) have not audited or reviewed the accompanying financial
2 statements and accordingly do not express an opinion or any other form
3 of assurance on them."
4
5

6 
7 § 1-10- 001400 PART **1400**. Construction of requirement for a public audit. [Moved and changed]
8

9 Whenever a statute, regulation, order or contract requires that a report, financial statement, and/or other document for the
10 CNMI Government, including a department, division, board, commission, agency, or other instrumentality, be prepared by
11 a certified public accountant, the requirement shall be construed to mean a licensee with a valid certificate or permit from
12 the Board to practice public accountancy.
13
14

15 
16 § 1-10- 001500 PART **1500**. Other Licensee Obligations
17

18 § 1-10- 001501 Notify of changes.

19
20 Each licensee shall notify the Board in writing within 28 days (4 weeks) of a change of address and/or, in the case of
21 individual licensees, change of employment.
22
23

24 § 1-10- 001502 Timely respond.

25
26 A licensee shall respond in writing to any communication from the Board requesting a response within 28 days (4 weeks)
27 of the mailing of such communication.
28
29

30 § 1-10- 001503 Pay fees.

31
32 A licensee shall timely pay all fees which the Board requires.
33

34 
35 § 1-10- 001504 Internet practice.
36

37 A CPA firm offering or rendering professional services via an internet web site shall provide in the web site's homepage, a
38 name, an address, an email address, a telephone number, and principal state of licensure as a means for regulators and
39 the public to contact a responsible licensee in charge at the firm regarding complaints, questions, and/or regulatory
40 compliance.
41
42

43 
44 § 1-10- 001600 PART **1600**. Fees (~~§ 4(h)(8)~~).
45

46 § 1-10- 001601 Board schedule for fees.
47

48 The Board shall, by resolution, adopt a schedule or schedules of fees for the following services. Fees charged by the
49 Board shall be as established from time to time.
50
51

1 § 1-10- 001602 Fees, initially.
2

3 The fees shall be in effect initially as follows:
4

- 5 (a) Exam applications (Initial and Re-Exam) (§ 5(h)(exam)).
6
7 (1) Application Processing Fee, Forty Dollars (\$40.00)/exam part.
8 (2) NASBA/Prometric/AICPA Fees, Actual amounts specified in the CBT Services Agreement
9 between AICPA, NASBA, and Prometric.
10 (3) Jurisdictional Testing Fee, Fifty Dollars (\$50)/part to be given to the CNMI Board of
11 Accountancy plus Fifty Dollars (\$50)/part to be given to the Jurisdictional Testing Center
12 operator designated by the CNMI Board of Accountancy.
13
14 (b) Certification/licensure. (§ 6(e) (certificate), § 7(e) (permit))
15
16 (1) Initial.
17
18 (i) Active, One Hundred Fifty Dollars (\$150.00).
19 (ii) Inactive, One Hundred Fifty Dollars (\$150.00).
20 (iii) Foreign, One Hundred Fifty Dollars (\$150.00).
21 (iv) Substantial Equivalency, One Hundred Fifty Dollars (\$150.00).
22
23 (2) Renewal/annual.
24
25 (i) Active, One Hundred Dollars (\$100.00).
26 (ii) Inactive, One Hundred Dollars (\$100.00).
27 (iii) Foreign, One Hundred Dollars (\$100.00).
28 (iv) Substantial Equivalency, One Hundred Dollars (\$100.00).
29
30 (3) Reinstatement.
31
32 (i) Active, Two Hundred Dollars (\$200.00).
33 (ii) Inactive, Two Hundred Dollars (\$200.00).
34 (iii) Foreign, Two Hundred Dollars (\$200.00).
35 (iv) Substantial Equivalency, One Hundred Fifty Dollars (\$150.00).
36
37 (4) Provisional (every ninety (90) days).
38
39 (i) Active, One Hundred Dollars (\$100.00).
40 (ii) Inactive, One Hundred Dollars (\$100.00).
41 (iii) Foreign, One Hundred Dollars (\$100.00).
42 (iv) Substantial Equivalency, One Hundred Dollars (\$100.00).
43
44 (5) Firm Permits to Practice/annual:
45
46 (i) Initial Two Hundred Fifty Dollars (\$250.00).
47 (ii) Renewal Two Hundred Dollars (\$200.00) (annually).
48 (iii) Reinstatement Two Hundred Fifty Dollars (\$250.00).
49 (iv) Provisional Two Hundred Dollars (\$200.00) (every ninety (90) days).
50
51 (c) Delinquency fee for Certification, Licensee, or Firm Permit to Practice Renewal applications
52 received after due date: Two Dollars (\$2.00)/day, but minimum Fifty Dollars (\$50.00).
53
54 (d) Copies of records: Twenty Cents (\$0.20)/ page plus additional research at fully burdened lowest
55 clerical staff cost.

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- (e) Annual reports of the Board, Ten Dollars (\$10.00)/copy.
- (f) Such other charges and fees as shall be required for licensee-related services, as performed in-house or through a contract.
- (g) Other fees and charges to be published by the Board:
 - (1) Disciplinary system assessment
 - (2) *In forma pauperis* waiver
 - (3) Special services
 - (4) Continuing education application fee
 - (5) Continuing education application renewal
 - (6) Verification of license fee
 - (7) Certified copies
 - (8) Research of licensure status
 - (9) Hearing transcripts
 - (10) Preparation of record on appeal
 - (11) Administrative fines (§ 9(a))
 - (12) Costs of enforcement proceedings (§ 9(c))



§ 1-10- 001700 PART 1700. Reports. (§ 4(h)(8)) [Moved; No change]

§ 1-10- 001701 Annual reports.

The Board shall, from time to time, but not less than twice each year, prepare and distribute to all licensees, a report of the activities of the Board, including amendments to this chapter and regulations adopted by the Board, and may likewise distribute reports of other matters of interest to the public and to practitioners.

§ 1-10- 001702 Other reports.

The Board shall compile and maintain, or may have compiled and maintained on its behalf, a register of licensees that contains information that the Board determines is necessary for the purposes for which the Board was established. The Board shall make the register available to a licensee and to the public.



§ 1-10- 001800 PART 1800. Papers; Retention; Attest documentation.

§ 1-10- 001801 Documentation and retention.

With respect to documents and retention, licensees shall comply with all professional standards applicable to particular engagements, including standards adopted by recognized standards setting bodies such as the Public Company Accounting Oversight Board (PCAOB), the Comptroller General of the United States, and the Auditing Standards Board.



§ 1-10- 001802 Retention Period for Attest Documentation.

- (a) The retention period for attest documentation shall be seven (7) years and shall be measured from the report date.

1 (b) If attest documentation is required to be kept for longer than seven (7) years because of a
2 pending Board investigation or disciplinary action, attest documentation shall not be destroyed
3 until the licensee has been notified in writing by the Board of the closure of a Board investigation
4 or disciplinary proceeding.
5



8 § 1-10- 001900 PART **1900**. Reserved.
9



11 § 1-10- 002000 PART **2000**. Reserved.
12



14 § 1-10- 002100 PART **2100**. Reserved.
15



17 § 1-10- 002200 PART **2200**. Reserved.
18



21 § 1-10- 002300 PART **2300**. Substantial Equivalency.
22

23 § 1-10- 002301 Notification.
24

25 A person from another jurisdiction practicing accountancy in the CNMI shall notify the Board in writing, preferably by
26 electronic means:
27

28 (a) A qualified person from another jurisdiction seeking practice privileges in the CNMI pursuant to
29 the Act shall give notice to the Board, as follows:
30

31 (1) On a form established by the Board, in writing, preferably by electronic means; or
32

33 (2) By electronic means to a master notice list designated by the Board, including the NASBA
34 National Qualification Appraisal Service.
35

36 (b) Notice shall be due immediately, and shall be received by the Board within 28 days (**4 weeks**),
37 upon the person's:
38

39 (1) Accepting an engagement or an assignment to render professional services in the CNMI;
40 or
41

42 (2) Offering to render professional services through the person's, or the person's firm's, direct
43 solicitation or marketing targeted to persons in the CNMI.
44

45 (c) Notice shall be renewed on the same cycle as the Board requires for license renewals.
46

47 (d) Notice shall be amended within 28 days (4 weeks) after the individual changes the principal place
48 of business or within 28 days (4 weeks) after the license has been denied, revoked, or suspended
49 in any jurisdiction.
50
51

1 § 1-10- 002302 Non-reportable activities.

2

3 A non-resident person shall not be deemed to have entered the CNMI for purposes of this Part or of the Act if the person's
4 contact with the CNMI is limited to:

5

6 (a) teaching a college or continuing professional education course;

7

8 (b) delivering a lecture;

9

10 (c) moderating a panel discussion; and/or

11

12 (d) rendering professional services to the individual's employer or to persons employed by the
13 individual's employer, including affiliated, parent, or subsidiary entities, provided such services are
14 not rendered for the employer's clients.

15

16

17 § 1-10- 002303 Minimum reportable information.

18

19 A person notifying the Board pursuant to this Part shall present a current address, telephone, fax and email address for the
20 public to contact the person regarding complaints, questions, service of legal papers, and regulatory compliance. An
21 individual shall further present the principal state of licensure and license number.

22

23

24 

25 § 1-10- 002400 PART **2400**. Reserved.

26

27 

28 § 1-10- 002500 PART **2500**. Reserved.

29

30

31

32

33 0 BoA General Regs Proposed Sep 2007 .wpd

PUBLIC NOTICE
DEPARTMENT OF LABOR
PROPOSED AMENDMENTS TO THE ALIEN LABOR RULES AND REGULATIONS

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Secretary of Labor **intends** to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedures Act, 1 CMC §9104(a). The Secretary of Labor intends to adopt them as permanent, and hereby gives at least 30 days' notice of this intent. (Id.) The Regulations would become effective 10 days after adoption. (1 CMC §9105(b))

AUTHORITY: The Secretary of Labor is authorized to promulgate regulations pursuant to 3 CMC §4424(a)(1).

THE TERMS AND SUBSTANCE: These regulations amend the current Alien Labor Rules and Regulations to implement recommendations of the Public Auditor, to implement the Resident Workers Fair Compensation Act, and to further regulate termination transfers of nonresident workers from one employer to another employer.

THE SUBJECTS AND ISSUES INVOLVED: These regulations implement a study done by the Office of Public Auditor with respect to jobs that should be filled by citizens and permanent residents. These regulations also implement the Resident Workers Fair Compensation Act. These regulations are promulgated to: (1) Change the provision with respect to job descriptions so that only 0-NET may be used; (2) Implement the Office of Public Auditor's Job Study Report dated May 31, 2007 with respect to jobs that can be filled by citizens and resident workers; (3) Implement the Resident Workers Fair Compensation Act, 4 CMC §9501 et. Seq.; and (4) Further regulate expiration transfers by requiring a conditional grant of transfer to ensure employer responsibility for each nonresident worker remaining in the Commonwealth.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC §9102(a)(1)) and notice shall be posted in convenient places in the Civic Center and local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC §9104(a)(1)).

TO PROVIDE COMMENTS: Send or deliver your comments to Secretary **Gil M. San Nicolas**, Department of Labor, Afetna Square Building, 2nd floor, San Antonio, Saipan, MP 96950 or fax 670-236-0992. Comments are due 30 days after this notice is published in the Commonwealth Register. Please submit your data, views or arguments. (1 CMC §9104(a)(2))

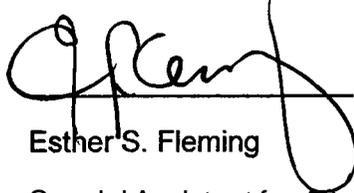
Submitted by:



Gil M. San Nicolas
Secretary of Labor

09/13/07
Date

Received by:



Esther S. Fleming
Special Assistant for Administration

9/17/07
Date

Filed and recorded by:

_____ 

Bemadita B. Dela Cruz
Commonwealth Registrar

9-14-07
Date

Pursuant to 1 CMC §2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC §9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC §2153(f) (publication of rules and regulations).

Dated the 17th day of September, 2007



Matthew T. Gregory
Attorney General

NOTISIAN PUPBLIKU

DIPÁTTAMENTON I HOTNALERU

MAN MAPROPONE NA AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION SIHA PARA I HOTNALERUN ESTRANGHERU SIHA

MA'INTENSIONA NA AKSION PARA U MA'ADOPTA ESTE MAN MAPROPONE NA REGULASION SIHA: I Sekretáron I Hotnaleru a intensiona para u adopta kumo petmanente na regulasion siha I man che'che'ton na Regulasion siha ni man Mapropone, sigun I maneran I Akton I Areklamenton I Atministrasion, 1 CMC Seksiona 9104 (a). I Sekretáron I Hotnaleru a intensiona para u adopta I regulasion siha kumo petmanente, ya este na momento man nãã'i' pot-lo-menos trenta (30) diha siha na notisia pot este na intension (*id*) Siempre I Regulasion siha man efektibu dies (10) diha siha despues di I inadaptasion. (1 CMC Seksiona 9105 (b))

ÁTURIDÁT: I Sekretáron I Hotnaleru ma'aturisa para u establesi regulasion siha sigun I lai 3 CMC Seksiona 4424(a)(1).

I SUSTANSIAN I PALÁBRA SIHA: Este na regulasion siha a amenda I man presente na Areklamento yan Regulasion siha *para* I Hotnalerun Estrangheru para u matutuhon I Resident Workers Fair Compensation Act sigun I rekomendasion I Public Auditor, ya para u gubietna I transferin I tetminasion I hotnalerun estrangheru siha ginen un emplehu *esta* otu emplehu.

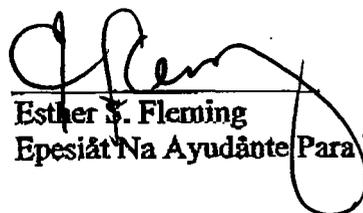
I ASUNTO SIHA NI TINETEKKA: Este na regulasion siha a na guaha studio ginen I Ofisinan I Public Auditor pot I che'cho' siha ni debi di u fan ma'akupa ni I siudádãnu yan petmanente na residente siha. Este na regulasion siha a na guaha lokkue I Resident Workers Fair Act. Man ma'establesi este na regulasion siha para u: (1) tulaika I probension pot I diskripsion I dre'do' kosake I 0-NET ha' solamente siha ma'usa; (2) matutuhon I Ripot I Public Auditor pot Estudion Cho'cho' ni mafecha Máyu 31, 2007 pot para I che'cho' ni siha man ma'akupa ni I siudádãnu yan hotnalerun residente siha; (3) Matutuhon I Resident Workers Fair Compensation Act, 4 CMC Seksiona 9501 et.seq.; yan (4) mamaneha más I uttimon I transferi siha ni marekomenda I masedin I transferi pot para u asigura I man empleha responsiblidát para kada hotnalerun estrangheru ni man gagaige gi hãlom Commonwealth.

DIREKSION PARA U MAPOLU YAN MAPUPBLIKA: Este Man Mapropone na Regulasion siempre man mapupblika gi Rehistran I Commonwealth gi seksionan I man mapropone yan nuebu na inadoptan regulasion siha (1 CMC Seksiona 9102 (a)(1)) ya u fan mapega gi tapleru gi man kombiniente na lugát siha gi Civic Center yan ofisinan I gubietnamento siha gi kada distritun senadot, todú I dos Engles yan prisipát na lengguãhen natibu. (1 CMC Seksiona 9104(a)(1)).

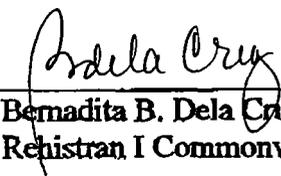
PARA U MAPRBENIYI OPINION SIHA: Na hanague osino entrega I opinion siha guatu gi Sekretario as Gil M. San Nicolas, gi Dipattamenton I Hotnaleru, gi Afetna Square Building, gi mina dos bibienda, gi San Antonio, giya Saipan MP 96950 osino fax gi numiru 670-236-0992. Man uttimo I opinion siha trenta (30) diia siha despues de mapupblika este na notisia gi Rehistran I Commonwealth. Pot fabot entrega halom I infotmasion, opinion osino testamonion kinontra siha. (I CMC Seksiona 9104(a)(2)).

Ninahalom as: 
Gil M. San Nicolas
Sekretarion I Hotnaleru

09/13/07
Fecha

Maresibe' as: 
Esther S. Fleming
Epesiat Na Ayudante Para I Atministrasion

9/14/07
Fecha

Pinelo' yan Marikot as: 
Bernadita B. Dela Cruz
Rehistran I Commonwealth

9-14-07
Fecha

Sigun I lai 1 CMC Seksiona 2153(e) (I inapruedan I Abugadu Henerat pot I regulasion siha para u ma'establesi pot para u fotna) yan 1 CMC Seksiona 9104(a)(3)(u ma'aprueba ni Abugadu Henerat) I man mapropone na regulasion siha ni man che'che'ton guine esta man ma'ina yan ma'aprueba pot para u fotna yan ligat suficiente ginen 1 Abugadu Henerat I CNMI ya debi di u mapupblika, lai 1 CMC Seksiona 2153 (f)(publikasion I areklamento yan regulasion siha.)

Mafecha este gi mina _____ na diba gi Septiembre, 2007.

Matthew T. Gregory
Abugadu Henerat

**ARONGOL TOULAP
BWULASIYOOL LABOR
POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL LABOR**

AGHIYEGH EBWE FILLÓÓY POMWOL ALLÉGH KKAAL: Samwoolul Labor e mángi ebwe schéshéél fillóóy allégh kka e appasch, sáangi mwóghutul Administrative Procedure Act, 1 CMC Tálil 9104(a). Samwoolul Labor e mángi ebwe schéshéél fillóóy, me ekke isisiwow eliigh (30) ráálil arong ye e aghieyghi.(Id) Allégh kkaal ebwe schéshéél alléghéló llól seigh (10) ráálil mwiril schagh jaar fillóóy. (1 CMC Tálil 9105(b))

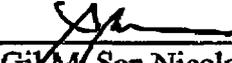
BWÁNGIL: Samwoolul Labor nge eyoor bwángil ebwe akkaté (promulgate) allégh kkaal bwelle reel 3 CMC Tálil 4424(a)(1).

AWEWEEL ME KKAPASAL: Allégh kkaal ebwe ssiweli Alléghúl Alien Labor (schóóy angaang kka aramasal lúghúl) bwelb ebwe atotoolong aghieyghil Public Auditor, ebwe ayoorá Resident Workers Fair Compensation Act, me rebwe sóbweey alusul nonresident workers sáangi samwoolul mwet ngáli escháy samwool.

KKAPASAL ME AWEWEEL KKA E TOOLONG: Allégh kkaal nge Bwulasiyool Public Auditor ebwe bwungúw fischi angaang kka toulap me permanent resident rebwe yááli. Allégh kkaal ebwal ayoorá Resident Workers Fair Compensation Act. E fféérló allégh kkaal bwelle : (1) Ssiweli aweweel job descriptions bwelle O-NET schagh emmwel ebwe yááli; (2) Yááli report ye e toowow mereel Bwulasiyool Public Auditor llól May (Ghúúw) 31,2007 bwelle reel aweweel tappal angaang ye citizens me schóóy lúghúl emmwel rebwe fillong llól; (3) Ayoorá Resident Workers Fair Compensation Act, 4 CMC Tálil 9501 et seq; me (4) sóbwósóbw alléghúl termination transfer ngáre schagh re mweiti ngáli aweweel transfer reel ebwe ffat jaar schóóy attarabwagho lemelem ngáliir nonresident worker ikka relo llól Commonwealth.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatéélong Commonwealth Register llól tálil pomwol yeel me allégh kka e ffé ikka re fillóóy (1 CMC Tálil 9102(a)(1)) me akkaté yeel ebwe appasch igba e fil meiyé mellól Civic Center me bwulasiyool gobenno kkaal me bwal llól senatorial district, ii me eluuv reel English Refalúwasch/Remeraalis. (1 CMC Tálil 9104 (a)(1).

ISISILONGOL AGHIYEGH: Afanga me ngare bwughúlo yóomw ischil mángemáng reel Samwoolul Labor, Gil M. San Nicolas, Afetna Square Building, aruwowal pwo, Ghafetiya, Seipél, MP 96950 me fax reel 670-236-0992. Ainging ebwe atotoolong ótol eliigh (30) ráálil ngáre schagh arong yeel aa akkatééló llól Commonwealth Register. Ów isisilong yáámi mwuschel. (1 CMC Tálil 9104(a)(2))

Isaliyallong: 
Gil M. San Nicolas
Samwoolul Labor

09/13/07
Rál

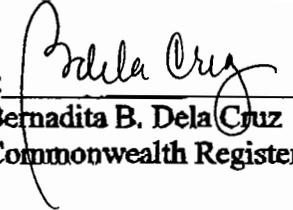
Mwir sáangi



Esther S. Fleming
Sow Alillisil Sow Lemeleu

9/17/07
Rál

Ammwel sáangi:



Bernadita B. Dela Cruz
Commonwealth Register

9-14-07
Rál

Sáangi allégh ye 1 CMC Talil 2153(e) (alúghúlúgh mereel sów bwungul allógh Lapalap reel allégh kkaal) me 1 CMC Tálil 9104(a)(3) (bweibogh alúghúlúgh mereel sów bwungul allégh lapalap) pomwol allégh kka e appasch nge raa takkal amweri fischí me allégheló mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatéeló, 1 CMC Talil 2153(f) (akkateel allegh kkaal.

Rááilil ye ____ llól Maan, 2007

 Matthew T. Gregory
Sów Bwungul Allegh Lapalap

PREFACE

The proposed changes are as follows:

<u>Page</u>	<u>Section</u>	<u>Change</u>
1	II(A)(1)(a)	Use of 0-NET as recommended by the Public Auditor
4	II(A)(3)(a)	Use of 0-NET as recommended by the Public Auditor
3	II(A)(1)(h) the	Reserving jobs for citizens and permanent residents as recommended by Public Auditor
5	II(A)(3)(g)	Implementing the Resident Workers Fair Compensation Act
41	IV(A)(4) workers prior to	Requiring a conditional grant of transfer to employ nonresident an expiration transfer

Section II(A)(1)(a) Revised provision

- a. An employer who intends to hire a Nonresident Worker to fill a vacant position must report the job vacancy to the Division of Employment Services for review. Job position descriptions shall be defined by the O-NET.

Section II(A)(3)(a) Revised provision

- a. All Job Vacancy Announcement job qualifications shall be based on the O-NET. No arbitrary qualifications shall be imposed.

Section II(A)(1)(h) New provision

- h. Job vacancy announcements will be accepted by the Division of Employment Services and Training for the following positions, however until further notice no finding will be issued that a resident worker is not available. A study by the Office of Public Auditor has determined that sufficient resident workers are available in these job categories, and the Division relies on that **determination** until the Public Auditor or the Department of Labor may find to the contrary.

- i. Bus driver, transit, school, intercity
- ii. Cashier
- iii. Courier and messengers
- iv. Motorboat operator
- v. Receptionist and information clerk
- vi. Security guard
- vii. Service station attendant
- viii. Ship and boat captain
- ix. Stock clerk, sales floor, stockroom, warehouse, storage yard
- x. Taxi driver and chauffeur
- xi. Truck driver, light or delivery service

For the following positions no finding will be issued that a resident worker is not available unless a resident worker is currently being trained by the employer to fill such a position but has not yet completed the necessary training or the employer is currently participating in a program sponsored by the Northern Marianas College, the Workforce Investment Agency, or the Office of Vocational Rehabilitation to train prospective employees to fill such a position:

- xii. Hotel, motel, and resort desk clerk
- xiii. Human resource manager
- xiv. Bookkeeping, accounting, and auditing clerk

- xv. Administrative assistant
- xvi. Secretary (except medical, legal, and executive)
- xvii. Tour guide and escort

Section II(A)(3)(g) New provision

g. Compliance with Resident Workers Fair Compensation Act, 4 CMC 89501 et seq. Each benefit given by an employer to nonresident workers paid at a particular wage rate must also be given to the employer's citizen and permanent resident employees paid at the same wage rate. The benefit may be given either by in-kind equivalent or by net cash equivalent. Each job vacancy announcement must contain information for citizen and permanent resident applicants informing them of any in-kind benefits or net cash equivalents available to them. An employer may provide a benefit to a nonresident worker in-kind or in cash at the option of the employer. An employer must provide a benefit to a citizen or permanent resident employee in-kind or in cash equivalent at the option of the employee.

i. Housing benefits.

If an employer provides housing for any nonresident worker holding a job with a wage rate at the minimum wage applicable in the Commonwealth, the cash equivalent for a citizen or permanent resident employee holding a job at the same wage rate shall be \$100.00 per month and the net cash equivalent shall be \$100.00 per month less any regular, documented deduction from the wages of the nonresident worker receiving the housing benefit.

If an employer provides housing for any nonresident worker holding a job with a wage rate at more than the minimum wage applicable in the Commonwealth but less than 200% of that minimum wage, the cash equivalent for a citizen or permanent resident holding a job at the same wage rate shall be \$300 per month, and the net cash equivalent shall be \$300.00 per month less any regular, documented deduction from the wages of the nonresident worker receiving the housing benefit.

If an employer provides housing for any nonresident worker holding a job with a wage rate of more than 200% of the minimum wage applicable in the Commonwealth, the cash equivalent for a citizen or permanent resident employee holding a job at the same wage rate shall be the fair market monthly rental value, and the net cash equivalent shall be the fair market monthly rental value less any regular, documented deduction from the wages of the nonresident worker receiving the housing benefit.

ii. Food benefits.

If an employer provides meals for any nonresident worker holding a job with a wage rate at the minimum wage applicable in the Commonwealth, the cash equivalent for a citizen or permanent resident employee holding a job at the same wage rate shall be \$2.00 per meal and the net cash equivalent shall be \$2.00 per meal less any regular, documented deduction from the wages of the nonresident worker receiving the food benefit.

If an employer provides meals for any nonresident worker holding a job with a wage rate at more than the minimum wage applicable in the Commonwealth but less than 200% of that minimum wage, the cash equivalent for a citizen or permanent resident holding a job at the same wage rate shall be \$4.00 per meal, and the net cash equivalent shall be \$4.00 per meal less any regular, documented deduction from the wages of the nonresident worker receiving the food benefit.

If an employer provides meals for any nonresident worker holding a job with a wage rate at more than 200% of the minimum wage applicable in the Commonwealth, the cash equivalent for a citizen or permanent resident holding a job at the same wage rate shall be the average fair market value per meal less any regular, documented deduction from the wages of the nonresident worker receiving the food benefit.

- iii. Local transportation benefits. If an employer provides local transportation for any foreign worker, the cash equivalent for a citizen or permanent resident employee shall be \$2.00 per day and the net cash equivalent shall be \$2.00 per day less any regular, documented deduction from the wages of the nonresident worker receiving the transportation benefit.
- iv. Medical benefits. An employer is required to meet certain medical expenses for each foreign worker. The employer shall provide each citizen or permanent resident employee with the same or equivalent medical insurance coverage as provided for any foreign worker or shall pay to the citizen or permanent resident employee \$42.00 per month as the net cash equivalent at the option of the employer.
- v. Other benefits. If an employer provides other benefits for any nonresident worker, such as utilities (gas, electric, water) for personal use, the cash equivalent for a citizen or permanent resident employee holding a job at the same wage rate shall be the fair market value of the benefit, and the net cash equivalent shall be the fair market value less any regular, documented deduction from the wages of the nonresident worker receiving the benefit.

Section IV(A)(4) Revised provision

4. An employer must comply with Sections II.A. and II.B. of these regulations, and submit the necessary documentation for a Conditional Grant of Transfer with the application for Transfer, to employ a transferring nonresident worker.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Medical Profession Licensing Board

**PUBLIC NOTICE OF PROPOSED REGULATIONS
of the Commonwealth Medical Profession Licensing Board**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Medical Profession Licensing Board ("MPLB" or "the Board"), intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board intends to adopt them as permanent, and hereby gives at least 30 days' notice of its intent. (*Id.*) The Regulations would become effective 10 days after adoption. (1 CMC § 9105(b))

AUTHORITY: The MPLB is required by the Legislature to adopt rules and regulations regarding those matters over which the MPLB has jurisdiction, including its regulation of the health care professions and the related fees. 3 CMC §§ 2201, *et seq.*, ("the Act"), 3 CMC §§ 2214(a) (regulations), 2230 (fees), 2231 (renewal fees).

THE TERMS AND SUBSTANCE:

The Board's Regulations provide a complete set of regulations for the MPLB to administer the Act. They recite the MPLB's powers, duties, standards, fees, and procedures for licensing and disciplining. The Regulations define terms, state the requirements for licensing, and set out procedures.

These Regulations are part of the MPLB's Regulations, found in the Northern Mariana Islands Administrative Code of regulations ("NMIAC"), 140 NMIAC § 50.1. These regulations propose to amend 140 NMIAC § 50.1-116 (formerly Section 1-15 of the Regulations for Licensing of Health Care Professions). The attached proposed amendment would modify the regulations published in the Commonwealth Register, Vol. 11, No. 9, on September 15, 1989.

THE SUBJECTS AND ISSUES INVOLVED: The subjects of these regulations are:

1. The Regulations address the administration of the Act, specifically the fees charged for licensing and other services.
2. The MPLB must revise its fees in order to reflect the actual administrative costs of licensing and regulating the health care professions in the CNMI. The Board did a study

and compared the present fees with those of other state boards. The Board's conclusion is that CNMI's fees have been substantially lower than those found to cover other Boards' costs. Independently, the Board finds that the present fees fail to even approach covering the costs of CNMI administration. Finally, the Board recognizes that there has been no increase in fees since the inception of these regulations in 1989, while costs have risen significantly.

3. The proposed fees are higher than the current fees, but are fair and reasonable.

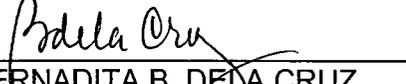
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)), and notice shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to MPLB Chairwoman Dr. Norma S. Ada, *Attn:* New 2007 MPLB Fee Regs, P.O. Box 501458, Capital Hill, Saipan MP 96950 or fax 670.664.4811 or email to MPLB@pticom.com with the subject line "New 2007 MPLB Fee Regs". Email is preferred. Comments are due 30 days after this notice is published in the Commonwealth Register. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the MPLB on Thursday, August 9, 2007.

Submitted by:  Sept. 4, 2007
Norma S. Ada, MD
Chairman, MPLB
Date

Received by:  9/10/07
ESTHER S. FLEMING
Governor's Special Assistant for Administration
Date

Filed and Recorded by:  9/10/07
BERNADITA B. DELA CRUZ
Commonwealth Registrar
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached

hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 13th day of September, 2007



MATTHEW T. GREGORY,
Attorney General

O Med Bd Fees NOPR 140-50-1-116Sept 2007.wpd

COMMONWEALTH I SANKATTAN SIHA NA ISLAN MARIANAS
Kuetpon Malisensian Profesion Medikåt

NOTISIAN PUBLIKU POT MAN MAPROPONE NA REGULASION
SIHA I KUETPON MALISENSIAN PROFESION MEDIKÅT
COMMONWEALTH

MA'INTENSION NA AKSION PARA U MA'ADOPTA ESTE SIHA MAN MAPROPONE NA REGULASION SIHA: I Commonwealth I Sankattan Siha Na Islan Marianas, I Kuetpon Malisensian Profesion Medikåt ("MPLB" osino "I Kuetpo"), a intensiona para u adopta petmanente I regulasion siha ni man che'che'ton ni Man Mapropone na Regulasion siha, sigun I maneran I Akton Areklamenton Atministrasion (Administrative Procedures Act), lai 1 CMC Seksiona 9104 (a). I Kuetpo a intensiona para u adopta kumo petmanente, ya este na momento man nãã'i' kana menos di trenta (30) dii a siha na notisia pot I intension. (Id.) I Regulasion siempre u efektibu dies (10) diha siha despues di I inadoptasion. (1 CMC Seksiona 9105(b))

ATURIDÅT: I MPLB man ma'otden ni I Lehislatura para u adopta areklamento yan regulasion siha ni tineteka eyu siha na asunto ni man gai' aturidåt I MPLB, a enklsu I regulasion niha pot che'cho' inadahen hinemlo' yan I man tineteka na åpas siha. 3 CMC Seksiona 2201, et. Seq., ("I Åkto"), 3 CMC Seksiona 2214 (a) (regulasion siha), 2230 (åpas siha), 2231 (åpas marinueba).

SUSTÅNSIAN I PALÅBRA SIHA:

I Regulasion I Kuetpo a probeniyi kabåles na regulasion siha para I MPLB para u ma'atministra I Åkto. Man ma'alåba I aturidåt, che'cho', åpas yan manera para I malisensia yan desiplina. I regulasion siha madefina I palåbra siha, mamensiona I nisisidåt siha para I malisensia, yan I areklamento siha.

Este na Regulasion siha siempre man påtte' gi Regulasion MPLB, ni man gaige gi I Regulasion I Kodigun Atministrasion Sankattan Siha Na Islan Marianas ("NMIAC"), 140 NMAIC Seksiona 50.1. Este siha na regulasion man mapropone para u amenda 140 NMIAC Seksiona 50.1-116 (eståba Seksiona 1-15 gi I Regulasion para Malisensian Profesion Inadahen Hinemlo). I man che'che'ton ni man mapropone na amendasion siempre atulaika I regulasion ni mapupblika gi Rehistran I Commonwealth, Baluma 11, Numiru 9, gi Septiembre 15, 1989.

I ASUNTO YAN PUNTO SIHA NI MAN TINETEKÅ: I punton este siha na regulasion:

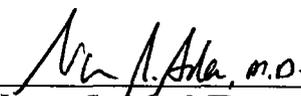
1. I Regulasion siha mamensiona I atministrasion I Åkto, spesifikåtmente I åpas siha para I malisensia yan otu na setbisiu siha.

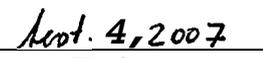
2. I MPLB debi di u rebisa I **âpas niha siha** pot para u **riflekta** I dipotsi na **âpas** atministradot I malisensia yan marnaneneha I profesion **inadahen** hinemlo' gi **hâlom** I CNMI. I Kuetpo a **estudiâyi** ya a **kompâra** I presente na **âpas** yan palu siha na kuetpon **estâdus**. I disision I Kuetpo sa' I **âpas** I CNMI **ginen takpapa-ña ki eyu** man masodda para u **kubre** palu na **gâstun** I Kuetpo. Solarnente, I Kuetpo a sodda na I presente na **âpas** linaisen para u **kubre** I **gâstun** I **atministrasion** I CNMI. Los **uttimos**, I Kuetpo a **rekognisa** na **tumâya hatsâdan âpas** desdi I ma'establesi este siha na regulasion gi 1989, **mientras kumahuhulo' I gâstu signifrikâtmente**.
3. I man mapropone na **âpas** man **la'takhilo'** ki I man presente na **âpas**, **lâo** man **husto** (fair) yan **resonâpble**.

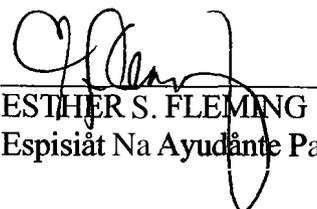
MANERA SIHA YANGGEN PARA U MAPOLU' YAN MAPUPBLIKA: Este Man Mapropone na Regulasion siha siempre man mapupblika gi Rehistran I Commonwealth gi **hâlom** I seksiona gi mapropone yan nuebu man **ma'adopta** na regulasion siha (**1 CMC Seksiona 9102(a)(1)**), ya siempre I notisia man mapolu gi **man kombiniente** na **lugât** siha gi Civic Center yan gi **Ofisinan I Gubietnamento** siha gi kada **Distritun** Senadot, todû I dos na **lengguâhen** natibu yan fino' Engles. (**1 CMC Seksiona 9104(a)(1)**)

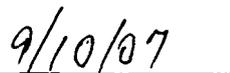
YANGGEN PARA UN NA GUAHA OPINION SIHA: Na **hâlom** osino na **hanâgue** I opinion-mu **guatu** I Kabiseya as Dr. Norma S. Ada, **ATTN: "Nuebu Na Regulasion Apas MPLB 2007"**, gi Capitol Hill, Saipan MP 96950 osino **fax** gi **670-664-4811** osino **email** guatu gi **MPLB@pticon.com** ni I titulu "Nuebu Na Regulasion Apas MPLB 2007". Mâs marekomenda yanggen un **email**. I opinion siha man **ultimo** trenta (30) diha siha **despues** este na notisia anai mapupblika gi Rehistran I Commonwealth. Pot fabot **nahâlom** I mensahe-mu, opinion-mu yan **testamonion** kinontra siha. (**1 CMC Seksiona 9104 (a)(2)**)

Este man mapropone na regulasion man maprueba **ginen** I MPLB gi Huebis, Agostu 9, 2007.

Ninahalom as: 
 Norma S. Ada, MD
 Kabiseya, MPLB


 Fecha

Maresibe' as: 
 ESTHER S. FLEMING
 Espisiât Na Ayudânte Para I Atministrasion


 Fecha

Pinelo' yan Marikot as: Bernadita B. Dela Cruz
BERNADITA B. DELA CRUZ
Rehistran I Commonwealth

9-10-07
Fecha

Sigun i lai 1 CMC Seksiona 2153 (e) (i inapruuban i Abugâdo Henerât ni regulasion siha ni para u ma'establesi pot para u fotma) yan 1 CMC Seksiona 9104 (a)(3) (ma'aprueba ni Abugâdo Henerât) i man mapropone na regulasion siha man che'che'ton **esta** man **ma'ina** yan ma'aprueba pot para u fotma **yan ligât suficiente ni Abugâdo Henerât** ya debi di u mapupblika (1 CMC Seksiona 2153 (f) (**puplikasion i areklamento** yan regulasion siha)).

Mafecha gi **este mina** _____ na **ha'âne** gi _____, 2007

Matthew T. Gregory
Abugâdu Henerât

Medical Professional Licensing Board

ARONGOL TOULAP REEL POMWOL ALLÉGH KKAAL MELLÓL Commonwealth Medical Professional Licensing Board

AGHIYEGHIL EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:

Commonwealth Téél faluwasch Marianas, **Commonwealth Medical Professional Licensing Board** ("BPLB" me ngare Schóóy Mwiisch"), re mangi rebwe schéschéél fillóóy pomwol allégh kka e **appasch**, bwelle mwóghutul **Administrative Procedure Act**, 1 CMC Tálil 9104(a). Schóóy mwiisch re mangi rebwe schéschéél fillóóy, me ebwe isisiwow llol eliigh (30) ráálil arong reel. (Id.) Allégh kkaal ebwe schéschéél alléghélo 116l seigh (10) ráálil ngare schagh raa fillóóy. (1 CMC Tálil 9105 (b))

BWÁNGIL: MPLB nge ebwe mweiti ngáli Sów fféerúl Allégh (Legislature) reel ebwe fillóóy ammwelil kkaal bwelle aweewe kka MPLB elo 116l, e toolong alléghúl **health care professions** me llapal óbwós. 3 CMC Tálil kka 2201, et seq., ("Alléghúl"), 3 CMC Tálil kka 2214(a) (alléghúl), 2230 (méél), 2231 (ssiwelil óbwós).

AWEEWEL ME KKAPASAL: Alléghúl mwiisch yeel nge e ayoora ngáli MPLB bwelle ebwe mwóghut ágheli Allégúl, mwóghut ágheli bwangil MPLB, yaal angaang, óbwóssul, me ammwelil lisensia me aweewel. Allégh kkaal nge ekke abwáári kkapasal, apasa yááyál lisensia, me atéew mwóghutul.

Allégh kkaal nge e toolong 116l Alléghúl MPLB, iye re schungi mellól Northern Marianas Islands **Administrative Code of regulations** ("NMIAC"), 140 NMIAC Tálil 50.1. Allégh kkaal nge ekke pomwoli bwe ebwe siweli 140 NMIAC Tálil 50.1-116 (schéschéél Tálil 1-15 mellol **Alleghul Lisensial Health Care Professions**). Pomwol ssiwel kka e **appasch** ebwe lliweli allégh kka aa akkteélong llól **Commonwealth Register**, Vol. 11, Numero. 9, ótol Maan (September) 15, 1989.

KKAPASAL ME AWEEWEL KKA E TOOLONG: Kkapasal allégh kkaal nge:

1. Allégh kkaal e bwáári mwóghutul Allégh yeel, schéschéél reel llapal méél lisensia me akkáaw alillis.
2. MPLB ebwe siweli óbwós kkaal bwelle ebwe bwáári salapial lisensia me salaapial alléghúl **health care professions** mell6l CNMI. Schóóy Mwiisch raa bwunguw fischiy me aweweey salapial ighila fengal me amweyút mwiisch (state board). Sáni yaar aweewe mwiisch nge salapial CNMI ekke ghitighitiw mmwal rebwe óbwóssuw sefáli yaar mwolofit Mwiisch. Schéschéél, Schóóy Mwiisch re schungi bwe salapial ighila nge ese toori ebwe óbwóssuw sefáli salapial **CNMI administration**. Iwe, schóóy mwiisch re ghuley bwe ese sássár salapial sáni schagh bweletáál allégh yeel 116l ótol 1989, bwelle igha méél aa kke sássátá.
3. Pomwol salaapi yeel nge e llang me mmwal salapial ighila nge, e ffat me e fisch kkapasal.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatéélong llól Commonwealth Register mel lól tálil ye re pomwoli me e ffé yaar fillóoy allegh kkaal (1 CMC Talil 9102(a)(1)), me arong yeel ebwe appascheta igha e ghatch mel lól civic center llól Bwulasiyool gobenno kkaal sáangi senatorial district, e weewee schagh llól kkasal Amerikkónu me Remeraalis/Refalúwasch. (1 CMC Talil 9104 (a)(1))

ATOTOOLONGOLAGHIYEGH: Afanga me ngare bwughiiló yóómw aghiyegh reel MPLB Chairman Dr. Norma S. Ada, Att: New 2007 MPLB Fee Regs, P.O. Box 501458, Capital Hill, Seipél MP 96950 me ngiue fax reel 670.664.4811 me email ngáli MPLB@pticom.com fengál me kkapasal ye "New 2007 MPLB Fee Regs". E ghatch ebwe email. Aghiyegh ebwe toolong ótol eliigh (30) ráalil ngiue schagh aa akkatéélló llól Commonwealth Register. Óutu ghal soong ów isisilong yáami data, máfiyámi, me ngiue aingiingil. (1 CMC Talil 9104 (a)(2))

Isaliyallong: Norma S. Ada MD
Norma S. Ada, MD
Samwoolul, MPLB

Sept 4, 2007
Rál

Mwir sáangi: ESTHER S. FLEMING
ESTHER S. FLEMING
Sów Alillisil Sów Lemelem

9/10/07
Rál

Ammwel Sáangi: BERNADITA B. DELA CRUZ
BERNADITA B. DELA CRUZ

9-10-07
Rál

Sáangi allégh ye 1 CMC Talil 2153(e) (Alúghúlúgh mereel Sów Bwungul Allégh Lapalap reel allégh kka ebwe akkaté) me 1 CMC Talil 9104(a)(3) (mwir sáangi Sów Bwungul Allegh Lapalap) reel pomwol allégh kka e appasch nge raa takkal amweri ghatchtiw mereel Sów Bwungul Allégh Lapalap me ebwe akkatééwow, 1 CMC2153(f) (akkatéél ammwel kkaal me alléghúl).

Ráalil ye _____ llól _____, 2007

MATTHEW T. GREGORY,
Sów Bwungul Allégh Lapalap

§140-50.1-116.Schedule of Fees

The following fees must be paid for the following services.

- (a) Initial Application Fees. \$100.00
- (b) Initial License Fees: Physicians, Dentists, Pharmacists, Optometrists, Psychologists. \$200.00
- (c) License Fees: all other Health Care Professionals. . . \$100.00
- (d) Temporary License. \$200.00
- (e) Renewal License for Physicians, Dentists, Pharmacists, Optometrists, Psychologists. \$200.00
- (f) Renewal License: all other Health Care Professionals \$100.00
- (g) Delinquent (each month). \$ 25.00
- (h) Replacement/Duplication of License. \$ 75.00
- (i) Replacement/Duplication of wallet-size card. \$ 25.00
- (j) Application for Permit to Operate Clinical Laboratory. . \$200.00
- (k) Permit to Operate Clinical laboratory. \$300.00
- (l) Application for Permit to Operate Pharmacy. \$200.00
- (m) Permit to Operate Pharmacy. \$300.00
- (n) Renewal Permit for Clinical Laboratory or Pharmacy. . \$300.00

(o) Fees for documents shall be as follows:

- (1) Photocopies: less than 10 copies –no charge; 11 or more copies - \$0.50 per page
- (2) Electronic files on CD: \$10.00 for each CD
- (3) Electronic files on DVD: \$20.00 for each DVD
- (4) Copies of meeting minutes on cassette tape: \$15.00 per tape**
- (5) If complying with a request for information takes longer than one hour, labor shall be charged at the rate of \$20.00 per hour.

History: Final adoption, 29 Com. Reg. _____; Proposed, 29 Com. Reg. _____ (Sep. ____ 2007). Modified, 1 CMC § 3806(e), Previously adopted 11 Com. Reg. 6715 (Dec. 15, 1989); Emergency and Proposed 11 Com. Reg. 6372 (Sept. 15, 1989) (effective 120 days from Aug. 30, 1989); Amdts Proposed 10 Com. Reg. 5724 (Oct. 15, 1988); Emergency and Proposed 8 Com. Reg. 4709 (Oct. 22, 1986) (effective 120 days from Oct. 16, 1986).

Commission Comment: A notice of permanent adoption for the 1986 emergency regulations was never published. A notice of adoption for the October 1988 amendments was never published. However, the 1988 amendments stated: "These amendments shall become effective at 12:01 a.m., January 1, 1989." See 10 Com. Reg. at 5724 (Oct. 15, 1988)



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 502078
Saipan, MP 96950
Tel. No.: (670) ~~234-5897~~ 664-4809
Fax No.: (670) ~~234-6040~~ 664-4813

NOTICE OF PROPOSED AMENDMENTS TO THE
BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR
REAL PROPERTY APPRAISERS

The Board of Professional Licensing ("BPL") hereby gives notice to the general public that it proposes to amend the following of the Regulations for Real Property Appraisers and 5125-40 of NMIAC Title 125:

- Section 2.3 of the regulations and Section (c) 125-40-015
- Section 4.3(A)(3) of the regulations and Section (a)(3)125-40-110
- Section 4.3(A)(5) of the regulations and Section (a)(4) 125-40-110
- Section 4.3(A)(6) of the regulations and Section (a)(5) 125-40-110
- Section 4.3(A)(7) of the regulations and Section (a)(6) 125-40-110
- Section 4.3(B)(4)of the regulations and Section (b)(4) 125-40-110
- Section 4.3(C)(2) of the regulations and Section (c)(2)125-40-110
- Section 4.3(C)(3)of the regulations and Section(c)(3) 125-40-110
- Section 4.3(C)(5) of the regulations and Section (c)(4)125-40-110
- Section 4.3(C)(6) of the regulations and Section (c)(5)125-40-110
- Section 4.4(A) of the regulations and Section (a)125-40-115
- Section 4.4(A)(1)of the regulations and Section (a)(1)125-40-115
- Section 4.4(A)(2) of the regulations and Section (a)(2)125-40-115
- Section 4.4(A)(4)of the regulations and Section (a)(4)125-40-115
- Section 4.4(A)(4)(d)of the regulations and Section (a)(4)(iv) 125-40-115
- Section 4.4(A)(6)of the regulations and Section (a)(4)(6) 125-40-115
- Section 4.4(B)(1)of the regulations and Section (a)(1)125-40-115
- Section 4.4(B)(2)of the regulations and Section (a)(2)125-40-115
- Section 4.4(B)(3)of the regulations and Section (a)(3)125-40-115
- Section 4.4(B)(5)of the regulations and Section (b)(5)125-40-115
- Section 4.4(C)(1)of the regulations and Section (c)(2)125-40-115
- Section 4.4(C)(3)of the regulations and Section (c)(4)125-40-115
- Section 4.4(C)(5)of the regulations and Section (c)(5)125-40-115
- Section 4.4(D)(1)of the regulations
- Section 4.4(D)(3)of the regulations
- Section 4.4(D)(5)of the regulations
- Section 4.5(A)of the regulations and Section (a)125-40-120
- Section 4.6(D)of the regulations and Section (d)125-40-125
- Section 4.6(E)of the regulations and Section (e)125-40-125
- Section 4.6(I)of the regulations and Section (i)125-40-125
- Section 4.6(J)of the regulations and Section (k)125-40-125
- Section 4.6(M)of the regulations and Section (l)125-40-125
- Section 6.1(F)of the regulations and Section (f)125-40-301
- Section 6.10(A)(1)(b)of the regulations and (a)(1)(iii)125-40-345
- Section 6.10(A)(2)(b)of the regulations and Section (a)(2)(ii)125-40-345
- Section 9.3(E)of the regulations and Section (e)125-40-610
- Section 10.1(A)of the regulations and Section (a)125-40-701

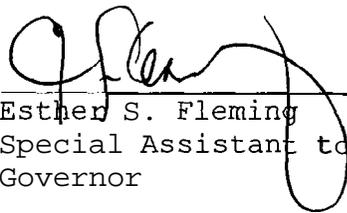
- New Subsection (D) 10.2 and Section (d)125-40-705
- Sections 12,12.1(A,B,E,G,K,M,N,O,Q,R,S,T,U, and (b)of the regulations and Sections (a)1,2,5,7,11,13,14,15 125-40-805
- New Section to 12.2 and Section (b)125-40-805
- New Section 12.3 and Section (c)125-40-805

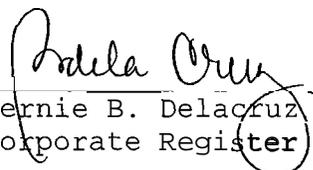
The attached proposed amendments would modify the regulations as published in the Commonwealth Register, Vol. 27, No. 2 on February 17, 2005.

The BPL must amend the regulations to include the new Real Property Qualification Criteria as required by the Appraisal Qualifications Board and to be consistent with P.L. 14-95 (effective Oct 2005), the "Board of Professional Licensing Amendments Act of 2005" which amend the professional licensing requirements by repealing and reenacting Chapters 1 and 2 of Division 3, Title 4 of the Commonwealth Code.

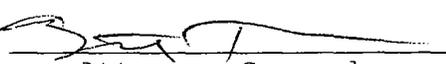
The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may obtain copies of the proposed amendments from the Board of Professional Licensing's office located at Bldg. 1336, Ascension Drive, Capitol Hill, Saipan. Written comments on these amendments should be sent to the BPL, P.O. Box 502078, Saipan MP 96950.

Submitted By: 
 Francisco Q. Guerrero
 Chairman, BPL
 Date 9-11-07

Received By: 
 Esther S. Fleming
 Special Assistant to the Governor
 Date 9/12/07

Received By: 
 Bernie B. Delacruz
 Corporate Register
 Date 9-13-07

Certification by the Office of the Attorney General
 Pursuant to 1 CMC 52153, as amended by P.L. 1050, the proposed amendments to the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.


 Attorney General
 Date 9/13/07

NOTICE OF PROPOSED AMENDMENTS TO THE
BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR
REAL PROPERTY APPRAISERS

Citation of Statutory Authority

The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to P.L. 14-95, as amended.

Summary of Amendment

BPL must amend the regulations to include the new Real Property Qualification Criteria as required by the Appraisal Qualifications Board and to be consistent with P.L. 14-95, the "Board of Professional Licensing Amendments Act of 2005" which amend the professional licensing requirements by repealing and reenacting Chapters 1 and 2 of Div. 3, Title 4 of the Commonwealth Code.

Citation of Affected Regulations

Sections 2.3, 4.3(A)(3), 4.3(A)(5), 4.3(A)(6), 4.3(A)(7), 4.3(B)(4), 4.3(C)(2), 4.3(C)(3), 4.3(C)(5), 4.3(C)(6), 4.4(A), 4.4(A)(1), 4.4(A)(2), 4.4(A)(4), 4.4(A)(4)(d), 4.4(A)(6), 4.4(B)(1), 4.4(B)(2), 4.4(B)(3), 4.4(B)(5), 4.4(C)(1), 4.4(C)(3), 4.4(C)(5), 4.4(D)(1), 4.4(D)(3), 4.4(D)(5), 4.5(A), 4.6(D), 4.6(E), 4.6(I), 4.6(J), 4.6(M), 6.1(F), 6.10(A)(1)(b), 6.10(A)(2)(b), 9.3(E), 10.1(A), 12, 12.1(A, B, E, G, K, M, N, O, Q, R, S, T, U and b, 12.2(a), new section to 12.2 and 12.3.

For Further Information:

Florence Sablan, Director
BPL at Tel# 664-4809

ARONG REEL POMWOL LLIWEL KKAAL NGÁLI MWIISCHIL
PROFESSIONAL LICENSING REEL MÉÉL FALÚW

Mwiischil Professional Licensing (“BPL”) ekke arongaar toulap bwe ebwe siweli táilil allégh kka elo faal Real Property Appraisers (méél falúw) me táilil 125-40 melll6l NMIAC Title 125:

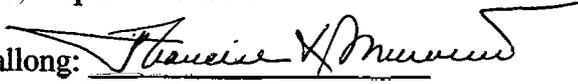
- Táilil 2.3 mellol allégh kkaal me Táilil (C) 125-40-05
- Táilil 4.3 (A) (3) melll6l allégh kkaal me Táilil (a) (3) 125-40-110
- Táilil 4.3 (A) (5) mellól allégh kkaal me Táilil (a) (4) 125-40-110
- Táilil 4.3 (A) (6) melll6l allégh kkaal me Táilil (a) (5) 125-40-110
- Tsllil4.3 (A) (7) melll6l allégh kkaal me Táilil (a) (6) 125-40-110
- Táilil 4.3 (B) (4) mellól allégh kkaal me Táilil (b) (4) 125-40-110
- Táilil 4.3 (C) (2) melll6l allégh kkaal me Táilil (C) (2) 125-40-110
- Táilil 4.3 (C) (3) mellól allégh kkaal me Táilil (C) (3) 125-40-110
- Táilil 4.3 (C) (5) melll6l allégh kkaal me Táilil(c) (4) 125-40-110
- Táilil 4.3 (C) (6) mellól allégh kkaal me Táilil (c) (5) 125-40-110
- Táilil 4.4 (A) melll6l allégh kkaal me Táilil (a) 125-40-115
- Táilil 4.4 (A) (1) mellól allégh kkaal me Táilil (a) (1) 125-40-115
- Táilil 4.4 (A) (2) mellól allégh kkaal me Táilil (a) (2) 125-40-115
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- Táilil 4.4 (A) (4) (d) melll6l allégh kkaal me Táilil (a) (4) (iv) 125-40-115
- Táilil 4.4 (A) (6) mellól allégh kkaal me Táilil (a) (4) (6) 125-40-115
- Táilil 4.4 (B) (1) melll6l allégh kkaal me Táilil (a) (1) 125-40-115
- Táilil 4.4 (B) (2) mellól allégh kkaal me Táilil (a) (2) 125-40-115
- Táilil 4.4 (B) (3) melll6l allégh kkaal me Táilil (a) (3) 125-40-115
- Táilil 4.4 (B) (5) melll6l allégh kkaal me Táilil (b) (5) 125-40-115
- Táilil 4.4 (C) (1) melll6l allégh kkaal me Táilil (c) (2) 125-40-115
- Táilil 4.4 (C) mellbl allégh kkaal me Táilil (c) (4) 125-40-115
- Táilil 4.4 (C) (5) melll6l allégh kkaal me Táilil(c) (5) 125-115
- Táilil 4.4 (D) (1) mellól allégh kkaal
- Táilil 4.4 (D) (3) mellól allégh kkaal
- Táilil 4.4 (D) (5) melll6l allégh kkaal
- Táilil 4.5 (A) mellól allégh kkaal me Táilil (a) 125-40-120
- Táilil 4.6 (D) mellol allégh kkaal me Táilil (d) 125-40-125
- Tdil4.6 (E) mellól allégh kkaal me Táilil (e) 125-40-125
- Táilil 4.6 (I) mellol allégh kkaal me Táilil (i) 125-40-125
- Táilil 4.6 (J) melll6l allégh kkaal me Táilil (k) 125-40-125
- Táilil 4.6 (M) mellól allégh kkaal me Táilil (i) 125-40-125
- Táilil 6.1 (F) mellbl allégh kkaal me Táilil (f) 125-40-301
- Táilil 6.10 (A) (1) (b) melll6l allégh kkaal me Táilil (a) (1) (iii) 125-40-345
- Táilil 6.10 (A) (2) (b) melll6l allégh kkaal me Táilil (a) (2) (ii) 125-40-345
- Táilil 9.3 (E) melll6l allégh kkaal me Táilil (e) 125-40-610
- Táilil 10.1 (A) melll6l allégh me Táilil (a) 125-40-701
- Táilil kka e ffe (D) 10.2 me Táilil (d) 125-40-705
- Táilil kka 12,12. 1 (A, B, E, G, K, M, N, O, Q, R, S, T, U, me (b) mellól allégh kkaal me Táilil kka (a) 1, 2, 5, 7, 11, 13, 14, 15, 125-40-805

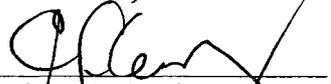
- Tálil ffé ngáli 12.2 me Tálil (b) 125-40-805
- Tálil ffé ye 12.3 me Tálil (c) 125-40-805

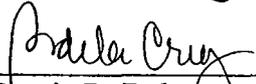
Pomwol ssiwel kka e appasch ebwe lliweli **allégh** kka e **akkatééwow** mel161 Commonwealth Register, Vol. 27, No. 2 otol February (**Mááischigh**) 17,2005.

BPL ebwe ssiweli **alleggh** kkaal bwelle ebwe atotoolong **Aweweel Real Property Qualification** iye re mweiti **sángi Mwiischil Appraisal Qualification** me ebwe **ghol ngali P.L. 14-95** (schescheel Oct 2005), "**Mwiischil Professional Licensing Amendment Act otol 2005**" iye e ssiweli tingorol **professional licensing** sangi ffeer sefál me **allégh** sefal, **chapter 1** me **2 mellól Division 3, Title 4** reel Commonwealth Code.

Schóóy mwiisch re **tittingór** aghiyegh reel pomwol ssiwel **kkaal** iye rebwe **bwughil ótol eliigh (30) ráálil** **sángi mmwal akkaté** mel161 Commonwealth Register. **Schóókka** re **tipeli** nge **emmwel** rebwe bweibwogh **tilighial mereer Board of Professional Licensing's**, **Bwulasiyo** iye elo reel Bldg. 1336, Ascension Drive, Capitol Hill, **Seipél**. **Ischil mángemáng** **sángi** ssiwel kkaal ebwe akkafang **ngáli BPL, P.O Box 502078, Seipel MP 96950**.

Isaliyallong: 
 Francisco Q. Guerrero
 Samwoolul, BPL 4-11-07
Rál

Mwir **sángi**: 
 Esther S. Fleming
 Sów Alillisil Sów Lemelem 9/12/07
Rál

Ammwel **sángi**: 
 Bernie B. Delacruz 9/13/07
Rál

Alughulugh **sángi Bwulasiyool Sów Bwungul Allégh Lapalap**

Sángi allégh ye 1 CMC Tálil 2153, iye aa lliwel **mereel P.L 1050**, pomwol lliwel kkaal **ngáli allégh** kkaal ikka e appasch nge raa **takkal amweri fisschi** me **allégh mereel Bwulasiyool Sów Bwungul Allégh Lapalap**.

 Sów Bwungul Allégh Lapalap _____
Rál

Kuetpon Malisensian Profesionát
COMMONWEALTH I SANKATTAN SIHA NA ISLAN MARIANAS

P.O. Box 502078
Saipan, MP 96950
Numirun Tilifon: (670) 664-4809
Numirun Fax: (670) 664-4813

**NOTISIA POT MAN MAPROPONE NA AMENDASION SIHA PARA I
REGULASION I KUETPON MALISENSIAN PROFESIONÁT PARA I MAN
KATKUKULA PRESION I PROPIDÁT TÁNO'**

I Kuetpon Malisensian Profesionát (“BPL”) este na momento ma n nânâ'i' notisia para I pupbliku henerát na a propopone para u amenda I sigente na Regulasion siha para I Man Katkukulan Presion Tâno' yan Seksiona 125-40 gi NMIAC Titilu 125:

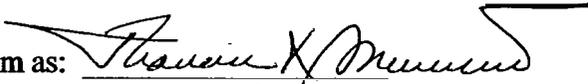
- Seksiona 2.3 gi regulasion siha yan Seksiona (c) 125-40-015
- Seksiona 4.3 (A) (3) gi regulasion siha yan Seksiona (a) (3) 125-40-110
- Seksiona 4.3 (A) (5) gi regulasion siha yan Seksiona (a) (4) 125-40-110
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- Seksiona 4.3 (A) (7) gi regulasion siha yan Seksiona (a) (6) 125-40-110
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- Seksiona 4.3 (C) (6) gi regulasion siha yan Seksiona (c) (5) 125-40-110
- Seksiona 4.4 (A) gi regulasion siha yan Seksiona (a) 125-40-115
- Seksiona 4.4 (A) (1) gi regulasion siha yan Seksiona (a) (1) 125-40-115
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- Seksiona 4.4 (A) (4) gi regulasion siha yan Seksiona (a) (4) 125-40-115
- Seksiona 4.4 (A) (4) (d) gi regulasion siha yan Seksiona (a) (4) (iv) 125-40-115
- Seksiona 4.4 (A) (6) gi regulasion siha yan Seksiona (a) (4) (6) 125-40-115
- Seksiona 4.4 (B) (1) gi regulasion siha yan Seksiona (a) (1) 125-40-115
- Seksiona 4.4 (B) (2) gi regulasion siha yan Seksiona (a) (2) 125-40-115
- Seksiona 4.4 (B) (3) gi regulasion siha yan Seksiona (a) (3) 125-40-115
- Seksiona 4.4 (B) (5) gi regulasion siha yan Seksiona (b) (5) 125-40-115
- Seksiona 4.4 (C) (1) gi regulasion siha yan Seksiona (c) (2) 125-40-115
- Seksiona 4.4 (C) (3) gi regulasion siha yan Seksiona (c) (4) 125-40-115
- Seksiona 4.4 (C) (5) gi regulasion siha yan Seksiona (c) (5) 125-40-115
- Seksiona 4.4 (D) (1) gi regulasion siha
- Seksiona 4.4 (D) (3) gi regulasion siha
- Seksiona 4.4 (D) (5) gi regulasion siha
- Seksiona 4.5 (A) gi regulasion siha yan Seksiona (a) 125-40-120
- Seksiona 4.6 (D) gi regulasion siha yan Seksiona (d) 125-40-125
- Seksiona 4.6 (E) gi regulasion siha yan Seksiona (e) 125-40-125
- Seksiona 4.6 (I) gi regulasion siha yan Seksiona (i) 125-40-125

- Seksiona 4.6 (J) gi regulasion siha yan Seksiona(k) 125-40-125
- Seksiona 4.6 (M) gi regulasion siha yan Seksiona (l) 125-40-125
- Seksiona 6.1 (F) gi regulasion siha yan Seksiona (f) 125-40-301
- Seksiona 6.10 (A) (1) (b) gi regulasion siha yan Seksiona (a) (1) (iii) 125-40-345
- Seksiona 6.10 (A) (2) (b) gi regulasion siha yan Seksiona (a) (2) (ii) 125-40-345
- Seksiona 9.3 (E) gi regulasion siha yan Seksiona (e) 125-40-610
- Seksiona 10.1 (A) (2) (b) gi regulasion siha yan Seksiona (a) 125-40-701
- Nuebu na Seksiona (D) 10.2 yan Seksiona (d) 125-40-705
- Seksiona 12, 12.1 (A, B, É, G, K, M, N, O, Q, R, S, T, U, yan (b) gi regulasion siha yan Seksiona (a) 1, 2, 5, 7, 11, 13, 14, 15 125-40-805
- Nuebu na Seksiona para 12.2 yan Seksiona (b) 125-40-805
- Nuebu na Seksiona 12.3 yan Seksiona (c) 125-40-805

I man mapropone na amendasion ni man che'che'ton siempre **matulaika** I regulasion siha **kumo** man **mapupblika** gi **Rehistran** I Commonwealth, **Baluma** 27, Numiru 2 gi **Febreru** 17,2005.

I Kuetpon I Malisensian **Profesionât** debi di u amenda I regulasion siha para **u enkusu** I **nuebu** na Real Property Qualification Criteria ni marekomenda ni I Kuetpon **Kuâlifikasion** Man Katkukulan **Presion Propiadât Tano'** ya para **u** konsiste ni I Lai **Pupbliku** 14-95 (efektibu gi **Oktubre** 2005), I "2005 **Ákton** Amendasion I Kuetpon Malisensian **Profesionât**" ni ma'amenda I **nisisidât** siha para I malisensian **profesionât** anai madiroga ya **matalun** otdena **Kapitulu** 1 yan 2 gi **Dibision** 3, Titilu 4 gi **Kodigun** I Commonwealth.

I **Kuetpo** a **gágagáo** opinion siha ni **tineteka** este siha **ni** man mapropone na amendasion siha **ni** debi di **u maresibe'** ni I Kuetpo gi **hálom** trenta (30) diha siha gi I **fine'nina** na publikasion este na **notisia** gi **Rehistran** I Commonwealth. I man **interesáo** na **petsona** **siña** machule' I kopian este man mapropone na amendasion **ginen** I **Ofisinan** I Kuetpon I Malisensian **Profesionât** ni gaige gi Bldg. 1336, Ascension Drive, gi Capitol Hill, **giya** Saipan. I **tinige'** opinion siha pot este na amendasion debi di **u mahanâgue** guatu I Kuetpon I Malisensian **Profesionât**, gi P.O. Box 502078, Saipan MP 96950.

Ninahálom as: 
Francisco Q. Guerrero
Kabesiyo, BPL

9-11-07
Fecha

Maresibe' as: 
Esther S. Fleming
Espesiât Na Ayudánte Para I Gubietno

9/12/07
Fecha

Maresibe' as: Bernie B. Dela Cruz
Bernie B. Dela Cruz)
Rehistran I Koporasion

9-13-07
Fecha

Setifikasion Ginen I Ofisinan I Abugádu Henerát

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 1050, I man mapropone na amendasion siha para I areklamento yan regulasion siha ni man che'che'ton guine esta man ma'ina yan ma'aprueba pot para u fotma yan ligát suficiente ginen I Ofisinan I Abugádu Henerát.

Abugádu Henerit

Fecha

REGULATIONS OF THE
BOARD OF PROFESSIONAL LICENSING
FOR
REAL PROPERTY APPRAISER

PART I. GENERAL PROVISIONS

- 1.1 **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 institutions, 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 or NMI").
- 1.2 **Intent and Effect.** The receipt of a license from the CNMI Board of Professional Licensing does not permit a person to engage in business in the CNMI until such person has complied with any and all applicable laws, rules and regulations and secured all necessary licenses and permits for conducting business in the NMI. It is the intent of these regulations to ensure high standards of professional competence for real property appraisers in the CNMI and to comply with applicable federal statutes and regulations.

Due to scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real property appraisers:

<u>Non-Federally Related Transactions</u>	<u>Federally Related Transactions</u>
Licensed Residential Real Property Appraiser	Licensed Real Property Appraiser
Licensed General Real Property Appraiser	Certified Residential Real Property Appraiser
	Certified General Real Property Appraiser

The first class of appraisers will qualify to do appraisals in non-federally related real property transactions and will not qualify under federal law and these regulations to perform federally related real property transactions.

The second class of real property appraisers will qualify to perform appraisals in both federally related and non-federally related real property transactions, the difference between licensed and certified status being further defined.

- 1.3 **Authority.** The CNMI Board of Professional Licensing (hereafter "Board^N") has the authority to regulate real property appraisers pursuant to 4 CMC 3101 et seq., including 4 CMC 3107.

PART II. DEFINITIONS

- 2.1 **Appraisal Foundation.** The Appraisal Foundation established on November 30, 1987, as a non-for-profit corporation under the laws of Illinois. The Foundation is charged by Title XI with the responsibility of establishing, improving, and promoting minimum uniform appraisal standards and appraiser qualifications criteria.

2.2 Appraisal Qualifications Board. An independent board appointed by the Appraisal Foundation to establish criteria for licensing of appraisers.

Section 2.3 of the Regulations for Real Property Appraiser or Section (c) of 125-40-015 of 125-40, NMIAC Title 125.

2.3 Appraiser or Real Property Appraiser. A CNMI Licensed Residential Real Property Appraiser or a CNMI Licensed General Real Property Appraiser for non-federally related transactions; or a CNMI Licensed Real property Appraiser, a Certified Residential Real Property Appraiser, or a Certified General Real Property Appraiser for federally related transactions, licensed or certified to engage in the practice of real property appraisal as hereinafter defined.

2.4 Appraisal. The act or process of developing an opinion of value.

2.5 Appraisal Assignment. One or more real estate appraisals and written appraisal reports which are covered by a single contract to provide an appraisal.

2.6 Appraisal Consulting. The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.

2.7 Appraisal Practice. Valuation services performed by an appraiser, including but not limited to appraisal, appraisal review, or appraisal consulting.

2.8 Appraisal Review. The act or process of developing and communicating an opinion about the quality of another appraiser's work.

2.9 Appraisal Subcommittee. The Appraisal subcommittee of the Federal Financial Institutions Examination Council (FFIEC) was created on August 9, 1989, pursuant to Title XI to oversee the real estate appraisal process as it relates to federally related transactions and monitors the requirements established by each state or territory's appraiser regulatory agency for the licensing and certification of appraisers.

2.10 Appraiser Trainee. A person who has been issued a license to practice as a real property appraiser trainee in the Northern Marianas.

2.11 Certified Appraiser. A CNMI Certified Residential or General Real Property Appraiser for federally related transactions.

2.12 Class Hour. Sixty minutes, of which at least fifty minutes are instruction attended by the student. The prescribed number of class hours includes time devoted to examinations.

2.13 Complex One-To Four Family Residential Property Appraisal. One in which the property to be appraised, market conditions, or form of ownership is a typical and which have a significant value contribution. For example, unusual factors may include but are not limited to:

- (a) Architectural style;
- (b) Age of improvements;
- (c) Size of improvements;
- (d) Size of lot;
- (e) Neighborhood land use;

- (f) Potential environmental hazard liability;
 - (g) Leasehold interests;
 - (h) Limited readily available comparable sales data; or
 - (i) Other unusual factors.
- 2.14 Continuing Education.** Education that is creditable toward the education requirements that must be satisfied to renew licensure as a Licensed Real Property Appraiser, Certified Residential Real Property Appraiser, or a Certified General Real Property Appraiser.
- 2.15 Direct Supervision.** To actively and personally review the appraisal report of an appraiser trainee, 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).
- 2.16 Distance Education.** Any educational process based on the geographical separation of student and instructor (e.g., CD Rom, on-line learning, correspondence courses, video conferencing, etc.).
- 2.17 Federally Related Transaction.** The term "federally related transaction" means any real estate-related financial transaction which:
(a) A federal financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates; and
(b) Requires the services of an appraiser.
- 2.18 License.** The document indicating that the person named thereon has satisfied all requirements for licensure as a CNMI licensed or certified appraiser for federally or non-federally related transactions.
- 2.19 Licensed Appraiser.** Licensed Residential Real Property Appraiser or a Licensed General Real Property Appraiser for non-federally related transactions; or a Licensed Real Property Appraiser for federally related transactions.
- 2.20 Market Analysis.** A study of market conditions for a specific type of property.
- 2.21 Market Value.** A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal.
- 2.22 Mass Appraisal.** The process of valuing a universe of properties as of a given date using standard methodology, employing common data, and allowing for statistical testing.
- 2.23 Non-Federally Related Real Estate Transaction.** Any transaction which does not meet the definition of a federally related transaction.
- 2.24 Personal Property.** Identifiable tangible objects that are considered by the general public as being "personal" - for example, furnishings, artwork, antiques, gems and jewelry, collectibles, machinery and equipment; all tangible property that is not classified as real estate.

New definition to this section.

2.25 Practice of Real Property Appraisal.

(A) A profession which engages in real property appraisal activity for federally or non-federally related transactions, for a fee or other valuable consideration, by preparing independent and impartial written or oral statements setting forth an opinion as to the value of an adequately described property as of a specified date(s), supported by the presentation and analysis of relevant market information prepared in conformity with the USPAP, as amended.

(B) A person is considered to practice or offer to practice real property appraisal, within the meaning and intent of the law and the rules and regulations, who practices the profession of real property appraisal or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents themselves to be a real property appraiser or through the use of some other title, implies that they are a real property appraiser, or that they are licensed or certified under the law or holds themselves out as able to perform or who does perform any real property appraisal service work, or any other service designated by the practitioner which is recognized as real property appraisal.

2.26 Probation. A condition placed upon an individual's practice that obligates they meet various conditions and further demonstrates that they have maintained a satisfactory performance in their practice over a specific period of time.

2.27 Qualifying Education. Education that is creditable toward the education requirements for initial licensure under one or more of the three real property appraiser classifications.

2.28 Real Property. The interests, benefits, and rights inherent in the ownership of real estate.

2.29 Real Property-Related Financial Transaction. Any transaction involving:
(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; or
(b) The refinancing of real property or interests in real property ;
or
© The use of real property or interests in real property as security for a loan or investment, including mortgage backed securities.

2.30 Real Estate. An identified parcel or tract of land, including improvements, if any.

2.31 Report. Any communication, written or oral, of an appraisal, appraisal review, or appraisal consulting service that is transmitted to the client upon completion of an assignment.

2.32 Residential Property. Any parcel of real property, 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 property. Residential property does not include subdivisions wherein a development analysis or appraisal is necessary or utilized.

- 2.33 **Reinstate or Reinstatement.** The granting of permission to perform appraisal work by the Board to a person whose license or certificate has been previously suspended.
- 2.34 **Revocation.** A termination of a license to practice. Such action should require that the licensee surrender any and all license or wallet-size card issued by the Board. In order for a licensee to reinstate a license that has been revoked, the licensee is required to apply as a new applicant.
- 2.35 **Suspension.** A suspension terminates a license privileges for a limited time. The license may be reinstated after the licensee fulfilled conditions imposed by the Board.
- 2.36 **Temporary Appraiser's License.** A license for one specific appraisal assignment, issued to a Licensed or Certified appraiser not residing in the CNMI or who has no established business in the CNMI.
- 2.37 **Tract Development.** 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 sell as a single development.
- 2.38 **Uniform Standards of Professional Appraisal Practice or USPAP.** Standards of appraisal practice developed by the Appraisal Standards Board (ASB) of the Appraisal Foundation.
- 2.39 **Value.** The monetary relationship between properties and those who buy, sell, or use those properties.
- 2.40 **Years of Experience.** A year is defined in terms of hours within a calendar year. One thousand (1,000) hours constitutes a year of appraisal experience.

PART III. POWERS AND DUTIES OF THE BOARD

- 3.1 **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, suspend, revoke, place on probation, renew, or refuse to renew permission to practice as a Licensed or Certified real property 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 to 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 property appraiser for any cause that would be grounds for disciplining a real property 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 of the appraiser for any violation of the law or these regulations;
- (g) To impose continuing education requirements as a prerequisite to renewal of a license, 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 representative acting by authority of law;
- (j) To contract with qualified persons, including attorneys, hearing 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;
- (l) 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 of appraisers that the Board determines are appropriate for Licensed and Certified appraisers in the CNMI.

PART IV. REQUIREMENTS FOR LICENSURE

- 4.1 Requirements for Licensure.** It shall be unlawful for an individual who is not licensed in the CNMI to prepare or hold oneself out as being able to prepare an appraisal in connection with a real property related transaction. It shall be unlawful for a person with one class of license to perform an appraisal requiring a different class of license.
- 4.2 General Requirements.** All applicants for a license shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experience requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation and not have been convicted of a crime related to real property appraisal profession. Applicants for the non-federally related appraiser license must take and pass the local appraisal examination as part of the requirement.
- 4.3 Requirements for Real Property Appraiser, Federally Related Transactions.** All applicants for a Real Property Appraiser license must meet the following requirements:
 - A. Education.**
 - 1. Class Hour.
 - a. A class hour is 60 minutes, of which at least 50 minutes are instruction attended by the student. The

prescribed number of class hours includes time devoted to examinations which are considered to be part of the course.

2. Credit for the class hour requirement may be obtained only from the following institutions:

- a. Colleges or Universities
- b. Community or Junior Colleges
- c. Real Estate Appraisal or Real Estate Related Organizations
- d. State or Federal Agencies or Commissions
- e. Proprietary Schools
- f. Providers approved by the Board
- g. AQB approved course providers

Section 4.3 (A) (3) of the Regulations for Real Property Appraiser or Section 125-40-110(a) (3) of 125-40, NMIAC Title 125.

3. AQB Guidance for Curriculum Content.

Basic Appraisal Principles - 30 Hours

A. Real Property Concepts and Characteristics

1. Basic Real Property Concepts
2. Real Property Characteristics
3. Legal Description

B. Legal Consideration

1. Forms of Ownership
2. Public and Private Controls
3. Real Estate Contracts
4. Leases

C. Influences on Real Estate Values

1. Governmental
2. Economic
3. Social
4. Environmental, Geographic and Physical

D. Types of Value

1. Market Value
2. Other Value Types

E. Economic Principles

1. Classical Economic Principles
2. Application and Illustration of the Economic Principles

F. Overview of Real Estate Markets and Analysis

1. Market Fundamentals, Characteristics and Definitions
2. Supply Analysis
3. Demand Analysis
4. Use of Market Analysis

G. Ethics and How They Apply in Appraisal Theory and Practice

Basic Appraisal Procedures - 30 Hours

A. Overview of Approaches to Value

B. Valuation Procedures

1. Defining the Problem
2. Collecting and Selecting Data
3. Analyzing
4. Reconciling and Final Value Opinion
5. Communicating the Appraisal

C. Property Description

1. Geographic Characteristics of the Land/Site
2. Geologic Characteristics of the Land/Site
3. Location and Neighborhood Characteristics
4. Land/Site Considerations for Highest and Best Use
5. Improvements - Architectural Styles and Types of Construction

D. Residential Applications

15-Hour National USPAP Course or its Equivalent - 15 Hours

- A. Preamble and Ethics Rule
- B. Standard 1
- C. Standard 2
- D. Standards 3 to 10
- E. Statements and Advisory Opinions

Residential Market Analysis and Highest and Best Use - 15 Hours

A. Residential Markets and Analysis

1. Market Fundamentals, Characteristics and Definitions
2. Supply Analysis
3. Demand Analysis
4. Use of Market Analysis

B. Highest and Best Use

1. Test Constraints
2. Application of Highest and Best Use
3. Special Considerations
4. Market Analysis
5. Case Studies

Residential Appraiser Site Valuation and Cost Approach - 15 Hours

A. Site Valuation

1. Methods
2. Case Studies

B. Cost Approach

1. Concepts and Definitions
2. Replacement/Reproduction Cost New
3. Accrued Depreciation
4. Methods of Estimating Accrued Depreciation
5. Case Studies

Residential Sales Comparison and Income Approaches - 30 Hours

- A. Valuation Principles & Procedures - Sales Comparison Approach
- B. Valuation Principles & Procedures - Income Approach
- C. Finance and Cash Equivalency
- D. Financial Calculator Introduction
- E. Identification, Derivation and Measurement of Adjustments
- F. Gross Rent Multipliers
- G. Partial Interests
- H. Reconciliation
- I. Case Studies and Applications

Residential Report Writing and Case Studies - 15 Hours

- A. Writing and Reasoning Skills
- B. Common Writing Problems
- C. Form Reports
- D. Report Options and USPAP Compliance
- E. Case Studies

Statistics, Modeling and Finance - 15 Hours

- A. Statistics
- B. Valuation Models (AVM's and Mass Appraisal)
- C. Real Estate Finance

Advanced Residential Market Analysis and Highest and Best Use - 30 Hours

- A. Complex Property, Ownership and Market Conditions
- B. Deriving and Supporting Adjustments
- C. Residential Market Analysis
- D. Advanced Case Studies

General Appraiser Market Analysis and Highest and Best Use - 30 Hours

- A. Real Estate Markets and Analysis
 - 1. Market Fundamentals, Characteristics and Definitions
 - 2. Supply Analysis
 - 3. Demand Analysis
 - 4. Use of Market Analysis
- B. Highest and Best Use
 - 1. Test Constraints
 - 2. Application of Highest and Best Use
 - 3. Special Considerations
 - 4. Market Analysis
 - 5. Case Studies

General Appraiser Sales Comparison Approach - 30 Hours

- A. Value Principles
- B. Procedures
- C. Identification and Measurement of Adjustments
- D. Reconciliation
- E. Case Studies

General Appraiser Site Valuation and Cost Approach - 30 Hours

- A. Site Valuation
 - 1. Methods
 - 2. Case Studies
- B. Cost Approach
 - 1. Concepts and Definitions
 - 2. Replacement/Reproduction Cost New
 - 3. Accrued Depreciation
 - 4. Methods of Estimating Accrued Depreciation
 - 5. Case Studies

General Appraiser Income Approach - 60 Hours

- A. Overview
- B. Compound Interest
- C. Lease Analysis
- D. Income Analysis
- E. Vacancy and Collection Loss
- F. Estimating Operating Expenses and Reserves
- G. Reconstructed Income and Expense Statement
- H. Stabilized Net Operating Income Statement
- I. Direct Capitalization
- J. Discounted Cash Flow
- K. Yield Capitalization
- L. Partial Interests
- M. Case Studies

General Appraiser Report Writing and Case Studies - 30 Hours

- A. Writing and Reasoning Skills
- B. Common Writing Problems
- C. Report Options and USPAP Compliance
- D. Case Studies

- 4. Experience may not be substituted for education.

Section 4.3 (A) (5) of the Regulations for Real Property Appraiser or Section 125-40-110(a) (4) of 125-40, NMIAC Title 125.

- 5. Instructors who are also licensed or certified appraisers may receive up to one half of their continuing education requirement from instruction of appraisal courses or seminars. Credit for instructing can only be awarded once during a CE cycle.

Section 4.3 (A) (6) of the Regulations for Real Property Appraiser or Section 125-40-110(a) (5) of 125-40, NMIAC Title 125.

- 6. Qualifying Education (QE).
 - a. Class hours will be credited only for educational offerings with content that follows the required AQB Guidance for Curriculum Content listed in §4.3(A) (3) for each respective classification. Course content requirements may be general or specific to property type. Applicants must take the 15-Hour National USPAP course, or its equivalent, and pass the associated 15-Hour National USPAP Course Examination. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP qualifying education credit

shall only be awarded when the class is instructed by an AQB Certified USPAP Instructor(s) who is also a state certified appraiser.

b. Class hours may be obtained only where the minimum length of the education offering is at least 15 hours and the individual successfully completes an approved closed-book examination pertinent to that education offering.

c. Courses taken for QE must not be repetitive in nature USPAP Courses taken in different years are not repetitive.

New Section 4.3 (A) (7) of the Regulations for Real Property Appraiser or Section 125-40-110(a)(6) of 125-40, NMIAC Title 125.

7. Distance Education to meet Qualifying Education Requirement
 - a. Distance education is defined as any education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if:
 1. The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communication with the instructor; and
 2. Content approval is obtained from the AQB, a U.S. state or territory licensing jurisdiction, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Non-academic credit college courses provided by a college shall be approved by the AQB or the Board; and
 3. Course delivery mechanism approval is obtained from one of the following sources:
 - (i) AQB approved organizations providing approval of course design and delivery; or
 - (ii) a college that qualifies for content approval in paragraph 2 above that awards academic credit for the distance education course; or
 - (iii) a qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

B. Examination.

1. Each applicant for a license shall successfully pass the appropriate examinations of the AQB approved Uniform State Appraiser Examination. The examination must be successfully completed. There is no alternative to successful completion of the examination.

2. Passage of an examination taken in another jurisdiction may be approved as meeting the examination requirement provided the

examination is the AQB approved Uniform State Appraiser Examination.

3. Examinees who fail the 15-hour National USPAP Course Examination are allowed to re-take the examination up to three times without re-taking the course. Each time the examination is re-taken the examinee must be administered a different version (there are three versions) of the examination. After three unsuccessful attempts the examinee must re-take the course.

Section 4.3 (B)(4) of the Regulations for Real Property Appraiser or Section 125-40-110(b)(4) of 125-40, NMIAC Title 125.

4. A new applicant not currently licensed or certified and in good standing in another U.S. state or territory, shall have up to 24 months, after approval by the Board, to take and pass an AQB approved qualifying examination for the classification. Successful completion of the examination are valid for a period of 24 months.

C. Experience.

1. Education may not be substituted for experience.

Section 4.3 (C)(2) of the Regulations for Real Property Appraiser or Section 125-40-110(c)(2) of 125-40, NMIAC Title 125.

2. The quantitative experience requirements must be satisfied by time spent on the appraisal process. The appraisal process consists of: analyzing factors that affect value; defining the problem; gathering and analyzing data; applying the appropriate analysis and methodology; and arriving at an opinion and correctly reporting the opinion in compliance with USPAP.

Section 4.3 (C)(3) of the Regulations for Real Property Appraiser or Section 125-40-110(c)(3) of 125-40, NMIAC Title 125.

3. The verification for experience credit claimed by an applicant shall be on forms prescribed by the Board which should include:

- a. Type of property
- b. Date of report
- c. Address of appraised property
- d. Description of work performed
- e. Number of actual work hours
- f. The name, signature and license number of the supervising appraiser

4. Hours may be treated as cumulative in order to achieve the necessary number of hours of appraisal experience.

Section 4.3 (C)(5) of the Regulations for Real Property Appraiser or Section 125-40-110(c)(5) of 125-40, NMIAC Title 125.

5. Documentation in the form of reports, certifications, or file memoranda, or, if such reports and memoranda are unavailable for good cause, other evidence at the Board's discretion that the work is compliant with USPAP must be provided, if requested, as

part of the experience verification process to support the experience claimed.

Section 4.3 (C) (6) of the Regulations for Real Property Appraiser or Section 125-40-110(c) (5) of 125-40, NMIAC Title 125.

6. All experience must be obtained after January 30, 1989, and must be USPAP compliant.

7. All applicants must affirm in the application provided by the Board that the hours presented were completed under the supervision of a Licensed Residential or Licensed General Real Property Appraiser for non-federally related transactions or a Licensed, Certified Residential or Certified General Real Property Appraiser for federally related transactions, depending on the appraiser classification the applicant is applying for.

D. Compliance with USPAP

Appraisers in all classifications shall perform and practice in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

Section 4.4 (A) of the Regulations for Real Property Appraiser or Section 125-40-115 (a) of 125-40, NMIAC Title 125.

4.4 Real Property Appraiser Classifications

A. Trainee Real Property Appraiser Classification

The scope of practice for this classification is the appraisal of those properties which the supervising certified appraiser is permitted by his/her current classification and that the supervising appraiser is qualified to appraise. The appraiser trainee shall be entitled to obtain copies of appraisal reports he or she prepared. The supervising appraiser shall keep copies of appraisal reports for a period of five years, or at least two years after final disposition of any judicial proceedings in which testimony was given, whichever period expires last.

Section 4.4 (A)(1)(a) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(1) of 125-40, NMIAC Title 125.

1. Qualifying Education

a. As the prerequisite for application, an applicant must have completed 75 creditable class hours as specified below. Additionally, applicants must pass the Core Curriculum examinations and pass the 15-Hour National USPAP course and examination as part of the 75 creditable class hours.

<u>(A) Basic Appraisal Principles. . . .</u>	<u>.30 Hours</u>
<u>(B) Basic Appraisal Procedures. . . .</u>	<u>.30 Hours</u>
<u>(C) 15-Hour National USPAP.</u>	<u>.15 Hours</u>

b. Qualifying education must have been obtained within the five year period immediately preceding application for licensure.

Section 4.4 (A)(2) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(2) of 125-40, NMIAC Title 125.

2. Examination

There are no examination requirements for this classification but the trainee shall pass examinations in the prerequisite courses in order to earn credit for core education courses.

3. Experience

No experience is required as a prerequisite for this classification.

Section 4.4 (A)(4) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(4) of 125-40, NMIAC Title 125.

4. Training

a. The appraiser trainee shall be subject to direct supervision by a certified appraiser.

b. The supervising appraiser shall be responsible for the training, guidance, and direct supervision of the appraiser trainee by:

- i) Accepting responsibility for the appraisal report by signing and certifying the report is in compliance with USPAP;
- ii) Reviewing and signing the appraiser trainee appraisal report(s); and
- iii) Personally inspecting each appraised property with the appraiser trainee until the supervising appraiser determines the appraiser trainee is competent in accordance with the Competency Rule of USPAP for the property type.

c. The appraiser trainee is permitted to have more than one supervising appraiser.

Section 4.4 (A)(4)(d) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(4)(iv) of 125-40, NMIAC Title 125.

d. An appraisal log shall be maintained by the appraiser trainee and shall, at a minimum, include the following for each appraisal:

- i) Type of property
- ii) Client name and address
- iii) Address of appraised property
- iv) Description of work performed
- v) Number of actual works hours
- vi) Name, signature and license number of the supervising appraiser

e. The supervising appraiser shall be in good standing in the CNMI, not subject to any disciplinary action within the last two years.

f. Separate appraisal logs shall be maintained for each supervising appraiser, if applicable.

5. Continuing Education
 - a. Fourteen (14) continuing education hours for each year (28 hours); and
 - b. Successful completion of the 7-hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.

Section 4.4 (A)(6) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(4)(6) of 125-40, NMIAC Title 125.

6. All appraiser trainees must comply with the Competency Rule of USPAP.

B. Licensed Real Property Appraiser Classification

The Licensed Real Property classification applies to the appraisal of non-complex one to four residential units having a transaction value less than \$1,000,000 and complex one to four residential units having a transaction value less than \$250,000. This classification includes the appraisal of vacant or unimproved land that is utilized for 1-4 family purposes or for which the highest and best use is for 1-4 family purposes. This classification does not include the appraisal of subdivisions for which a development analysis/ appraisal is necessary.

Section 4.4 (B)(1) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(1) of 125-40, NMIAC Title 125.

1. Qualifying Education
 - a. The prerequisite for taking the AQB approved Uniform state appraiser examination is completion of One Hundred fifty (150) creditable class hours as specified below, which shall include completion of the 15-Hour National USPAP Course and examination:

<u>(A) Basic Appraisal Principles.</u>	<u>.30 Hours</u>
<u>(B) Basic Appraisal Procedures.</u>	<u>.30 Hours</u>
<u>(C) 15-Hour National USPAP.</u>	<u>.15 Hours</u>
<u>(D) Residential Market Analysis and Highest and Best Use.</u>	<u>15 Hours</u>
<u>(E) Residential Appraiser Site Valuation and Cost Approach.</u>	<u>.15 Hours</u>
<u>(F) Residential Sales Comparison and Income Approaches.</u>	<u>.30 Hours</u>
<u>(G) Residential Report Writing and Case Studies.</u>	<u>.15 Hours</u>

Section 4.4 (B)(2) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(2) of 125-40, NMIAC Title 125.

2. Examination

The AQB approved Licensed Residential Real Property Appraiser Examination must be successfully completed.

Section 4.4 (B)(3) of the Regulations for Real Property Appraiser or Section 125-40-115 (a)(3) of 125-40, NMIAC Title 125.

3. Experience
Two thousand (2,000) hours of appraisal experience are required to be obtained in no fewer than 12 months.

4. Continuing Education

a. Fourteen (14) continuing education hours for each year (28) hours); and

b. Successful completion of the 7-hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.

New Section 4.4 (B)(5) of the Regulations for Real Property Appraiser or Section 125-40-115 (b)(5) of 125-40, NMIAC Title 125.

5. All licensed appraisers must comply with the Competency Rule of USPAP.

C. Certified Residential Real Property Appraiser Classification

The Certified Residential Real Property classification applies to the appraisal of one to four residential units without regard to transaction value or complexity. This classification includes the appraisal of vacant or unimproved land that is utilized for 1-4 family purposes or for which the highest and best use is for 1-4 family purposes. This classification does not include the appraisal of subdivisions for which a development analysis/ appraisal is necessary.

Section 4.4 (C)(1) of the Regulations for Real Property Appraiser or Section 125-40-115 (c)(2) of 125-40, NMIAC Title 125.

1. Qualifying Education

a. Applicants for this classification must hold an Associate degree or higher, from an accredited college, junior college, community college, or university; or

b. In lieu of the Associate degree, an applicant shall successfully pass all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university:

1. English Composition;
2. Principles of Economics (Micro or Macro);
3. Finance;
4. Algebra, Geometry, or higher mathematics;
5. Statistics;
6. Introduction to Computers Word Processing/spreadsheets; and
7. Business or Real Estate Law.

Total hours of equivalent college courses in lieu of an Associate degree: 21 semester credit hours or its equivalent for this classification. If an accredited college or university (accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education) accepts the College-level Examination Program

(CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course; and

c. The prerequisite for taking AQB approved Uniform state examination is completion of Two hundred (200) class hours as specified below, which shall include completion of the 15-Hour National USPAP Course and examination:

- (A) Basic Appraisal Principles.30 Hours
- (B) Basic Appraisal Procedures.30 Hours
- (C) 15-Hour National USPAP.15 Hours
- (D) Residential Market Analysis and Highest and Best Use. 15 Hours
- (E) Residential Appraiser Site Valuation and Cost Approach.15 Hours
- (F) Residential Sales Comparison and Income Approaches.30 Hours
- (G) Residential Report Writing and Case Studies.15 Hours
- (H) Statistics, Modeling and Finance. .15 Hours
- (I) Advanced Residential Applications and Case Studies. 15 Hours
- (J) Appraisal Subject Matter Electives 20 Hours
(may include hours over minimum shown above in other modules)

2. Examination

The AQB approved Certified Residential Real Property Appraiser Examination must be successfully completed. There is no alternative to successful completion of the examination. The Certified General Real Property Appraiser Examination is not equivalent to this examination.

Section 4.4 (C) (3) of the Regulations for Real Property Appraiser or Section 125-40-115 (c) (4) of 125-40, NMIAC Title 125.

3. Experience

Two thousand five hundred (2,500) hours of experience obtained during no fewer than twenty-four (24) months is required. While the hours may be cumulative, the required number of months must accrue before an individual can be certified.

4. Continuing Education

a. Fourteen (14) continuing education hours for each year (28) hours; and

b. Successful completion of the 7- hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.

Section 4.4 (C) (5) of the Regulations for Real Property Appraiser or Section 125-40-115 (c) (5) of 125-40, NMIAC Title 125.

5. All certified residential appraisers must comply with the Competency Rule of USPAP.

D. Certified General Real Property Appraiser Classification
This classification applies to the appraisal of all types of real property.

Section 4.4 (D) (1) of the Regulations for Real Property Appraiser.

1. Qualifying Education

a. Applicants for this classification must hold a Bachelors degree or higher, from an accredited college or university; or

b. In lieu of the Bachelors degree, an applicant shall successfully pass all of the following collegiate level subject matter courses from an accredited college, junior college, community college, or university:

1. English Composition;
2. Micro Economics;
2. Macro Economics;
3. Finance;
4. Algebra, Geometry, or higher mathematics;
5. Statistics;
6. Introduction to Computers - Word Processing/spreadsheets;
7. Business or Real Estate Law; and
8. Two elective courses in accounting, geography, ageconomics, business management, or real estate.

Total hours of equivalent college courses in lieu of a Bachelors degree: 30 semester credit hours or its equivalent for this classification. If an accredited college or university (accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education) accepts the College-level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course; and

c. The prerequisite for taking AQB approved Uniform state examination is completion of Three hundred (300) class hours as specified below, which shall include completion of the 15-Hour National USPAP Course and examination:

- | | |
|--|------------------|
| <u>(A) Basic Appraisal Principles.</u> | <u>.30 Hours</u> |
| <u>(B) Basic Appraisal Procedures.</u> | <u>.30 Hours</u> |
| <u>(C) 15-Hour National USPAP.</u> | <u>.15 Hours</u> |
| <u>(D) General Appraiser Market Analysis and Highest and Best Use.</u> | <u>.30 Hours</u> |
| <u>(E) General Appraiser Site Valuation and Cost Approach.</u> | <u>30 Hours</u> |
| <u>(F) General Appraiser Sales Comparison Approach</u> | <u>.30 Hours</u> |
| <u>(G) General Appraiser Income Approach.</u> | <u>60 Hours</u> |
| <u>(G) General Appraiser Report Writing and Case Studies.</u> | <u>.30 Hours</u> |
| <u>(H) Statistics, Modeling and Finance.</u> | <u>.15 Hours</u> |
| <u>(J) Appraisal Subject Matter Electives</u> | <u>30 Hours</u> |
| <u>(may include hours over minimum shown above in</u> | |

other modules; and

d. Applicants must demonstrate that their education includes core courses listed above, with particular emphasis on non-residential properties.

2. Examination

The AQB approved Uniform State Certified General Real Property Appraiser Examination must be successfully completed. There is no alternative successful completion of the examination.

Section 4.4 (D) (3) of the Regulations for Real Property Appraiser.

3. Experience

Three Thousand (3,000) hours of experience obtained during no fewer than thirty (30) months is required, of which, 1,500 hours must be in non-residential appraisal work. While the hours may be cumulative, the required number of months must accrue before an individual can be certified.

4. Continuing Education

a. Fourteen (14) continuing education hours for each year (28) hours; and

b. Successful completion of the 7- hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.

Section 4.4 (D) (5) of the Regulations for Real Property Appraiser.

5. All certified residential appraisers must comply with the Competency Rule of USPAP.

Section 4.5 (A) of the Regulations for Real Property Appraiser or Section 125-40-120 (a) of 125-40, NMIAC Title 125.

4.5 Approved Course Providers

A. Colleges, universities and community and junior colleges accredited by the Commission on Colleges, or a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

B. Real property appraiser or real estate related organizations, proprietary schools, and others shall be approved provided that the course provider have obtained approval of their course(s) with AQB.

4.6 Continuing Education (CE)

The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his/her skill, knowledge and competency in real property appraising.

A. The equivalent of fourteen (14) class hours of instruction in courses or seminars for each year during the period preceding the renewal is required. (For example, a two-year licensing term would

require twenty-eight (28) hours). These hours may be obtained anytime during the two-year term.

B. Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least two hours.

C. Credit for the class hour requirement may be obtained only from the following institutions:

- a. Colleges or Universities
- b. Community or Junior Colleges
- c. Real Estate Appraisal or Real Estate Related Organizations
- d. State or Federal Agencies or Commissions
- e. Proprietary Schools
- f. Providers approved by the Board
- g. AQB approved course providers

Section 4.6 (D) of the Regulations for Real Property Appraiser or Section 125-40-125 (d) of 125-40, NMIAC Title 125.

D. Credit may be granted for educational offerings that are consistent with the purpose of continuing education and cover those real property related appraisal topics, including, but not limited to:

- a. Ad Valorem Taxation;
- b. Arbitration, dispute resolution;
- c. Courses related to the practice of real estate appraisal or consulting;
- d. Development cost estimating;
- e. Ethics and standards of professional practice, USPAP;
- f. Land use planning, zoning;
- g. Management, leasing, timesharing;
- h. Property development, partial interests;
- i. Real estate law, easements, and legal interests;
- j. Real estate litigation, damages, condemnation;
- k. Real Estate financing and investment;
- l. Real estate appraisal related computer applications; and/or
- m. Real estate securities and syndication

Section 4.6 (E) of the Regulations for Real Property Appraiser or Section 125-40-125 (e) of 125-40, NMIAC Title 125.

E. Appraisers must successfully complete the 7-Hour National USPAP Update Course, or its equivalent, every two calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP continuing education credit shall only be awarded when the class is instructed by at least one AQB Certified Instructor(s) who is also a state certified appraiser. Individuals who are licensed in more than one jurisdiction shall not have to take more than one 7-Hour National USPAP Update Course within a two calendar year period for the purposes of meeting AQB criteria.

F. Qualifying education courses are acceptable as continuing education courses as long as they are not a duplicate.

G. An appraiser who has successfully completed an approved course to meet any part of such appraiser's continuing education requirements may

not repeat that course unless at least one full year has passed since the completion of that course.

H. The Board, in its discretion, may require the completion of an examination at the end of any continuing education course.

Section 4.6 (I) of the Regulations for Real Property Appraiser or Section 125-40-125 (i) of 125-40, NMIAC Title 125.

I. Up to one half of an individual's continuing education requirement 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 that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

Section 4.6 (J) of the Regulations for Real Property Appraiser or Section 125-40-125 (k) of 125-40, NMIAC Title 125.

J. Educational offerings taken by an individual in order to fulfill the class hour requirements for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement of his/her classification.

K. Continuing education credit hours in excess of the twenty-eight (28) continuing education hours for every two year renewal period shall not be credited to satisfy continuing education hours for the next two year renewal period.

L. As a prerequisite to renewal of a license, a real property appraiser shall present satisfactory evidence of having met the continuing education requirements.

Section 4.6 (M) of the Regulations for Real Property Appraiser or Section 125-40-125 (l) of 125-40, NMIAC Title 125.

M. Distance Education to meet Continuing Education Requirement
A distance education course is acceptable to meet Continuing Education requirements if:

1. The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communication with the instructor; and

2. Content approval is obtained from the AQB, a U.S. state or territory licensing jurisdiction, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Non-academic credit college courses provided by a college shall be approved by the AQB or the Board; and

3. Course delivery mechanism approval is obtained from one of the following sources:

(i) AQB approved organizations providing approval of course design and delivery; or

(ii) a college that qualifies for content approval in paragraph 2 above that awards academic credit for the distance education course; or

(iii) a qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

PART V. APPRAISERS-NON-FEDERALLY RELATED TRANSACTIONS

5.1 **Education/Experience Requirements for Non-Federally Related Transactions.** Applicants must meet the following requirements for licensing as a CNMI Licensed Residential Real Property Appraiser or CNMI Licensed General Real Property Appraiser, non-federally related transactions or for renewal:

A. Licensed Residential Real Property Appraiser - Non-Federally Related Transactions classification - includes the appraisal of vacant or unimproved land of one to four residential units. This classification does not include the appraisal of subdivisions wherein a development appraisal is necessary and utilized. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions. At least 50% of the experience claimed must have been in major residential appraisal work.

B. Licensed General Real Property Appraiser - Non-Federally Related Transactions Classification - This classification requires that at least 50% of the experience claimed must have been in non-residential appraisal work and can do appraisals of all real estate transactions without regard to transaction value or complexity. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions.

C. Education and Experience

1. One Hundred (100) class hours in courses related to real estate appraisal with six (6) years experience as an appraiser; or

2. An AA in Business Administration with seventy-five (75) classroom hours in courses related to real estate appraisal with (4) years experience as an appraiser; or

3. A Bachelor's degree or higher with fifty (50) class hours in courses related to real estate appraisal and two (2) years experience as an appraiser.

D. All applicants must take and pass the local appraisal examination approved by the Board. The examination shall be based upon recognized appraisal standards, to be selected and administered by the Board pursuant to its rulemaking power.

E. To verify appraisal experience as required in Section (C), the applicant must submit at least one appraisal report he or she has written for each of the required years of experience above mentioned.

PART VI. APPLICATION

6.1 **Application for Licensure.** Application for licensure shall be made under oath or under penalty of perjury as permitted under CNMI law on a form to be furnished by the Board. The form may require the applicant to provide:

- A. The applicant's full name;
- B. A statement that the applicant has attained the age of majority (18);
- C. The applicant's current business or mailing address or publication, and the applicant's current resident address;
- D. The applicant's social security number;
- E. 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;

Section 6.1 (F) of the Regulations for Real Property Appraiser or Section 125-40-301 (f) of 125-40, NMIAC Title 125.

- F. Police clearance from a U.S. state or territory or foreign jurisdiction where licensed or presently or formerly residing shall be furnished as a condition to apply for a license;
- G. The date and place of any conviction of felony or any crime in any way related to any appraisal practice;
- H. Information regarding any disciplinary proceedings or disciplinary actions taken by any jurisdiction;
- I. 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 when such judicial or other process or legal notice is related directly or indirectly to a license issued by the Board. This procedure is for informational purposes only and is not intended to be, and of itself does not constitute, valid, legal service upon the licensee who must be served on a basis consistent with applicable CNMI laws, rules, regulations and/or Rules of Court. The Board shall immediately forward such judicial or other process or legal notice to the licensee by the mailing of such document certified mail, return receipt requested, to the last address which the licensee has provided to the Board. The Board's compliance with the notification requirement as provided herein shall conclude the Board's liability and notification responsibility of the licensee.
- J. A photograph of the applicant for identification purposes;
- K. Any other information the Board may require to investigate the applicant's qualifications for licensure.

- 6.2 Supporting Documents Required.** Every applicant shall furnish the following with the applicant:
- A. The appropriate fees;
 - B. Proof that the applicant has met the educational, examination, and experience requirements;
 - C. Notarized statement of experience or under penalty of perjury as permitted by applicable CNMI law;
 - D. Three references from lenders or other individuals who have had dealings relating to the applicant's appraisal assignments attesting to the applicant's experience and reputation for honesty, truthfulness, fairness, and financial integrity;
 - E. Proof that the applicant is a CNMI or United States citizen or a non-U.S. citizen authorized to work in the CNMI; and
 - F. If requested, appraisal reports or file memoranda.
 - G. Other additional information as the Board from time to time deems appropriate or necessary.
- 6.3 Reputation for Honesty, Truthfulness, Fairness and Financial Integrity.** Applicant shall demonstrate, as set forth in 6.2 (D) that the applicant possesses a good reputation for honesty, truthfulness, fairness and financial integrity.
- 6.4 Issuance of License.** The CNMI appraiser license shall be issued upon the applicant meeting all appropriate requirements and must be renewed as required by the CNMI law and provided herein every two years from the date of issuance or renewal.
- 6.5 License.** A CNMI license shall only be issued to individuals and the license shall not be transferable.
- 6.6 Filing of Current Address.** Every licensee shall provide written notice to the Board of any changes of the licensee's mailing, business, or residence address within ten days of the change. Any requirements that the Board provide notice to licensed appraisers shall be deemed met if notice is sent to the address on file with the Board.
- 6.7 Responsibility of Applicant to Furnish Information and Documentation.** It shall be each applicant's responsibility to furnish the information and documents requested. In the event of any change of information provided, the applicant shall notify the Board in writing within thirty days of any change.
- 6.8 Signing and Verification of Application.** Every application and all references shall be signed and notarized or signed under penalty of perjury as permitted by applicable CNMI law by the applicant or the person attesting to the experience and reputation of the applicant.
- 6.9 Application for Temporary Practice.** Application for a temporary license will be processed and issued within five (5) business days after receipt of a complete application for a temporary license.

Section 6.10 (A)(1)(b) of the Regulations for Real Property Appraiser or Section 125-40-345 (a)(1)(ii) of 125-40, NMIAC Title 125.

6.10 Application for Certified Real Property Appraiser, Federally Related Transactions from Licensed Real Property Appraiser, Federally Related Transaction.

A. An individual holding a current real property appraiser, federally related transaction license may apply for certified real property appraiser, federally related transactions status upon submittal of the following:

1. Certified Residential Real Property Appraiser:
 - (a) appropriate fees;
 - (b) proof that the applicant has satisfy the college-level educational requirements as specified in 4.4(C)(1)(a) or (b) and the 200 class hours as specified in 4.4(C)(1)(c) which may include the 150 class hours requirements for licensed classification which shall include the 15 hour National USPAP Course and examination and successful completion of the AQB approved Uniform State Certified Residential Appraiser Examination; and
 - (c) proof that the applicant has performed at least 2,500 hour of major residential appraisal work obtained within 24 months.

Section 6.10 (A)(2)(b) of the Regulations for Real Property Appraiser or Section 125-40-345 (a)(2)(ii) of 125-40, NMIAC Title 125.

2. Certified General Real Property Appraiser:
 - (a) appropriate fees;
 - (b) proof that the applicant has satisfy the college-level educational requirements as specified in 4.4(D)(1)(a) or (b) and the 300 class hours as specified in 4.4(D)(1)(c) which may include the 150 class hours requirement for the licensed classification and/or the 200 class hours requirement for the certified residential classification which shall include the 15-hours National USPAP Course and examination and successful completion of the AQB approved Uniform State Certified General Appraiser Examination; and
 - (c) proof that the applicant has performed at least 3,000 hours of appraisal experience obtained during no fewer than 30 months, of which 1,500 hours must be in non-residential appraisal work.

B. Credit awarded for the continuing education requirement may also be awarded for the class hour requirement when an individual seeks a different classification than that held, provided the education offering meets the criteria established for the class hour and continuing education requirements.

- 6.11 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.

6.12 Denial or Rejection of Application.

A. An application for issuance of a license shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements hereunder. In addition, the Board may deny issuance of a license:

1. When the applicant is known to have committed any of the acts for which a license may be suspended or revoked hereunder.

2. If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness and financial integrity; or

3. If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

B. An applicant shall be automatically rejected and the applicant shall be denied licensure when the applicant, after having been notified to do so:

1. Fails to pay the appropriate fees within sixty days from notification; or

2. Fails to submit, after notification, any of the information or documentation requested to comply with any of the requirements for licensure within sixty days of notification.

C. Any application which has been denied or rejected shall remain in the possession of the Board and shall not be returned.

D. An applicant, whose application has been denied or rejected, may file for an administrative hearing as provided under applicable law and regulations.

6.13 Term. All licenses expires two years following its issuance or renewal and becomes invalid after that date unless renewed.

PART VII. TEMPORARY PRACTICE

7.1 Temporary License. The Board may grant a temporary license to a person who desires to practice on a temporary basis, provided that such person is legally qualified and licensed in his or her jurisdiction and that his/her qualifications for obtaining the license meet those required for licensure by this Board and further provided that:

- a) The person's business is of a temporary nature; and
- b) The appraiser applies for the temporary license.

A. A temporary license shall be used to appraise only one assignment which length of time not to exceed one year and shall provide that there is no right to practice real property appraisal with respect to any other works not set forth in the temporary license.

B. A temporary license may be extended but only for the purpose of completing the specific job for which the original temporary license was issued.

7.2 Requirements.

A. Application for licensure for temporary practice shall be made under oath or under penalty of perjury as permitted under CNMI law on a form to be furnished by the Board. The form may require the applicant to provide items above mentioned, and in addition, the applicant shall:

(a) Submit evidence of current license from the other jurisdiction;

(b) Submit a copy of the contract for appraisal services that requires the applicant to appraise real property in the CNMI 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 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 when such judicial or other process or legal notice is related directly or indirectly to a license or certificate issued by the Board. The Board shall immediately forward such judicial or other process or legal notice to the licensee by the mailing of such document certified mail, return receipt requested, to the last address which the licensee has provided the Board. The Board's compliance with the notification requirement as provided herein shall conclude the Board's liability and notification responsibility of the licensee.

PART VIII. RENEWAL

8.1 Date of Filing for Renewal. A renewal notice shall be mailed by the Board a month before the expiration date to appraisers whose license is expiring. All licensed appraisers shall request in writing to the Board if they wish to renew their license and must submit proof of the required completed continuing education hours and the renewal fee on or before the date of expiration. The required documents with the renewal fee sent by United States mail shall be considered timely filed if the envelope bears a postmark no later than the date of expiration.

8.2 Failure to Renew. The failure to timely renew the license, 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 to be automatically invalid.

8.3 Reinstatement of an Invalid License.

A. Licenses which have expired for failure to renew on or before the date herein above required may be reinstated within one year of the expiration date provided the applicant pays the appropriate fees, and submits all continuing education hours that would have been required had the licensee maintained licensure.

B. Each individual whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements and receive board approval for licensure.

8.4 Board May Refuse to Renew or Reinstate License.

A. The Board may refuse to renew or reinstate a license for failure or refusal of the licensee:

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
4. To comply with the law and these regulations.

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

8.5 Inactive Status.

A. A license may be placed on an inactive status upon notification to the Board by the licensee in writing of the effective date of inactivation and payment of an inactive file.

B. A licensee on inactive status shall be considered as unlicensed or uncertified.

C. Failure to reactivate a license on inactive status after two years shall render the license null and void and applicant must apply as a new applicant and meet current licensing requirements.

D. Misrepresentation of inactive status on the practice of real property appraisal shall be grounds for disciplinary action.

8.6 Requirements to Reactivate.

A. An inactive licensee may apply for reactivation upon payment of all fees due owing from time of inactivity and proof of completion of all continuing education hours the applicant would have had to submit if the applicant has maintained licensure from the date of inactivation.

B. Failure to meet the requirements for reactivation shall require a person desiring licensure to apply as a new applicant.

PART IX. SCOPE OF APPRAISERS

9.1 Supervision of Appraiser Trainees. Licensed appraisers may directly supervise appraiser trainees provided:

A. The appraiser trainee is a bona fide employee of the licensed appraiser, or an employee of the same entity who employs the licensed appraiser; and

B. The licensed appraiser signs the report attesting the acceptance of the appraisal as being independently and impartially prepared and in compliance with the USPAP.

9.2 Use of Terms "Licensed Appraiser", and "Certified Appraiser".

A. The terms "licensed real property appraiser," "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions and "licensed residential real property appraiser", and "licensed general real property appraiser" for non-federally related transactions, may only be used to refer to an individual who is licensed, federally or non-federally related transactions, 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 group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed.

B. This requirement shall not be construed to prevent a licensee 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 and the corporation, partnership, association or group practice is not.

C. No person may assume or use the title "licensed real property appraiser", "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions, or "licensed residential real property appraiser", and licensed general real property appraiser" for non-federally related transactions, as the case may be, or any title designation or abbreviation likely to create the impression of licensure unless that person holds a current license hereunder.

9.3 Real Estate-Related Financial Transactions Not Requiring Appraisal by a Licensed or Certified Appraiser. An appraisal performed by a Licensed or Certified appraiser (federally related transaction) is not required for any real property-related financial transaction in which:

A. The transaction value is at or below the de minimus level established by a federal financial institutions regulatory agency;

B. A lien on real property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not have been more favorable than it would have been in the absence of the lien;

C. Real property is leased unless the lease is the economic equivalent of a purchase or sale of the leased real property;

D. There is a renewal of an existing transaction in which the maturity and amortization of the obligation are intentionally mismatched for re-pricing or credit quality consideration, provided that:

1. The borrower has performed satisfactorily according to the original terms;
 2. No new monies have been advanced;
 3. The credit standing of the borrower has not deteriorated;
- and

4. There has been no obvious and material deterioration in market conditions or physical aspects of the property which would threaten the institution's collateral protection.

Section 9.3 (E) of the Regulations for Real Property Appraiser or Section 125-40-610 (e) of 125-40, NMIAC Title 125.

E. A regulated institution purchases a loan or interest in a loan, pooled loan, or interests in real property, including mortgage-backed securities, provided that the appraisal prepared for each pooled loan or real property interest met the appraisal requirements under Federal law, if applicable, at the time of origination.

9.4 Non-Applicability 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 property or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate, provided:

A. The opinion as to the listing or the purchase price shall not be referred to as an appraisal;

B. 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

C. No misrepresentation is made that the real estate broker or salesperson is a Certified or Licensed real property appraiser.

PART X. APPRAISAL STANDARDS

Section 10.1 (A) of the Regulations for Real Property Appraiser or Section 125-40-701 (a) of 125-40, NMIAC Title 125.

10.1 Appraisal Standards

A. For real property related financial transactions at or above the de minimis level established by a federal agency or government sponsored enterprise, all appraisals shall be performed by a Licensed or Certified appraiser and shall:

(a) Perform and practice in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), as amended;

(b) Be based upon the definition of market value as defined in these regulations;

(c) 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 property appraised which can be readily understood by a third party;

(d) Analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following minimum time periods:

i) For one-to-four family residential property, one year preceding the date when the appraisal was prepared ; or

ii) For all other property, three years preceding the date when the appraisal was prepared.

(e) Analyze and report data on current rents and current vacancies for the subject property if it is and will continue to be income-producing;

(f) Analyze and report data on current revenues, expenses and 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 of 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 property 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 the 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.

B. 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.

C. An appraiser shall perform all appraisals, reviews, or consultations with impartiality, objectivity, and independence, without any direct or indirect interest in the property.

New subsection (D) included in Section 10.2 of the Regulations for Real Property Appraisal or Section 125-40-705 (d).

10.2 Signature and Signed Certification 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 license number and expiration date.

C. Appraisal reports prepared by an appraiser trainee shall be approved and signed by a Certified appraiser.

D. USPAP requires that each written or electronic report include a signed certification. An appraiser who signs any part of the report must also sign the certification.

10.3 Records and Appraisal Report Retention Requirement.

A. Every licensed 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's authorized delegate.

PART XI. ADVERTISING PRACTICES

11.1 Advertising Practices. A licensee advertising through any media shall be identified as a Licensed Real Property Appraiser - Federally Related Transactions, Certified Residential Real Property Appraiser - Federally Related Transactions, Certified General Real property Appraiser - Federally Related Transactions, Licensed Residential Real Property Appraiser - Non-Federally Related Transactions, or Licensed General Real Property Appraiser - Non-Federally Related Transactions by listing the appropriate designated licensed or certified status and the appraiser's license 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.

Sections 12, 12.1 (A), (B), (E), (G), (K), (M), (N), (O), (Q), (R), (S), (T), (U), and (b); Section 12.2 (a) of the Regulations for Real Property Appraiser or Section 125-40-805(a) (1), (2), (5), (7), (11), (13), (14), (15) of 125-40, NMIAC Title 125.

PART XII. DISCIPLINARY ACTION: REPRIMAND, SUSPENSION OR REVOCATION; REFUSAL TO ISSUE, RESTORE OR RENEW; PLACE ON PROBATION OR CONDITIONING OF LICENSE

12.1 Grounds for Disciplinary Action

(a) The Board shall have the power to impose administrative penalty and/or reprimand, revoke or suspend, refuse to issue, restore or renew; place on probation or condition in any manner the license to any real property appraiser who is found guilty of one or more of the following violations:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew the license; or

2. Any negligence, incompetence or misconduct in the practice of real property appraisal; or

3. Failing to comply with the Uniform Standards of professional Appraisal Practice, as amended: or

4. 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; or

5. Conviction of, or pleading nolo contendere to any felony or any crime that is related to the profession either in the Commonwealth, U.S. state or territory, or foreign jurisdiction; or

6. 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; or

7. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud or harm the public; or

8. Accepting an appraisal assignment if the employment or fee is contingent upon:

(i) The appraiser reporting a predetermined estimate, valuation, analysis, or opinion; or

(ii) The consequences resulting from the appraisal assignment.

9. Paying a finders or a referral fee to a person who is not a licensed appraiser or in connection with appraisal of real property in the Commonwealth; or

10. Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications; or

11. Practicing or offering to practice real property appraisal without a valid license issued by the Board; or

12. Engaging in the business of real property appraisal under an assumed or fictitious name not properly licensed; or

13. Using or attempts to use as his or her own the license of another; or

14. Using or attempts to use an expired, suspended or revoked license; or
15. Aiding or assisting another person in violating any provision of the law or the rules and regulations pertaining thereto; or
16. Violating any conditions or limitations upon which the license was issued; or
17. Failure to provide information requested by the Board as a result of a formal or informal complaint to the Board which would indicate a violation of the law or the rules and regulations; or
18. Providing false testimony or information to the Board; or
19. Failing to report to the Board, in writing, any disciplinary action issued against the licensee in another U.S. state or territory, or foreign jurisdiction; or
20. Using the title "Licensed Residential Real Property Appraiser", "Licensed General Real Property Appraiser" for non-federally related transactions; or "Licensed Real property Appraiser", "Certified Residential Real Property Appraiser", or "Certified General Real Property Appraiser" for federally related transactions, or any title, sign, card or device to indicate that such person is practicing the profession without having first being licensed in accordance with the law or the rules and regulations; or
21. Failure to comply with any provisions of the law or the rules and regulations pertaining thereto.

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

Add new subsections to Section 12.2 of the Regulations for Real Property Appraiser or Section 125-40-805(b), NMIAC Title 125.

12.2 Disciplinary Proceedings

(a) Complaint

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to issue, restore or renew, or to revoke a license may be initiated by any person who may file charges against the licensee.

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

B. All charges shall be made on forms provided by the Board. The person or persons making the complaint shall sign the complaint.

(b) Probable Cause

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to an investigative committee designated by the Board consisting of at least one board member and the Board's legal counsel. The member of the Board in the investigative

committee cannot vote at the disciplinary hearing. The investigative committee makes a recommendation to the Board for a determination if probable cause exists for taking further action or for issuing a summons and complaint.

© Summons and Complaint

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

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

C. The summons and complaint shall be personally served or sent by registered mail at least thirty (30) days before the date fixed for the hearing to the licensee's last known address.

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

(d) Until an investigation is completed and administrative charges are filed against the licensee, or the matter is referred to the attorney general for criminal prosecution, any and all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to P. L. 8-41, the Open Government Act of 1992.

(e) The Board shall conduct all hearings pursuant to 1 CMC, Section 9109, Administrative Procedures - Conduct of Hearings.

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

1. Administer oaths and affirmations;
2. Issue subpoenas to compel the attendance of witnesses and the production of records and documents;
3. Rule on offers of proof and receive relevant evidence;
4. Take depositions or have depositions taken when the ends of justice would be served;
5. Regulate the course of the hearing;
6. Hold conferences for the settlement or simplification of the issues by consent of the parties;
7. Dispose of procedural requests or similar matters; and
8. Make or recommend orders or decisions in accordance with the law, rules, or regulations.

(g) It shall require a unanimous majority vote of the members of the Board present at the hearing in order to find the accused guilty of the

charges preferred, and if found guilty the Board may, in its discretion, either suspend or revoke the license of the accused.

(h) The Board shall upon concluding the hearing, issue findings, decisions and orders within 30 days.

Add new section 12.3 of the Regulations for Real Property Appraiser or Section 125-40-805(c), NMIAC Title 125.

12.3 Disciplinary Action.

(a) If the accused is found guilty, he/she shall be subject to the following:

- (1) refusal or denial of license or certificate;
- (2) suspension;
- (3) revocation;
- (4) license or certificate with conditions and/or probation;
- (5) fine or civil penalty;
- (6) dismissal of the charges;
- (7) other discipline as appropriate and permitted by law.

(b) The Board shall provide that upon concluding the hearing, findings, decisions and order shall be issue within 30 days.

(c) Upon failure or refusal to comply with such order of the Board, or upon failure to honor its subpoena, as herein provided, the Board may apply to a court of any jurisdiction to enforce compliance with same.

PART XIII. REINSTATEMENT OF LICENSE

13.1 Reinstatement of Suspended License. A person whose license has been suspended may apply for reinstatement of the license upon complete compliance with any term or condition imposed by the order of suspension. The application for reinstatement shall be accompanied by the appropriate fees, application, required continuing education hours, and/or any other additional documents or information the Board deems appropriate.

13.2 Revoked License. Upon the expiration of at least two years from the effective date of the revocation of the license, a person may apply for a new license by filing an application and complying with all current requirements for new applicants. The granting or denying of such application shall be at the discretion of the Board after evaluating such application consistent with the statutory and regulatory requirements relating thereto.

13.3 Relinquishment No Bar to Jurisdiction. The forfeiture, non-renewal, surrender, or voluntary relinquishment of a license 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.

13.4 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.

PART XIV. UNAUTHORIZED PRACTICE AS AN APPRAISER

14.1 No Compensation for Unauthorized Activity; Civil Action. The failure of any person to maintain a current and valid license prior to engaging in any activity requiring licensure 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.

PART XV. PUBLICATION OF ROSTER

15.1 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 a CNMI Certified appraiser. The roster shall be sent to the Appraisal Subcommittee by January 15 of each year.

PART XVI. FEES

16.1 Fees. The fees for licensure shall be as follows:

- A. Application Fee \$100.00
- B. Licensure Fee \$100.00
- C. Registry Fee (2-year period) \$50.00
To be transmitted to the Appraisal Subcommittee
- D. Temporary Practice Application & License Fee \$125.00
- E. Renewal Fee \$100.00
- F. Inactive Fee. \$50.00
- G. Reactivation Fee \$100.00
- H. Reinstatement Fee. \$100.00
- I. Examination Fee shall be as provided by contract with a professional testing organization.
- J. Local Examination Fee. \$100.00

The application fees shall be nonrefundable. The registry fees may be increased if the Appraisal Subcommittee so informs the Board of the increase, and may be imposed on licensees without notice. Failure to pay an increase of the registry fee within sixty days of notification to do so shall result in license automatically invalid.

16.2 Form of Fee. The fees, if in the form of money order or check, shall be made payable to the CNMI Treasurer.

16.3 Dishonored Checks Considered Failure to Meet Requirements.
The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.

16.4 Fees Deposited; Transmittal Appraisal Subcommittee
A. All fees shall be deposited in the general fund of the CNMI.
B. The registry fees shall be transmitted by the Board to the Appraisal Subcommittee annually as required by law.

PUBLIC NOTICE

**PROPOSED RULES AND REGULATIONS OF THE
TINIAN MUNICIPAL IDENTIFICATION CARD PROGRAM**

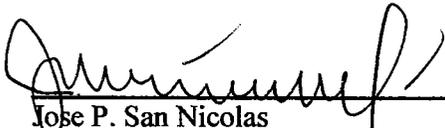
The Office of the Mayor of the Municipality of Tinian and Aguiguan, hereby notifies the public that, pursuant to the CNMI Administrative Procedures Act, particularly 1 CMC §§ 9102, 9104(a), and 9105, the Office of the Mayor proposes to adopt the proposed policies and regulations to establish procedures for issuance of a Tinian Personal Identification Card.

In accordance with 1 CMC § 9104(a), the public has the opportunity to comment on the proposed policies and regulations. Copies of the proposed regulations are available for review and comments at the Tinian Mayor's Office, San Jose Village, P.O. Box 59, Tinian, MP 96952.

Written comments to the proposed policies and regulations should be submitted to the: Tinian Mayor's Office, Municipality of Tinian and Aguiguan, P.O. Box 59, Tinian, MP 96952, within thirty (30) days of the date this notice is published in the Commonwealth Register.

Issued by:

Date: 9-12-07



Jose P. San Nicolas
Mayor

**PROPOSED POLICIES AND REGULATIONS OF THE
TINIAN MUNICIPAL IDENTIFICATION CARD PROGRAM**

Citation of Statutory Authority: The Mayor of Tinian and Aguiguan proposes to promulgate policies and regulations pursuant to Tinian Local Law 15-02, "Identification Card Program Act of 2006", (not yet coded).

Short Statement of Goals and Objectives: The proposed policies and regulations are promulgated to implement the Tinian Identification Card Program Act.

Brief Summary of Proposed Regulations: The proposed regulations will establish procedures for the issuance of a Tinian only personal identification card, establish compliance with Federal mandates and provide guidance and rules for card content and security features.

For Further Information, Contact: Mayor Jose P. San Nicolas at telephone **433-1800**,

Citation of Related and/or Affected Statutes, Regulations, and Orders: None.

Pursuant to 1 CMC § 2153(e) (Attorney General approval of regulations to be promulgated as to form) and 1 CMC 9104(a)(3) (obtain Attorney General approval), the proposed policies and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC §2153(f) (publication of rules and regulations)).



Matthew Gregory, Attorney General

Date: 8/22/07

Filed by: Bernadita B. Dela Cruz Date: 9-10-07
Bernadita B. Dela Cruz,
Commonwealth Registrar

Received at the Governor's Office by:

ESTHER S. FLEMING Date: 9/13/07
ESTHER S. FLEMING,
Special Assistant for Administration

NOTISIAN PUPBLIKU

MAN MAPROPONE NA AREKLAMENTO YAN REGULASION SIHA POT I IDENTIFICATION CARD PARA MUNISIPALIDAD TINIAN

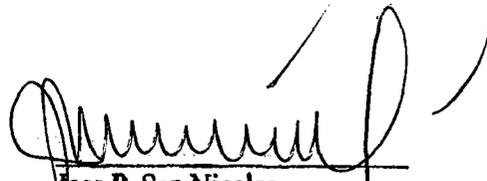
I Ofisinan I Atkátên Munisipalidad Tinian yan Aguiguan este na momento man naná'i' notisia I pupbliku na, sigun I Akton Areklamenton Atministradot I CNMI, patikulátmente lai I CMC Seksiona 9102, 9104 (a), yan 9105, I Ofisinan I Atkátê a propone para u adopta I man mapropone na areklamento yan regulasion siha para u establesi I maná'in I Identification Card Munisipalidad Tinian.

Anai kinonsiste ni lai I CMC Seksiona 9104 (a), gai opottunidat I pupbliku para u fan gai opinion pot I man mapropone na areklamento yan regulasion siha. Kopian I man mapropone na regulasion siha man gaige para u maribisa ya u guaha opinion siha gi Ofisinan I Atkátên Tinian yan Aguiguan, gi P.O. Box 59, giya Tinian, MP 96952.

Tinige opinion pot I man mapropone na areklamento yan regulasion siha debi di u mana fan halom guatu gi: Ofisinan I Atkátên Tinian yan Aguiguan, gi P.O.Box 59, giya Tinian, MP 96952, gi halom trenta (30) diha siha anai mafecha este na notisia ni mapupblika gi Rehistran I Commonwealth.

Ninahalom as:

Fecha: 9-12-07



Jose P. San Nicolas
Atkátên Tinian yan Aguiguan

**MAN MAPROPONE I AREKLAMENTO YAN REGULASION I
PROGRAMAN IDENTIFICATION CARD PARA MUNISIPALIDAD
TINIAN**

Annok I Aturidat I Lai: I Ofisinan I Atkaden Tinian yan Aguiguan a propopone para u estable si areklamento yan regulasion siha sigun I Lokat na Lai Tinian 15-2, "Akton 2006 Programan Identification Card (trabia ti makodigu este).

Kada'da' Na Mensahe Pot I Finiho yan Diniseha: I man mapropone na areklamento yan regulasion siha man ma'estable si para I matutuhon I manchanten I Akton Programan Identification Card para Munisipalidad Tinian.

Kada'da' Na Sumaria Pot I Man Mapropone Na Regulasion siha: I man mapropone na areklamento yan regulasion siha siempre ma'estable si areklamento para I manan'in I petsonat na Identification Card para Tinian, a estable si para u matatiyi I lai federat ya u maprobeniyi giniha yan areklamento para I fundamenton-ña yan I asigiridat-ña.

Para Mas Infotmasion, Angang Si Honorapble Jose P. San Nicolas. Atkaden Tinian, gi numirun tilifon 433-1800.

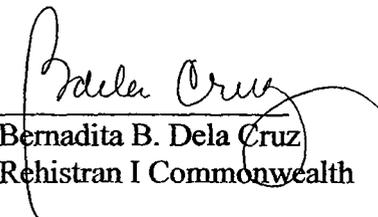
Annok I Man Achule' Yan/pat Inafekta na Lai, Regulasion yan Otden siha: Taya.

Sigun I lai 1 CMC Seksiona 2153 (e) (I inapruuban I Abugadu Henerat pot I regulasion siha para u ma'estable si pot para u fotma) yan I lai 1 CMC Seksiona (a)(3) (u ma'aprueba ni Abugadu Henerat), I man mapropone na areklamento yan regulasion siha ni man che'che'ton guine esta man ma'ina yan ma'aprueba pot para u fotma yan ligat suficiente ni I Abugadu Henerat I CNMI ya debi di u mapublika (1 CMC Seksiona 2153 (f)(publikasion I areklaemento yan regulasion siha)).

Matthew Gregory, Abugadu Henerat

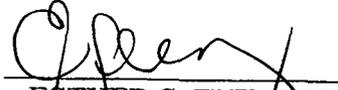
Fecha: _____

Pinelo' as:


Bernadita B. Dela Cruz
Rehistran I Commonwealth

Fecha: 9/13/07

Maresibe gi Ofisinan I Gubietno as:



ESTHER S. FLEMING
Espisiat Na Ayudante Para I Atministrasion

Fecha: 9/13/07

**ARONGORONGOL TOULAP
POMWOL AMMWELIL ME ALLÉGHÚL REEL PROGRÓMAAL
IDENTIFICATION CARD MELLÓL MUNISIPÓÓDUL TCHÚLÚYÓL**

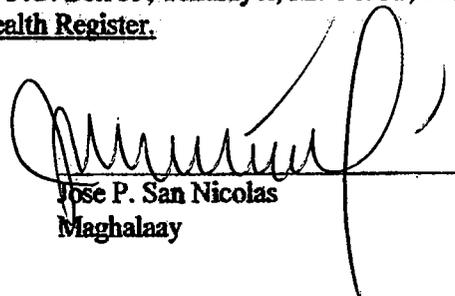
Bwulasiyool Maghalaay mewóól Tchúlúyól me Úwal, ekke arongaar toulap bwe, sáangi alléghúl CNMI Administrative Procedures Act, schéschéél 1 CMC Talil 9102, 9104(a), me 9105, Bwulasiyool Maghalaay ekke pomwoli alléghúl kkaal me ebwe aweweey isisiwowul Tinian Personal Identification Card (Ngááir aramasal Tchúlúyól ID card).

Sáangi allégh ye 1 CMC Talil 9104(a), eyoor bwángiir toulap rebwe ayeghelong reel pomwol allégh kkaal. Tilighial allégh kkaal nge emmwel rebwe amiweri fischi sáangi Bwulasiyool Maghalaay, San Jose Village, P.O. Box 59, Tchúlúyól, MP 96952.

Ischil mángemáng reel pomwol allégh kkaal nge ebwe isisilong reel: Bwulasiyool Maghalaay, Munisipóódul Tchúlúyól me Úwal, P.O. Box 59, Tchúlúyól, MP 96952, llol eliigh (30) ráálil yaal akkatééló llol Commonwealth Register.

Isáliyallong:

Rál: 9.18.07



Jose P. San Nicolas
Maghalaay

**POMWOL AMMWEL ME ALLÉGHÚL REEL PROGRÓMAAL
IDENTIFICATION CARD LLÓL MUNISIPÓÓDUL TCHÚLÚYÓL**

Akkatéél bwángil: Maghalaayil Tchúlúyól me Úwal ekke pomwoli bwe ebwe akkaté ammweelil me alléghúl bwelle Alléghúl Tchúlúyól ye 15-02, “Alléghúl progrómaal identification card” (esáál coded).

Aweweel pomwol
Lliwel: Pomwol allégh kkaal ebwe akkaté bwelle rebwe ayoora Alléghúl Progrómaal Tchúlúyól Identification Card Act.

Aweweel pomwol
Allégh: Pomwol allégh kkaal nge ebwe ayoora aweewe reel isisiwowul personal identification card, ayoora tingór fengál me alléghúl federóód me ayoora aweewee me alléghúl óutol card me kkapasal secaurity.

Reel ammataf,
Faingi: Maghalaayil Jose P. San Nicolas reel tilifoon 433-1800,

Akkatéél akkááw
Allégh: Esóór

Sángi allégh ye 1 CMC Tálil 2153(e) (Alúghúlúgh sáangi Sów Bwungul Allégh ikka ebwe akkatééló bwelle) me 1 CMC 9104(a)(3) (bwughi alúghúlúgh mereel Sów Bwungul Allégh Lapalap), pomwol allégh kkaal me ammweelil ikka e appasch nge raa takkal amweri fischi me alúghúlúgh mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló (1 CMC Talil 2153(f) (akkatéél allégh kkaal me ammweelil)).

Matthew Gregory, Sów Bwungul Allégh Lapalap

Rál

Ammwel sáangi: 
Bernadita B. Dela Cruz
Commonwealth Registrar

9-13-07
Rál

Mwir sáangi Bwulasiyool Sów Lemelem:


ESTHER S. FLEMING,
Sów Alillisil Sów Lemelem

9/13/07
Rál

**RULES AND REGULATIONS FOR THE ISSUANCE OF TINIAN AND
AGUIGUAN PERSONAL IDENTIFICATION CARDS**

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Section 1. Purpose:

These regulations are promulgated to provide lawful instructions for the issuance of personal identification cards for the residents of Tinian and Aguiguan and to provide for compliance with Commonwealth and other State and Federal laws, particularly as required by the federally mandated "REAL ID Act of 2005" in the event Federal immigration control is extended to the CNMI.

Section 2. Definitions:

As used in these regulations, the following definitions apply:

2.1 "Authentication feature" means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified.

2.2 "Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, or computer hardware or software, that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement.

2.3 "Identification document" means a document made or issued by or under the authority of the United States government, a State (including any territory of the United States), a political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

2.4 "False identification document" means a document of a type intended or commonly accepted for the purposes of identification of individuals that:

2.4.1 Is not issued by or under the authority of a governmental entity but was subsequently altered for purposes of deceit; and

2.4.2 Appears to be issued by or under the authority of the United States government, a State (or Territory), a political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization.

2.5 "False authentication feature" means an authentication feature that:

2.5.1 is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

2.5.2 is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

2.5.3 Appears to be genuine, but is not.

2.6 “Issuing authority” means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and includes the United States government, a State, a political subdivision of a State, a Territory of the United States or political subdivision thereof, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization.

2.7 “Mayor” means the Mayor of the chartered Municipality of Tinian and Aguiguan

2.8 “Means of identification” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any:

2.8.1 name, social security number, date of birth, official state or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number;

2.8.2 Unique biometric data, such as a fingerprint, voice print, retina of iris image, or other unique physical representation;

2.8.3 Unique electronic identification number, address, or routing code; or

2.8.4 Telecommunication identifying information or access device

2.9 “Person” means any individual, estate, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association or any other entity.

2.10 “Personal identification card” means an identification document issued by a State or local government solely for the purpose of identification.

2.11 “Produce” or “production” means to make and includes alter, authenticate, or assemble.

2.12 “TPIC” means “Tinian Personal Identification Card”

2.13 “Transfer” includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others.

2.14 “Traffic” means to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or, to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.

Section 3. Establishment:

It is hereby established within the Office of the Mayor an “Identification Card Division”, hereinafter referred to as the “division”. Such division may operate as a stand-alone division or incorporated as a separately functioning unit within the mayor’s office at the mayor’s sole discretion in order to utilize personnel and equipment in the most efficient and cost effective manner.

Not less than two (2) capable persons, as determined by the Mayor, may be assigned duties under the division and shall be assigned hours of duty in said division commensurate with the requirements of Identification Card demand for issuance.

Each of the two assigned persons shall comply with the requirements as set forth in sections 16 and 17 of these regulations and no other persons shall be allowed to issue or to have access to issuance of any authorized personal identification card, to the equipment or its’ use or to any supplies utilized in the production of said ID cards except as required for procurement of supplies or equipment or the maintenance thereof by a duly authorized technician or certified service person.

Section 4. Applicability:

Any person so qualified under section 9 of these regulations shall be entitled to receive a Tinian Personal Identification Card (TPIC). No other person, not so qualified, shall be issued said card under any circumstance.

The Mayor, by public notice issued in conformance with the Administrative Procedures Act (1 CMC § 9101 *et seq.*), may designate and so require the use of a Tinian Personal Identification Card as authorization for a person to use Municipal facilities, attend Municipal events, participate in programs funded by the Municipality, such as, but not limited to, the Tinian Wellness program, scholarship program, Tinian Library, Tinian Gymnasium, any special events or for any other purpose as required.

The Municipality should be in full compliance with all provisions and requirements of these regulations no later than May 10, 2008 or as mandated by applicability of the Federal “REAL ID Act of 2005” upon any Federal extension of immigration requirements to the CNMI.

Section 5. Memorandum of Understanding (MOU); Homeland Security:

Immediately upon any Federal extension of immigration requirements to the CNMI, and prior to the issuance of any valid Tinian Personal Identification Card (TPIC) thereafter, the mayor shall apply to enter into a "memorandum of understanding" (MOU) with the Secretary of Homeland Security to routinely utilize the automated system known as "Systematic Alien Verification for Entitlements" (SAVE), as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States Citizen, applying for a TPIC. The Mayor shall pay or cause to be paid from the Tinian I.D. Card Revolving fund account or other Municipal funds as necessary, any fees or dues necessary for membership or for service charges as required for the use of the system.

Section 6. Motor Vehicle/Identification Card Database:

Immediately upon any Federal extension of immigration requirements to the CNMI, and prior to the issuance of any valid TPIC thereafter, the Mayor shall apply to "American Association of Motor Vehicle Administrators" (AAMVA) by submission of a "Notice of Joinder" thereto or a written declaration of intent to become a member thereto and shall pay, or cause to be paid from the Tinian I.D. Card revolving fund account or other Municipal funds as necessary, any fees or dues thereto.

Specifically, the Municipality shall comply with the requirements of the "Driver License Agreement" (DLA) as a program of the AAMVA that also provides for database, security and other requirements in the issuance of personal identification cards and, further, constitutes compliance with the Federal mandate to participate in such inter-state information sharing within those parts of the United States under Federal Immigration control.

Section 7. Application for Original Tinian Personal Identification Card:

Application for an original TPIC shall be made in person at the designated Office of the Mayor and during those hours of operation so posted by said office. Application shall be made in writing on the appropriate form as supplied by said office. The appropriate identification card fee, as set by regulation by the Mayor and as enumerated in section 25 hereto, shall be paid at the time of application and shall be refundable in the event the application is denied.

Section 8. Minimum Issuance Standards:

In general, the Municipality shall require at a minimum, presentation and verification of the following information before issuing a TPIC to a person:

8.1 A photo identity document as described in section 9.

8.2 Proof of the persons' Social Security account number or verification that the person is not eligible for a Social Security account number as described in section 9.1).

8.3 Documentation of a persons' date of birth as described in section 9.3).

8.4 Documentation of a persons' citizenship as described in section 9.4).

8.5 Documentation showing the persons' name and address of principal residence as described in section 21.

Section 9. Minimum Document Requirements:

All applicants shall provide the following supporting documents at the time of application. All of the documents shall be originals or certified copies where an original is not expressly required. A minimum of at least one document in each category required below shall bear an original color photograph of the applicant, except that a non-photo identity document is acceptable if it includes both the applicants' full legal name and date of birth.

9.1 Social Security Number. Original social security card or a social security health insurance card with an "A" designation after the social security number, and;

9.2 Legal Name. ONE of the items described in subparagraphs 9.2.1 to 9.2.8:

9.2.1 Certified birth certificate issued by the State or Territorial repository in the State or Territory where the applicant was born.

9.2.1.1 The applicant must provide a computer printout from the Social Security Office to verify the information on the Social Security card and the birth certificate under certain conditions. Some examples of these conditions are situations where the Social Security card does not have a title (Jr., II, III, etc.) and the birth certificate has a title, or where there is a typographical error in the first letter of the surname on the Social Security card, or where the name on the birth certificate has been amended with no indication of the previous name, and the person presents a Social Security card in a different name;

9.2.1.2 Foreign/English translation names: When there is a foreign first name on the birth certificate, the applicant may request to have the English equivalent appear on the TPIC by providing proof of the translated name from a dictionary or other recognized source;

9.2.1.3 Birth certificate in foreign name: when an applicant has adopted the use of an English name prior to 1980 but has not obtained a legal name change, the applicant may request to have the English name appear on the TPIC by presenting a marriage certificate or Social Security printout.

9.2.2 Certificate of child born abroad to American parent(s).

9.2.3 Certificate of citizenship or naturalization.

9.2.4 Alien resident card. If the Alien resident card lists two surnames and the social Security card lists only one surname, the applicant must provide a Social Security computer printout so that the name can be verified.

9.2.5 Foreign passport, unexpired, issued by the applicant's country with a valid visa.

9.2.6 CNMI issued immigration form 958 or equivalent with departure date.

9.2.7 Certificate of identity for United States Nationals.

9.2.8 Unexpired United States passport, and;

As many of the following items in subparagraphs 9.2.9 to 9.2.13, which apply to the applicant:

9.2.9 Certified marriage certificate issued by the CNMI health Department, any State health department, or other entity authorized to issue such certificates in the country where the event occurred.

9.2.10 Certified copy of divorce decree, especially if there is a resumption of surname clause.

9.2.11 Certified copy of decree of legal adoption.

9.2.12 Certified decree or order of legal name change.

9.2.13 Certified marriage annulment, and;

9.3 Proof of Birthdate. One of the following items in subparagraphs 9.3.1 to 9.3.7:

9.3.1 Certified Birth certificate issued by the State or Territorial repository in the State or Territory where the applicant was born.

9.3.2 Certified certificate of child born abroad to American parent(s).

9.3.3 Original certificate of citizenship or naturalization.

9.3.4 Original alien resident card.

9.3.5 Original unexpired foreign passport, issued by the applicant's country, with a valid visa.

9.3.6 Original CNMI form 958, 706K or other certified CNMI immigration status card with departure date.

9.3.7 Original, unexpired United States passport, and;

9.4 Proof of Citizenship.

9.4.1 United States citizen: one of the following items described in 9.4.1.1 to 9.4.1.6:

9.4.1.1 Certified birth certificate.

9.4.1.2 Certificate of citizenship or naturalization.

9.4.1.3 Certificate of child born abroad to American parent(s).

9.4.1.4 United States embassy letter for persons born in a foreign country that indicates their petition for United States citizenship has been granted, along with a United States passport.

9.4.1.5 Form G-342 issued by the Bureau of U. S. Citizenship and Immigration Services (USCIS).

9.4.1.6 Unexpired United States passport.

9.4.2 United States National: Birth certificate with certificate of identity; or

9.4.3 Non United States citizen: one of the following items described in 9.4.3.1 to 9.4.3.5 below:

9.4.3.1 Alien resident card issued by the Bureau of U.S. Citizenship and Immigration Services (USCIS).

9.4.3.2 A passport or certificate of citizenship for the country for which the applicant claims citizenship, if the applicant presents an alien resident card but claims citizenship other than of the country of birth.

9.4.3.3 Foreign passport issued by the applicants' country, with valid visa and I-94 card, Form I-20 or Form IAP or any such CNMI Department of Immigration issued entry permit or status form

9.4.3.4 I-94 card for refugees or any authorized CNMI Department of Immigration card or form with employment authorization.

9.4.3.5 Form G-342 issued by the Bureau of U.S. Citizenship and Immigration Services (USCIS).

Section 10. Evidence of Lawful Status:

10.1 United States Citizen: any proof of United States citizenship, as indicated in any of the subparagraphs of Section 9 above, shall be considered as proof of lawful status.

10.2 Non-United States Citizen: Any Bureau of U. S. Citizenship and Immigration Services (USCIS) valid entry document, and any CNMI Department of Immigration valid entry document as indicated in any subparagraph in Section 9 above, upon verification with the source agency, shall be considered as proof of lawful status.

Section 11. Verification of Documents:

11.1 Before issuing a TPIC to a person, the Municipality shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under sections 8, 9 or 10 above, except that verification shall not be required for any valid unexpired passport.

11.2 The Municipality shall not accept any foreign document, other than an official passport to satisfy any of the above requirements.

Section 12. Other Requirements:

The Municipality shall adopt the following practices in the issuance of TPIC:

12.1 Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

12.2 Subject each person applying for an identification card to mandatory facial image capture.

12.3 Establish an effective procedure to confirm or verify a renewing applicants' information.

12.4 Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State or other authorized entity has issued a driver's license or identification card, the Municipality shall resolve the discrepancy and take appropriate action.

12.5 Limit the period of validity of all identification cards that are not temporary to a period that does not exceed 3 years.

12.6 In any case in which the Municipality issues an identification card that does not satisfy all of the requirements of these regulations upon any Federal extension of immigration requirements to the CNMI, ensure that such identification card:

12.6.1 clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

12.6.2 uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose. (Color to be established by Federal authorities).

12.7 Upon Federal extension of immigration requirements to the CNMI, provide electronic access to all other States or Territories to information contained in the identification card database of the Municipality as soon as thereafter practical.

12.8 Maintain a Municipal identification card database that contains, at a minimum:

12.8.1 all data fields printed on identification cards issued by the Municipality; and

12.8.2 A record of identification card revocation for cause, suspension or expirations.

Section 13. ID Card Data Entry Requirements:

Any TPIC issued by the Municipality of Tinian and Aguiguan shall bear at least the following minimum information and/or data fields. Additional fields may be entered as required by the Mayor.

13.1 The persons' full legal name

13.2 The persons' date of birth

13.3 The persons' place of birth

13.4 The Persons' gender

13.5 A unique identification card number

13.6 A digital photograph of the person

13.7 The persons' address of principal residence

13.8 The Persons' signature

13.9 The persons' citizenship

13.10 The signature of the Mayor or designee for the issuing authority, except that said signature may be an electronically reproduced digital representation or facsimile.

Section 14. ID Card Digital Image and Scorable Data Requirements:

A digital full color photograph of the applicant on the TPIC at a position so specified by the Mayor. Such photograph shall be captured by digital stop-action photography methods incorporated into the card issuing equipment. Said photograph shall be rendered at the time it is imprinted on the TPIC. Such photographic image shall not be less than 1 inch by 1 inch in size.

A common machine-readable technology, with defined minimum data elements so as to comply with machine data readers commonly employed by United States or State government agencies shall be encoded onto the back surface of the TPIC and in such location as required by such data readers.

Section 15. ID Card Security Authentication Features:

At least one physical security authentication feature designed to prevent tampering, counterfeiting, or duplication of the TPIC for fraudulent purposes shall be incorporated in the production of the TPIC.

Section 16. Personnel Bonding Requirements:

The Municipality shall subject all persons authorized to manufacture or produce identification cards to appropriate security clearance and/or police clearance requirements at the CNMI and, if required, at U.S. National levels.

Section 17. Personnel Training Requirements:

The Municipality shall establish a fraudulent document recognition training program for appropriate employees engaged in the issuance of identification cards with an appropriate Training institute or training service.

Section 18. Equipment and Equipment Security:

All equipment used in the production of any TPIC shall conform to nationally recognized standards of identification cards. The equipment shall be computer driven and utilize a standard software program specifically designed for the production of identification cards and capable of entry for all data fields required, capture of digital images, imprinting of scanable reader codes, double sided card printing and incorporating security authentication features into the card. At a minimum, the equipment shall consist of the following basic parts:

18.1 Dual sided card printer able to accept ultracard III polycards

18.2 Standard desktop computer and monitor

18.3 Software program specific to the production of identification cards and able to maintain a secure, sequential database of all cards issued.

18.4 Video camera with stop image capability

18.5 A suitable signature capture pad

Material supplies shall include, at a minimum:

18.6 Ultracard III polyvinyl base material of at least 30 mil thickness

18.7 Color printing ribbon – 5 panel, YMCKK minimum

18.8 Holographic overlay film with imprinted 3 level hologram of suitable design

All production equipment and material supplies shall be kept isolated from all other office equipment and supplies and shall be secured in such a manner that no unauthorized person(s) shall have access thereto or be able to operate said equipment or utilize any such supplies for any other purpose.

Section 19. Application for Alteration or Correction of Tinian Identification Card:

All persons desiring to alter their TPIC shall follow the procedures as outlined in sections 7 through 11 for an original application.

19.1 For those persons desiring alteration based on a change in citizenship status, proof of the new citizenship shall be presented. For a new United States citizen, a United States certificate of naturalization or certificate of citizenship shall be presented.

19.2 For those persons desiring alteration of their TPIC based on a change of sex, a medical document certifying the completion of a sex change or other certified document indicating the same shall be presented.

19.3 Persons applying for correction of an error on a TPIC shall produce the original TPIC and at least one document as required in section 9 to verify identity. In addition, documented evidence shall be presented by the applicant pertaining to that item of information on the TPIC to be corrected.

19.4 No fee shall be assessed for a replacement card if the correction is requested within 30 days of the issuance of the original card. If the correction is requested more than 30 days after the original card was issued, the applicable fee will be assessed as provided in section 25.

Section 20. Application for Duplicate or Renewal of Tinian Identification Card:

20.1 Persons applying for a duplicate TPIC shall follow the procedures and present the documents as required in sections 7 through 11 for an original application.

20.2 Persons applying for renewal of a TPIC with no change in name and citizenship may either present the current TPIC in lieu of presenting supporting documentation required by sections 7 through 11 or present all of the supporting documentation required by sections 7 through 11.

Section 21. Permanent Address:

The TPIC shall include the applicants' permanent address. If there is a question about the applicants' permanent address, an applicants' permanent address will be determined by one or more of the following as required by the receiving clerk of the established ID Card Office to satisfactorily establish a permanent address:

21.1 CNMI Department of Revenue and Taxation form OS-3805, application for tax clearance, having been executed by the appropriate revenue officer, and indicating an address of the applicant.

21.2 Current house or apartment rental agreement valid for six (6) months or more and the applicant must be physically residing in said unit.

21.3 Current CNMI utility bill with the applicants' name and mailing address.

21.4 The preceding years' CNMI 1040CM form with W-2 form, or

21.5 For an individual claiming that the individual had no income to file a tax return and is receiving CNMI welfare assistance benefits, a letter from the CNMI department or agency administering said benefits and dated not more than 90 days prior to the application for a TPIC certifying that the individual is receiving CNMI assistance and residing at the permanent address to which it was delivered.

Section 22. Expiration Date:

Notwithstanding the provisions of sections 5, 6, 12 and 22 of this chapter and any other section, any TPIC issued to a Tinian resident prior to fulfillment by the Municipality of all requirements of all sections of these regulations occurring AFTER any Federal extension of immigration requirements to the CNMI, must bear an expiration date no later than May 10, 2008. See also Section 12.6.1 and 12.6.2 for further requirements.

22.1 If extension of Federal immigration requirements to the CNMI occurs AFTER May 10, 2008, all TPICs having been issued prior to this date and bearing any expiration date after May 10, 2008, shall expire on the holders next birthday of record that occurs after the imposition of Federal immigration control regardless of the assigned expiration date.

22.2 All holders of such expiring cards shall be notified no less than one month (30 days) prior to their next birthday that their TPIC must be renewed.

In general, except as noted below, TPICs shall expire two years from the year of issuance on the applicant's birthday.

22.3 TPIC issued for any minor U. S. citizen (under the age of 18) shall expire one (1) year from the year of issuance on the applicants' birthday. In the case where an applicant's next birthday of record occurs less than six (6) months after the application is approved, the expiration date shall be the following birthday of record, but in no case longer than one (1) year and six (6) months.

22.4 TPIC issued to any senior U. S. citizen (over the age of 65) shall expire three (3) years from the year of issuance on the applicants' birthday.

22.5 TPIC issued for individuals covered under the compact of free association and lawfully residing on Tinian shall expire two (2) years from the year of issuance on the applicants' birthday.

22.6 TPIC issued for United States citizens temporarily residing on Tinian for a term of not less than six (6) months shall expire on the date of termination of their reason for the temporary residence or contract, whichever is later, but in no case for longer than two (2) years from the year of issuance on the applicants' birthday.

22.7 TPIC issued for lawfully residing alien contract workers shall expire on the same expiration date as the expiration date of their authorized legal term of contract work as noted on any CNMI or US issued entry/departure document. Lawful residence on Tinian must be for a term of not less than six (6) months.

22.8 TPIC issued for aliens who enter the CNMI and lawfully reside on Tinian and entry has been made as fiancé/fiancée status or status other than as a "contract" worker shall expire on the date that said status expires as noted on appropriate CNMI immigration

forms or a date on which the applicant changes their status (i.e.: to Immediate Relative) and at such time the applicant may apply for a new TPIC.

22.8.1 TPIC issued under subparagraphs 22.7 and 22.8 above shall be considered “temporary” and in no case shall the expiration date exceed one (1) year.

22.8.2 A temporary TPIC shall clearly indicate that it is temporary and shall clearly state the date on which it expires.

Section 23. Record Keeping:

23.1 All records, including digital images and scanned documents, generated by electronic means or any other means during the issuance of a TPIC shall be held for a period of not less than ten (10) years.

23.1.1 Such storage, if in electronic form, shall be transferred to a permanent CD format not less than once each year, or as required by the capacity tolerance of such media and such disc shall be placed in a permanent, secured location within the record keeping section of the Office of the Mayor of the Municipality of Tinian and Aguiguan. Each disc thusly stored shall be labeled as to contents and inclusive dates.

23.1.2 At the end of each days’ operation, all electronic files generated or in process at that time for that day shall be “backed-up” on a temporary electronic disc storage medium to avoid loss of data in case of any malfunction in the primary equipment.

23.2 Paper copies of source documents, including application forms and/or verification responses shall be maintained for a minimum of 7 years in a secured location within the record keeping section of the Office of the Mayor of the Municipality of Tinian and Aguiguan.

Section 24. Advance Health Care Directive:

Any TPIC holder who has an advance health-care directive may choose to have the TPIC issued with a symbol or abbreviation indicating that the TPIC holder has an individual instruction in writing, a living will, or a durable power of attorney for health care decisions. Organ donor status, a health alert notice and blood type may also be voluntarily included.

Section 25. Fees:

25.1 The fee for a TPIC for any minor U.S. citizen shall be \$8.00.

25.2 The fee for a TPIC for any senior U.S. Citizen shall be \$12.00.

25.3 The Fee for a TPIC for any U.S. citizen with a legally authorized and documented disability shall be \$12.00.

25.4 The fee for a “temporary” TPIC for any non-United States citizen shall be \$10.00 per year or portion thereof.

25.5 The fee for all other TPICs shall be \$20.00.

Section 26. Establishment of Revolving Fund:

Tinian Local Law 15-02 established within the Municipal Treasury of the Municipality of Tinian and Aguiguan a revolving fund account for repository of all fees and penalties collected through the application of these regulations.

Section 27. Disposition of Fees/Penalties:

All monies collected for licensing and any other fees and penalties collected by the Municipality under provisions of this chapter shall be transmitted to the Tinian Municipal Treasurer who shall maintain such funds in a separate account and such funds shall be appropriated and used solely for expenses associated with these regulations. Such funds shall be available without further appropriation and without fiscal year limitation.

Section 28. Prohibition:

No person shall present any documentation required for the application for a TPIC when that person knows or has reason to believe such documentation is false or contains false or inaccurate information.

No person shall alter or falsify or attempt to falsify any TPIC.

No person shall traffic in the issuance, attempted issuance or fabrication of any TPIC or the several or composite parts of any TPIC for purposes not authorized by provisions of this Chapter.

No person shall traffic or apply or affix any authentication security feature to any TPIC, whether actual or false, without specific authority granted through these regulations or without proper verification of documentation as required under the provisions of these regulations or in any other manner or condition whatsoever.

Section 29. Penalties:

[RESERVED}

Section 30. Enforcement:

The Office of the Mayor of Tinian and Aguiguan shall enforce these regulations and any violations thereto by causing such action as reasonably necessary to be brought by and through the Office of the Attorney General of the CNMI in the Superior Court of the CNMI.

Section 31. Disclaimer:

Should any TPIC be fraudulently used, fabricated or otherwise presented for or under false pretenses or for any false or fraudulent purpose outside the jurisdiction of the Municipality of Tinian and Aguiguan, the authority of the jurisdiction in which the violation occurs shall not be limited by anything contained in these regulations in their authority to bring appropriate charges against any person while within that jurisdiction whether it be Federal, State, local or International.

Section 32. Severability:

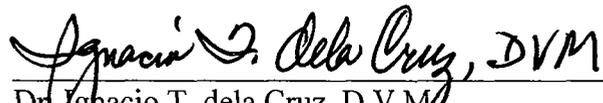
If any provision of these regulations or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations or the application of their provisions to any persons or circumstances other than those to which it is held invalid shall not be affected thereby.

NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS ON THE USE OF IRRIGATION WATER FOR THE KAGMAN COMMERCIAL FARM PLOTS SUPPLIED BY THE KAGMAN WATERSHED PROJECT AND MANAGED BY THE SAIPAN AND NORTHERN ISLANDS SOIL AND WATER CONSERVATION DISTRICT

I, Dr. Ignacio T. dela Cruz, D.V.M., Secretary of the Department of Lands and Natural Resources, which promulgated the Proposed Amendment to the Regulations on the Use of Irrigation Water for the Kagman Commercial Farm Plots Supplied by the Kagman Watershed Project and Managed by the Saipan and Northern Islands Soil and Water Conservation District, as originally published in the Commonwealth Register at Volume 29, Number 06, June 18, 2007, at pages 26549 through 26560, by signature below, certify that, as published, said regulations are true and correct copies of the regulations previously proposed and, after the expiration of the time for public comment as provided by law, have been adopted without changes.

I further request and direct that this Notice of Certification and Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 4th day of September 2007, in Saipan, Commonwealth of the Northern Mariana Islands.



Dr. Ignacio T. dela Cruz, D.V.M.
Secretary, Department of Lands and Natural Resources

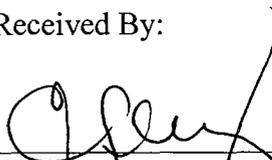
Pursuant to 1 CMC § 2153, as amended, this Notice of Certification and Adoption, and the Amendment to the Regulations on the Use of Irrigation Water for the Kagman Commercial Farm Plots supplied by the Kagman Watershed Project and Managed by the Saipan and Northern Islands Soil and Water Conservation District to which they apply, have been reviewed and approved by the Office of the Attorney General.



Matthew Gregory, Attorney General

2/13/07

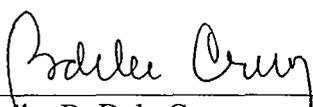
Date

Received By:


Esther M. Fleming
Special Assistant For Administration

9/13/07

Date

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Commonwealth Register

9-13-07

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ATTORNEY GENERAL LEGAL OPINION NO. 07-04

TO: Hon. Benigno R. Fitial, Governor
FROM: 
Matthew T. Gregory, Attorney General
THROUGH: Braddock J. Huesman, Asst. AG, Civil Division
DATE: September 13, 2007
RE: Condominium Exception to Article XII of the NMI Constitution.

QUESTION PRESENTED AND CONCLUSION

May the people of the Northern Mariana Islands, through their Constitution, define what is, and what is not, a long-term interest in land? Additionally, after the people of the Northern Mariana Islands exempted condominium units above the first floor from the definition of "long-term interest," may the legislature change the laws to accommodate the exception?

Conclusion: Yes, the people of the Commonwealth of the Northern Mariana Islands may define the term "long-term interest" as it relates to land. In so doing, they may exclude condominium units above the first floor of a building from the definition of long-term interest in land. Moreover, as condominiums are statutory creations, the legislature had a duty to define and give life to the condominium exception contained in Article XII.

ANALYSIS

Section 805 of the Covenant to Establish a Commonwealth in Political Union With the United States of America (the "Covenant") requires that the Government of the Northern Mariana Islands "will until twenty-five years after the termination of the Trusteeship Agreement, and may thereafter, regulate the alienation of permanent and long-term interests in real property

so as to restrict the acquisition of such interests to persons of Northern Mariana Islands descent . . .”¹ Simply put, the Covenant requires the NMI Government to wait until 2011, twenty-five years after the termination of the Trusteeship, to revisit the issues of free alienation of real estate. The Covenant, however, does not define “permanent” or “long-term interests in real property.”² The question, therefore, of what constitutes a long-term interest in land is left to the people of the Northern Mariana Islands: originally to the drafters of the Constitution and then to the people themselves through constitutional conventions.

In accordance with section 805 of the Covenant, Article XII, section 1, of the Commonwealth Constitution fulfilled the basic prohibition on full alienation of long-term interests in real estate. The Constitution and Covenant contain identical language,³ and upon ratification of the Constitution, acquisition of long-term interests in real estate was limited to people of “Northern Mariana descent.” The delegates to the Constitutional Convention also set out to define what a long-term interest was, because Covenant did not.⁴

For example, the definition of “long-term” interest in real estate included any interest, including renewal rights, longer than forty years.⁵ At the time it was thought that forty years was sufficient to allow for the recouping of investment.⁶ Hindsight, however, has indicated that this was not the case and the people set out to modify the language contained in Article XII. This adjustment was not only with the definition of long-term and was not just restricted to the Constitution.

For example, what constitutes a long-term interest was changed by the people of the Commonwealth in 1985.⁷ Suddenly, long-term meant any interest beyond fifty-five years, not forty. Additionally, the people of the Commonwealth have simultaneously strengthened and weakened the initial prohibition contained in the covenant by adding racial definitions to determine who is and who is not a person of “Northern Mariana descent”⁸ and tightening

¹ COVENANT TO ESTABLISH A COMMONWEALTH IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA 48 U.S.C. § 1801 (1976).

² *Id.*

³ Compare NMI CONST. ART XII § 1 and 48 U.S.C. § 1801 (1976).

⁴ *Diamond Hotel Co., Ltd., v. Matsunaga*, 2004 MP 7 (“The policy underlying these ownership restriction are set forth in section 805 of the Covenant. Article XII of the CNMI Constitution implemented this policy.”).

⁵ NMI CONST. OF 1976, ART. XII § 3.

⁶ ANALYSIS OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, DECEMBER 6, 1976, P. 170.

⁷ NMI CONST. OF 1985 ART. XII § 3.

⁸ NMI CONST. ART. XII § 4.

ownership and directorship requirements to determine eligible corporate “persons.”⁹ Additionally, the legislature added a statute of limitations that extinguishes the rights of a person of Northern Marianas descent from bringing suit under Article XII.¹⁰ These additional restrictions, except the statute of limitations, were changed by Constitutional amendment.¹¹ At the very least, this signifies that the restrictions and the definitions in the original 1976 Constitution were not cast in stone but were able to change as long as the changes respected the Covenant. This proposition is clear when one examines the entire Covenant.

Section 201 of the Covenant contemplated that “the people of the Northern Mariana Islands will formulate and approve a Constitution and may amend their Constitution pursuant to the procedures provided therein.” Additionally, section 202 ratified the inherent right of the people to amend the Constitution:

“Amendments to the Constitution may be made by the people of the Northern Mariana Islands without approval by the Government of the United States, but the courts established by the Constitution or laws of the United States will be competent to determine whether the Constitution and subsequent amendments thereto are consistent with this Covenant and with those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands.” (Emphasis added.)

Thus, it is clearly within the power of the people and Government of the NMI to give scope and definition to the general prescription of Covenant section 805 so long as the definitions are consistent. Moreover, the CNMI Supreme Court has found that legislative changes to Article XII are constitutional.

In *In re Estate of Roberto*,¹² the Supreme Court accepted, without argument, the constitutionality of legislation placing a statute of limitations on Article XII claims notwithstanding the express Constitutional provision that transactions in violation of Article XII are simply void *ab initio*. As Justice *Pro Tempore* Lizama wrote:

... Petitioner ignores the significance of the Commonwealth’s statute of limitations on Article XII claims.... [O]ur opinion in the instant matter is our first that concerns the application of the statute of limitation. Any language in the *Manglona* case that conflicts with our ruling in the instant matter is simply no longer good law.

⁹ NMI CONST. ART XII § 4.

¹⁰ 2 CMC § 4991 (1993).

¹¹ See e.g. NMI CONST. of 1976, art. XII § 3 (long-term defined as any interest longer than 40 years); NMI CONST. of 1976, art. XII § 5 (51% of directors had to be of Northern Mariana descent).

¹² 2004 MP 7.

“Petitioner also complains about the lack of precedent and case law cited by the Court... As with many questions relating to law largely unique to the Commonwealth, we are left to our own devices.¹³

Clearly, the Court has been willing to find that legislative action on Article XII is lawful. It has also been active in defining the breadth and scope of Article XII.

*Diamond Hotel Co., Ltd., v. Matsunaga*¹⁴ is, perhaps, the touchstone of Article XII law. In *Diamond Hotel*, the Court extensively quoted from the Analysis of the Constitution and sought to give it effect through its ruling.¹⁵ *Diamond Hotel* dealt with a local landowner who leased his property for a full fifty-five years.¹⁶ The lease, however, also contained an option clause allowing for an extension of years should the NMI Constitution be amended.¹⁷ The Court found that an option conditioned on a possible change in law still constituted a renewal right under Article XII and was, therefore, void.¹⁸ In making its ruling, the Court held that “[t]he constitutional restrictions on land alienation, imposed by Article XII, are intended to safeguard for the people of the Northern Mariana Island from losing control over [their most precious] resource”¹⁹

Considering the fact that the Supreme Court has severely limited the ability of persons not of Northern Mariana descent to contract for long-term interests, it could be argued that any allowance for a person not of Northern Mariana descent to purchase a long-term interest in a condominium is similarly unlawful. This argument, however, has no direct support and, in fact, is weakened by the evidence of the people’s ability to amend the Constitution and the legislature’s duty to give full effect to the condominium exception. First, the restrictions discussed by the *Diamond Hotel* Court do not include the condominium exception. Second, the people and the legislature are empowered to make changes to the Constitution. Third, the people through the Constitution and their legislature have actually made changes to the Constitution allowing the condominium exception.

Finally, the condominium exception actually reflects the policies set forth by the Covenant. The problem from a condominium exception standpoint, however, is how restrictive

¹³ *In re Estate of Roberto* 2004 MP 7 ¶¶ 4-5.

¹⁴ 4 N.M.I. 213 (1995)

¹⁵ *See id.*, at 217.

¹⁶ *Id.*, at 215.

¹⁷ *Id.*, at 215.

¹⁸ *Id.*, at 218.

¹⁹ *Id.*, at 217.

the courts have been in limiting the ability of persons not of Northern Mariana descent to purchase long-term interests;²⁰ however they may be defined by the Constitution.²¹

As elaborated, the purposes of Section 805 are *both* to protect the integrity of the social and cultural traditions of the people of the NMI and to safeguard and promote their economic development from the competition of “outside” investors during a transitional twenty-five years into the American fold.²² The condominium exception in Article XII section 3 reflects both policies of preserving the land in the hands of people of Northern Mariana descent and promoting their economic development. It only allows persons not of Northern Mariana descent to acquire a long-term interest in the airspace above the land. This exception enables local landowners to be involved in the creation and management of condominiums and exploit sales of the airspaces over the land, all the while retaining ownership. This ownership of the land is not simply a reversionary right; it entails ongoing involvement in the affairs of the condominium.

For these reasons, it seems clear that the Article XII condominium exception as adopted by the people of the Northern Mariana Islands is consistent with the Covenant’s prohibition on people not of Northern Marianas descent acquiring a long-term interest in land. While the condominium exception is a clearly constitutional exception to Article XII, it has raised numerous questions which had to be addressed by the legislature.

Prior to the people of the Commonwealth amending their constitution in 1985, the legislature enacted the Commonwealth’s condominium law.²³ The subsequent amending of the NMI Constitution to allow long-term condominium ownership sparked an open question regarding what the right to own a unit above the first floor actually means. The legislature’s subsequent efforts to define condominium rights should be enough to pass judicial scrutiny because condominiums are purely creatures of statutory creation.²⁴ To understand what the right entails, the statute must be examined.

²⁰ See, *id.* at 213; *Wabol v. Villacrusis*, 958 F.2d 1450, (9th Cir. 1992).

²¹ Remember that what constitutes a long-term interest in real estate has changed over the years.

²² Covenant Section 805 provides: “[I]n view of the importance of ownership of land for the culture and traditions of the people of the Northern Mariana Islands, and in order to protect them against exploitation **and to promote their economic advancement** and self-sufficiency: [the Commonwealth Government] (a) will until twenty-five years after the termination of the Trusteeship Agreement, and may thereafter, regulate the alienation of permanent and long-term interests in real property....” (Emphasis added)

²³ 2 CMC §§ 6101 *et. seq.*

²⁴ *Trailside Townhome Ass’n, Inc. v. Acierno* 880 P.2d 1197, 1200 (Colo.,1994); “*Cherry Hills Resort Dev. v. Cherry Hills*, 790 P.2d 827, 830 (Colo.1990)(holding “the very definition of a condominium requires the existence of an undivided interest in common elements.”); see *Pleet v. Valley Greene Assoc.*, 538 A.2d 567, 569 (1988); see also *Country Greens Village One Owner's Ass'n v. Meyers*, 158 Ga.App. 609, 281 S.E.2d 346 (1981) (where development name did not include the word “condominium,” and developer's declaration placed title to common areas in the association, project did not comply with condominium act and was therefore not a condominium); see also 15A AMJUR 2D CONDOMINIUMS § 3.

The Commonwealth Uniform Condominium Act (“CUCA”) “applies to all condominiums created within this Commonwealth after December 14, 1983.”²⁵ The CUCA made it possible for land owners or lessees to develop leasehold condominiums, the units of which could be alienated to foreign investors. A problem with this type of condominium however was alienation. Alienation under the CUCA is limited to the lease remaining on the underlying land. Additionally, the right to possession of any individual unit would always be subject to, and exist only for, the duration of the lease.

Another problem with this form of condominiums is the difficulty in renegotiating the lease. Instead of one individual leaseholder negotiating with the landowner(s), a condominium requires many owners to negotiate with the landowner(s). The added numbers can interfere with efficient negotiations. Due to this fact, there isn’t a significant advantage to leasing a condominium unit as opposed to leasing a parcel of real estate. In fact, in many cases, leasing a parcel would be easier due to the limited number of people involved in the negotiations allowing for a renegotiation of the lease. It is apparent that the condominium, as construed, did not stimulate significant investor interest.

In response to this issue, the people of the Northern Mariana Islands, through their Constitution, provided for individuals not of Northern Mariana descent the ability to acquire long-term interests in condominium units above the first floor.²⁶ From its inclusion in the constitution, however, the Condominium exception to Article XII has been a source of confusion regarding property rights for persons not of Northern Mariana descent.²⁷ The concerns raised in the Analysis of the Constitution, access to the individual unit if the land owner decided to deny it, is valid. Although this confusion was warranted without further clarification, the Constitution isn’t the appropriate vehicle for clarification as condominiums are statutory constructions.²⁸

The drafters of Article XII, section 3 specifically carved out condominium interests, above the first floor, from the definition of “long-term interest.”²⁹ When the people of the Northern Mariana Islands approved this change, they approved changes to the accepted

²⁵ 2 CMC § 6102(a).

²⁶ NMI CONST. ART. XII § 3.

²⁷ See ANALYSIS OF THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS, 1995 p. 78. (“It is unclear why the delegates to the 1985 Convention concluded that an interest above the first floor would be useful if the owner of the land and the ground floor decided to deny access, or whether they had in mind permanent transfers of easements that would protect the owners above the first floor.”).

²⁸ *Supra* Note 24.

²⁹ NMI CONST. ART. XII § 3.

constitutional interpretation³⁰ as it applied to condominiums and condominiums only. When determining the nature of the interest owned by people not of Northern Marianas descent, we can look to the legislature to determine the nature of the interest.³¹

As noted, CUCA “applies to all condominiums created within this Commonwealth after December 14, 1983.”³² Since the language of the condominium exception (passed in 1985) uses “condominium” terminology, it is proper to look to the CUCA and then to subsequent modifications, to identify the nature of the condominium interest.

CUCA defines a condominium as “real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.”³³

CUCA defines a “unit” as the “portion of the condominium designated for separate ownership ...” and a “common element” as “all portions of a condominium other than the units.”³⁴ To emphasize the concept that the two portions (the unit and its appurtenant common elements) are inseparable, CUCA defines a condominium unit as “each unit together with its common element constitutes for all purposes a separate parcel of real estate.”³⁵ The traditional problem with this definition, as it pertains to fee simple ownership by people not of Northern Marianas descent, is that ownership of the common elements could run afoul of the long-term interest prohibition because common elements are on the first floor of the condominium.

As noted above, a unit is not a separate, freestanding parcel of real estate; it is inseparable from its common element portion. An interest in a unit necessarily, by CUCA definition, involves an interest in the unit’s appurtenant common elements. The CUCA was modelled after the Uniform Condominium Act approved by the National Conference of Commissioners on Uniform State Laws in 1977, which has been adopted (with variations) in several US jurisdictions. Under the model act, the common element portion of a condominium interest included the land as well as the structure on which a condominium building was situated. These areas can include stairs, mailbox area, or landings, which are all on the first floor of a

³⁰ See, e.g., *Rayphand v. Tenorio*, 6 N.M.I. 575, 586 (2003) (citations omitted). “For purposes of constitutional interpretation, the express mention of one thing implies the exclusion of another which might logically have been considered at the same time.”

³¹ *Supra* Note 24.

³² 2 CMC § 6102(a).

³³ 2 CMC § 6103(g).

³⁴ 2 CMC §§ 6103(d)&(v).

³⁵ 2 CMC § 6105.

condominium. This, of course, would run into a prohibition contained in the Constitution (ownership on the first floor).

“Because of its ethnic-based prohibition on the sale and transfer of ownership of land, Article XII is indeed unique in American jurisprudence.”³⁶ Due to these unique restrictions and the complete lack of development, the Legislature determined that CUCA would have to be modified to balance the Constitutional interests of the land owners and the prospective unit purchasers who are not of Northern Mariana descent. It did so by passage of PL 15-49, which was signed into law on March 14, 2007.

The findings and purposes of PL 15-49 include the following:

The Legislature finds that a class of persons with rights specifically granted to them by the Constitution is being denied the effective enjoyment of those rights. Article XII, Section 3, of the Constitution gives persons not of Northern Mariana descent the right to acquire an interest above the first floor of a condominium building

The Legislature further finds that the Commonwealth Uniform Condominium Act, by which condominium interests may be created, and which is based on a uniform act designed for general usage in the United States, does not provide appropriate definitions and provisions to accommodate the contrasting interests, under Article XII, of both classes of persons of Northern Marianas descent whose land interests are protected and those persons not of Northern Marianas descent who are allowed to purchase condominium interests.

“The Legislature finds that the creation of Article XII condominiums as provided for in this Act will equitably and fairly balance the interests of both classes of persons whose rights are protected by Article XII.”³⁷

PL 15-49 amended CUCA to provide for the creation of “Article XII condominiums,” which modifies the general CUCA condominium so that the exception for long-term condominium ownership contained in Article XII may be given full effect. Article XII condominiums differ from regular condominiums in that the land on which the condominium improvements are situated is a separate, third “portion” of the total estate constituting a condominium. This allows the land portion (the “descent restricted estate”)³⁸ to be vested in a person of Northern Marianas descent and thus not offend the restrictions contained in Article XII.

³⁶ See, *Diamond Hotel* 4 NMI 213, at 216.

³⁷ Public Law 15-49 codified in 2 CMC §§ 6510, *et. seq.*

³⁸ 2 CMC § 6511(e) states: “Descent restricted estate” shall mean that portion of the land upon which an Article XII Condominium building is sited, ownership of which is restricted to descent restricted interests.

The individual unit owners, therefore, own the common elements not located on the first floor and the Northern Mariana descent owner of the descent restricted estate, owns the common elements which are situated on the land. This allows persons not of Northern Marianas descent to purchase Article XII units lying above the first floor of the condominium building while not offending Article XII restrictions. Similarly, when the framers drafted and the people of the Northern Mariana Islands approved the Article XII condominium exception, they explicitly granted the legislature the ability to modify the existing law to accomplish the goal of allowing Article XII condominiums.³⁹

The ability of a person not of Northern Marianas descent to acquire fee simple rights to a purchased condominium unit without running afoul of Article XII means nothing if there are not easements and right-of-ways. PL 15-49 codified at 2 CMC § 6512(c) states: “[c]reation of an Article XII condominium shall imply the creation of necessary easements of support, access, encroachment and uses consistent with the character of the condominium over the descent restricted estate for the benefit of the common elements and units of the condominium project.” At first glance, this language looks like a change to accepted Article XII interpretation.⁴⁰ It does not.

When the people of the Northern Mariana Islands amended the Constitution to allow for people not of Northern Marianas descent to acquire long-term interests above the first floor, the legislature was left to devise a way for those individuals to access their units. In dealing with this problem, the legislature decided that the “[c]reation of an Article XII condominium shall imply the creation of *necessary* easements . . . for the benefit of the *common elements and units of the condominium project*.”⁴¹ Thus, the easements and right of way necessary for the full enjoyment of the condominium unit run not to individual owners, who may or may not be of Northern Mariana descent, but to the individual units and common areas.⁴² This solution has the advantages of being simple, elegant and similar to easements by necessity. Because of this, the statute is supported by hundreds of years of common law and statutory precedent.

Easement by necessity is an ancient and well-known servitude. The (Third) Restatement of Property-Servitudes, comment (a) states:

The rule that conveyances include those rights necessary to make use of the property conveyed can be traced back in the common law at least as

³⁹ See, e.g. *Diamond Hotel 4 NMI 213*, at 213 (forbidding conditional change of law provision that may allow for the extension of a lease).

⁴⁰ ANALYSIS OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, 1995 p. 78. (“It is unclear why the delegates to the 1985 Convention concluded that an interest above the first floor would be useful if the owner of the land and the ground floor decided to deny access, or whether they had in mind permanent transfers of easements that would protect the owners above the first floor.”).

⁴¹ 2 CMC § 6512(c) (emphasis added).

⁴² *Id.*

far as the 13th century. A maxim dating from the time of Edward I (1239-1307) states that one who grants a thing must be understood to have granted that without which the thing could not be or exist. From this maxim and its extended applications, developed what came to be known as the easement by necessity. The implied right of access to the thing granted was extended, first, to include access to property expressly excepted from a grant, and, then, to other property of the grantor not mentioned in the conveyance. Although the primary right covered by this servitude is a right of access, it has been stated broadly enough to include other rights necessary to the enjoyment of property conveyed or retained.

Moreover, the United States Supreme Court has recognized that “[w]here a private landowner conveys to another individual a portion of his lands in a certain area and retains the rest, it is presumed at common law that the grantor has reserved an easement to pass over the granted property if such passage is necessary to reach the retained property. These rights-of-way are referred to as “easements by necessity.”⁴³

The two elements needed to create an easement by necessity are unity of ownership and strict necessity.⁴⁴ To meet the unity of ownership element, the tract over which the easement is claimed must have been owned at some time by the same person holding title to the land that the easement would benefit.⁴⁵ Strict necessity is defined by a lack of practical access to a public road for ingress and egress.⁴⁶ Strict necessity must exist both at the time the unified tracts are severed and the time of exercise of the easement.⁴⁷

When a person of Northern Marianas descent agrees to an Article XII condominium lease, she is, in effect, selling the air rights above her land. In a very real sense, the local landowner is severing what was once a unitary piece of property and selling rights to the air space that has no access without the proper easements. Although she will retain the land rights she has sold the air rights above her land. Restricting access to the air rights or individual units above the first floor would violate the CUCA and run contrary to seven centuries of established law. Without these easements, the condominium exception to Article XII is worthless. In fact, because condominiums are creatures of statutory construction, any court reviewing this issue would be hard pressed to find that PL15- 49's easements unworkable. Instead, it would have to focus its attention to the condominium exception contained in Article XII. As this was a duly

⁴³ *Leo Sheep Co. v. United States*, 440 U.S. 668 (1979).

⁴⁴ *Graham v. Mack*, 699 P.2d 590, 596 (1984).

⁴⁵ *Schmid v. McDowell*, 649 P.2d 431, 433 (1982).

⁴⁶ *Kelly v. Burlington Northern R. Co.* 927 P.2d 4, 7 (1996); *Wagner v. Olenik*, 761 P.2d 822, 824 (1988).

⁴⁷ *Graham*, 699 P.2d at 596; *Montana Wilderness Ass'n v. U.S. Forest Serv.*, 496 F.Supp. 880, 885 (D.Mont.1980); see generally, 3 Powell on Real Property § 410 (1979).

passed constitutional amendment that does not offend any section of the U.S. Constitution, such an approach would also be problematical.

When it wrote PL 15-49, the legislature did nothing more than codify the common law in a condominium setting. Individual unit owners must have access and a right of way to their individual units they have purchased above the land. Moreover, the legislature drafted a law that draws upon centuries of common and statutory law for support.

Although, historically, easements and any other interest in land beyond fifty-five years have been considered void,⁴⁸ that problem does not exist here. As noted above, the people of the Northern Mariana Islands have, from time to time, amended the Constitution to define what is and is not a long-term interest.⁴⁹ When the people of the Northern Mariana Islands approved the Article XII condominium exception, by necessity, they approved the legislation enacting it because condominiums are statutory creations.⁵⁰ Importantly, none of the condominium exceptions apply in a broader context. For example, persons not of Northern Marianas descent may not purchase easements that last longer than the current fifty-five year maximum. The condominium exception and its enabling legislation only relate to condominiums.

CONCLUSION

The Commonwealth Courts have had numerous occasions to consider the restrictive aspects of the purposes behind Article XII and Covenant section 805. These cases have emphasized the importance of the policy of Article XII and section 805 to protect the local landowners from exploitation.⁵¹ There have been no cases, however, providing an occasion to consider the alternate section 805 purpose of using land policy to promote economic development and self-sufficiency in the Commonwealth. Certainly, the courts have not dealt with the condominium exception. The people of the Commonwealth and the Commonwealth Legislature, however, have been quite insistent in identifying the importance of exploiting the Commonwealth people's most important resource while protecting it at the same time. The condominium exception does just that in that it allows the people of Northern Mariana descent to continue to own their land but has the potential to greatly increase the value of the land they hold.

Moreover, since condominiums are statutory creations, when the people of the Northern Mariana Islands amended the Constitution, they approved the legislature making changes to the law to accommodate the will of the people and the rights of people not of Northern Marianas descent. The changes to the definitions contained in CUCA and the easements created are

⁴⁸ See, *Diamond Hotel* 4 NMI 213, at 213.

⁴⁹ Compare NMI CONST. OF 1976 ART. XII § 3 and NMI CONST. OF 1985 ART. XII § 3.

⁵⁰ *Supra* Note 24.

⁵¹ See, e.g. *Diamond Hotel* 4 NMI 213, at 217.

necessary, supported by seven centuries of legal reasoning, do not run personally to people not of Northern Marianas descent and are narrowly tailored to give full effect to the condominium exception contained in Article XII.

For the reasons contained herein, it is the opinion of the Attorney General that the condominium exception to Article XII § 3 of the NMI Constitution is consistent with section 805 of the Covenant. Long-term interests in individual condominium units above the first floor, should they be developed, are allowed to be held by persons not of Northern Marianas descent.